

April 6, 2020

The Gates Town Board held two Public Hearings and its regular Town Board meeting on Monday, April 6, 2020 via Zoom Video/Conference Call (Meeting ID:979 961 384 Password 002605) beginning at 7:10 PM. Those attending 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

7:10PM PUBLIC HEARING

**CONSIDERING 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**

Supervisor Giunta called the Public Hearing to order at 7:10 PM. The Town Attorney verified that the Legal Notice was published as required by law.

Narayan Regmi stated it's an Indian restaurant with seating for buffet and sit-down dining. There are no Indian Restaurants in the Gates or Greece area and many people have requested because they have to travel out to City to get this type of food.

Supervisor Cosmo Giunta asked about the occupancy and hours of operation.

Mr. Regmi responded that occupancy is approximately 90-98 people, waiting on Fire Marshall come for inspection and final seating number.

The hours of operation to the public are: Seven days a week [Monday-Sunday] Buffet 11:00am – 3:00pm, Close for Prep 3:00pm-5:00pm, Dinner [Sit-down] 5:00pm-10:00pm,

Supervisor Cosmo Giunta received letter for the 30-day waiver for a bar, but questioned if the bar was full service, beer or wine.

Mr. Regmi stated that there will be a full service bar but no stand-up bar, table service only.

Supervisor Giunta opened up to Councilman for questions or comments.

Councilman Tucciarello asked about Mr. Regmi's restaurant experience, does he own others and is there a possible opening date

Mr. Regmi answered that he has food service experience, was a manager in Kansas City, and has worked in restaurants, but has not owned any previously, this would be his first, and it's been a dream. The planned date was April 15th upon approval of this meeting, but with COVID-19 and having issues with getting the Health Dept. to come it may be postponed another 30 days.

Mr. Schum stated that he should follow up with the Fire Marshal to find out the actual seating capacity of the restaurant.

Councilman Cordero asked if Mr. Regmi would do stickily take-out if this COVID-19 continues with no indoor seating

Mr. Regmi replied that as long as inspections are done and approved with then yes a third party like Grub Hub

Supervisor Giunta asked if the refuse will continue to be shared with the others businesses or will it be separate and if pick-up will continue once a week or extend to possibly twice

Mr. Regmi will continue to be shared with the other businesses, but if needed the refuse will be extended to two pick-ups weekly instead of one

Councilman DiPonzio asked the Menu is available through Grub Hub so that the restaurant could run

Mr. Regmi replied that Grub Hub already has the menu and is all set with them

Supervisor Giunta opened up to the audience for questions. No one responded and closed public hearing.

RESOLUTION 75-20: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit for Narayan Regmi to operate Taj Mahal Fine Indian Cuisine, LLC at 1742 Long Pond Rd, Suite 1 in a NB District, incorporating the approval with all the conditions set forth in the meeting minutes.

Seconded by Councilman Loughlin

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

Motion Carried.

Supervisor Giunta and Councilman Tucciarello Thanked Mr. Regmi for doing business in the Town of Gates

7:20 P.M. PUBLIC HEARING

CONSIDERING 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

Supervisor Giunta called the Public Hearing to order at 7:23PM. The Town Attorney verified that the Legal Notice was published as required by law.

Supervisor Giunta stated Gates Volunteer Ambulance approached the town earlier in the yeat with concerns and proposed to revisit the contract with some changes to be able to continue servicing Gates residents. He asked Mr. Gray to elaborate

Mr. Gray, President of GVA stated they were looking to put a cap on resident co-payment to \$150.00 for the residents of Gates. They would absorb the co-payment per occurrence and allow them to bill for the difference regardless of the number of times they would utilize the service. This would be for every resident of Gates. They we will continue having assistance programs for those in need that could not pay timely for the service. They have worked with Attorney Schum who has gone over our application and this would be a model for a period of one year.

Supervisor Giunta clarified that this co-payment would be the same regardless if someone has used the service one or multiple time.

Attorney Schum added that the agreement proposed does not commit the Town of Gates through its budgetary process to expend any more funds that is collected by the Town of Gates under its ambulance district. It allows the ambulance service to direct bill and collect for those services not necessarily covered by appropriate policies of insurances or otherwise. This is the missing source of revenue that the ambulance service needs to make ends meet. The Town of Gates is committed to continue to provide ambulance services to all the residents, but at the same time the budgetary portion of that agreement has not changed whether this agreement was signed or not, but does allow the ambulance service to collect additional funds from those benefiting from these services who have insurance or the ability to pay.

Supervisor Giunta asked if any Councilman had questions

Councilman Loughlin expressed his appreciation to Jim and Missy for all they are doing with the Gates Volunteer Ambulance especially at this time with the Pandemic. A heartfelt Thank you form all of us in Gates.

Supervisor Giunta asked if any questions from the audience hearing none closed the public hearing.

RESOLUTION 76-20 Motion by Councilman Cordero who moved its adoption.

Resolved, that the Gates Town Board hereby agrees to accept 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 DiPonzio

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

Motion Carried.

Mr. Gray Thanked the Board for continued support.

7:30PM REGULAR TOWN BOARD MEETING

Supervisor Giunta called the meeting to order at 7:30PM. He began with a silent prayer asking to keep in your prayers all that have lost someone or who have been affected by the COVID -19 virus and especially those standing on the front lines working tirelessly to get us through this pandemic. He then led us through the Pledge of Allegiance to the Flag.

Supervisor Giunta thanked everyone for joining via Zoom, this type of meeting had never been done before for a meeting in the history of the town.

RESOLUTION 77-20 Motion by Councilman Cordero to approve

The Gates Town Board hereby approves the minutes of March 2, 2020 Public Hearings and regular Town Board meeting as received.

Seconded by Councilman DiPonzio.

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

Motion Carried.

Before opening to audience participation Supervisor Giunta wanted to make a statement and started by addressing the residents concerns and questions on the town assessment that have been coming in. By Law, the Town Board nor himself are permitted to be involved in the town assessments in any way. Just to reiterate that any assessment postponing or cancelling is only made by the Town Assessor, who has been in communication with the State and the appropriate parties. He hopes the right decision will be made. If there are any changes or cancellations the residents will be notified.

AUDIENCE PARTICIPATION

Legislator Frank Allkofer addressed the Board, with a couple things such as the number of businesses and individuals falling on hard and difficult times, contacting the Senator regarding unemployment. Just today alone 25 residents of the Town of Gates calling the Senators office for unemployment assistance. Any resident that owns a business in the Town of Gates or any resident in the Town that needs any assistance call the office in the morning 9:00am 225-3650. Everyone is working from home, but calls are being disbursed and the calls will be addressed.

Supervisor Giunta added that there are special programs for businesses owners to get loans and the loans can potentially be forgiven. It's recommended that anyone contact the Senators office, the county and even the town if they need more information.

Legislator Allkofer first time holding office hours at home via phone and received several calls about the County of Monroe and the assistance the county can provide. All departments are still functioning and all essential workers are going to work. Monroe County Youth Awards. Nominations are being accepted. For example, the Willie Lightfoot Youth Award, that the Deputy Fire Marshal of the Town of Chili won last year. If you know of any youth who should be nominated, please contact me at my home number 585-247-6940. They need to be in by April 17th.

OLD BUSINESS**REVISITING THE 5G POLE ATTACHMENT AGREEMENT BETWEEN
THE TOWN OF GATES AND BELL ATLANTIC GLOBAL**

Attorney Schum addressed a concern from Councilman Tucciarello with the issue of radiation that is associated with all these types of facilities, whether it's 5G or cell phones or any electronic facility. Long ago the FCC established stringent regulations concerning the emissions from these facilities in established maximum levels of radiation that could be omitted, they also determined scientifically if those guidelines were meant that there's absolutely no legal or medical reason why these facilities should not be approved. That additional language has been added to the proposed agreement between the Town of Gates and Bell Atlantic Global / Verizon which now says that they acknowledge that at all times, any of their facilities whether it's 5G or

otherwise are all installed and will continue to be maintained throughout their use in strict compliance to FCC guidelines and that each time they were to apply for a permit to install 5G facilities within the town they are reaffirming that application. We don't presently have nor do most municipalities have any ability to monitor or read those emissions, but the FCC at the national level has indicated that their regulations, that the public can be assured that as long as the installations is in compliance that there is absolutely no health or safety reason why these facilities should not be approved for installation, it's not a legal impediment. The rest of their agreement relates to the applicant applying for each and every location that 5G facility might be installed securing a building permit and that permit would be subject to inspection by the Town of Gates Building Department and upon completion there is a continuing annual fee to maintain those facilities so long as they feel they need them within the town.

Councilman Tucciarello stated he did engage in that conversation with Mr. Schum the interest was in verifying that it would be the compliance with federal standards with the 5G or any tower being installed, radiation yes or no, as long as they're in compliance with federal standards and we verify it was the concern.

Supervisor Giunta asked if the councilman was comfortable with this now and Councilman Tucciarello stated he was.

Supervisor Giunta asked if anyone else had any other questionsnone

RESOLUTION 78-20 Motion by Supervisor Giunta who moved its adoption:

Resolved, that the Gates Town Board hereby accepts the 5G Pole attachment agreement between the Town of Gates and Bell Atlantic Global Verizon.

Seconded by Councilman Cordero

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

Motion Carried.

Councilman DiPonzio Thanked Councilman Tucciarello for putting his mind on this and it was a benefit having him attend and be the representative in New York City for the Association of the Towns where he was able to pick up some tips to bring home and did his due diligence so this is done safely.

NEW BUSINESS

CONSIDERING RENEWAL OF THE CONDITIONAL USE PERMITS FOR THE FOLLOWING

**MEDHANE ALEM ERITREAN ORTHODOX TEWAHDO CHURCH 2445 LYELL RD;
DUNN TIRE, LLC 1941 BUFFALO RD; GUIDA'S PIZZA 732-752 ELMGROVE RD;
COLDWATER ANIMAL HOSPITAL 612 COLDWATER RD; AND
ELMGROVE AUTOMOTIVE 725 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 79-20 Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits on mass for the following: Medhane Alem Eritrean Orthodox Tewahdo Church, 2445 Lyell Rd; Dunn Tire, LLC 1941 Buffalo Rd; Guida's Pizza 732-752 Elmgrove Rd; Coldwater Animal Hospital 612 Coldwater Rd; Elmgrove Automotive 725 Elmgrove Rd

Seconded by Councilman Cordero

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

Motion Carried.

AUTHORIZING THE TOWN CONTROLLER TO MAKE POLICE DEPARTMENT REVISIONS & TRANSFERS WITHIN THE 2019 TOWN BOARD BUDGET

RESOLUTION 80-20 Motion by Councilman Cordero who moved its adoption:

Resolved, that the Gates Town Board hereby authorizes the Town Controller to make Police Department Revisions and Transfers within the 2019 Town Board Budget

Seconded by Councilman DiPonzio

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

Motion Carried.

DEDICATION OF A BLANK PAGE INTO THE GATES MEETING MINUTES IN MEMORY OF BEVERLY MAGLIOCCO

Supervisor stated Beverly was the Confidential Secretary to both Supervisors before him and served in that role for over 30 years along with other department in the town. She was a dedicated employee and took the town board meeting minutes for all these years and it would only be fitting to dedicate a page in her honor for doing so.

RESOLUTION 81-20 Motion by Supervisor Giunta who moved its adoption:

Resolved, that the Gates Town Board hereby approves the Dedications of a Blank page in the Meeting Minutes in Memory of Beverly Magliocco.

Seconded by Councilman DiPonzio

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

Motion Carried.

Councilman Steve Tucciarello also wanted to second the motion and commented Beverly did so much for the Town and will be greatly missed, not only by her family, but residents around town including himself.

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta added that he has been participating in many conference calls also receiving a lot of phone calls with concerns with the Virus. Please continue to follow social distancing and wearing protective gear when necessary to go out. It's OK to go for a walk, just maintain the social distance. People are getting upset and it understandable but use better judgement. Let's work together to flatten the curve.

Councilman DiPonzio agreed and echoes the sentiments in hoping this is concluded sooner than later, but it's all we can do is follow the guidelines set forth by the Governor, the President and the CDC.

Councilman Cordero added people in his neighborhood celebrated a 40th Birthday Party with a parade of about 30-40 cars and did about 2 laps around. All the neighbors loved it. It was a nice sight to see. They also put together a scavenger hunt for the kids for Easter. Hiding eggs in trees etc. Went well

Supervisor Giunta added that last Friday he was a part of a motorcade along with the Chief that the teachers of Neil Armstrong put together for the students of the school. The students were outside with signs as well. It was great to see.

Supervisor Giunta added that the Highway Department is at half-staff, alternating weeks, not following any type of schedule. The Town has been divided into sections North and South, for about 4 weeks and asking our residents to be patient and at this point currently not picking up leaves, because we're still in snow and ice mode.

REPORTS

SUPERVISOR'S

ACCEPTING THE SUPERVISORS REPORT FOR THE MONTH OF MARCH 2020

WARRANTS

GENERAL

CLAIMS # A20-0121 – A20-0208	\$82,574.97
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HIGHWAY

CLAIMS # D20-0066 – D20-0100	\$39,543.49
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LIBRARY

CLAIMS #L20-0019 – L20-0035	\$24,238.52
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TOTAL DISBURSEMENTS	\$1,452,347.74
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TOTAL RECEIPTS	\$116,435.55
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Supervisor Giunta noted for the record that the warrants for the month of March 2020 have been examined by the Town Board and paid.

RESOLUTION 82-20 Motion by Councilman Laughlin who moved its adoption:

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

Seconded by Councilman Tucciarello

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

Motion Carried.

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

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

TOTAL REVENUE COLLECTED	\$11,326.59
TOTAL REVENUE TO THE SUPERVISOR	\$10,917.79
TOTAL NON-LOCAL REVENUE	\$408.80

RESOLUTION 83-20 Motion by Councilman Cordero who moved its adoption:

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

Seconded by Councilman DiPonzio

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 March 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 8:04PM.

Town Clerk

THIS SPECIAL PAGE IN
THE TOWN OF GATES
MINUTE BOOK
IS DEDICATED TO THE MEMORY OF
BEVERLY A. MAGLIOCCO
WHO SERVED AS SECRETARY IN THE
TOWN SUPERVISORS OFFICE
1989-2019
WHO PASSED ON MARCH 3, 2020