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*Construction and Custom Woodworking*

**GENERAL CONTRACTING**

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- Roofing
- Siding
- Windows
- Doors



**Bill To:**  
 Town of Gaines-Town Hall  
 14087 Ridge Road  
 Albion, NY 14411

**Proposal Date:** 12/22/2017  
**Proposal #:** 432



Description	Est. Hours/Qty.	Rate	Total
Tear out and dispose of existing glass panes, louvered panels, aluminum trim, and siding accessories (Leave Only Copper Roof). Remove and dispose of required shingles, to properly install flashing as needed. Install all required step flashing where cupola meets roof deck, and new architectural shingles to match existing. Install required framing to infill four window openings, and sheet using 7/16" OSB. Wrap Cupola walls with Tyvek Home Wrap. Install custom bent aluminum trim on entire cupola as needed, and all Mastic siding accessories to match building. Install new Mastic Siding on entire cupola (Removal of existing siding, and installation of new already billed with other renovations). Install four sets of vinyl shutters, to simulate windows, on all sides of cupola. Price includes all materials, labor including prevailing wage for employees, and disposal.		5,600.00	5,600.00
KLIPS CONSTRUCTION AND CUSTOM WOODWORKING, LLC IS A FULLY INSURED ENTITY IN THE STATE OF NEW YORK			
Sales Tax		0.00%	0.00

We look forward to working with you!

**Total** \$5,600.00

ACCEPTANCE TO PROPOSAL

CUSTOMER SIGNATURE

CONTRACTOR SIGNATURE

**2651 Crandall Rd  
 Albion, NY 14411**

**RESOLUTION NO. XXX-YYY**

**SUPPORTING ASSEMBLYMAN HAWLEY' S OPPOSITION TO THE FREE TABLET PROGRAM FOR PRISONERS**

WHEREAS, as a result of the decision by the New York State Department of Corrections and Community Supervision (DOCCS) to allow over 51,000 inmates statewide to use electronic tablets free of charge, Assemblyman Hawley has written a letter to Governor Cuomo and DOCCS demanding that the program be shut down immediately and to reconsider the misguided policy and urge JayP Inc. to work with our school system, libraries and veterans organizations to furnish tablets to law abiding citizens; now be it

RESOLVED, that this Legislature supports Assemblyman Hawley's position in opposing the free tablet program to statewide inmates housed in our New York State Correctional facilities; and be it

FURTHER RESOLVED, that this Gaines Town Board also demands that this program be shut down immediately and the tablets be used for law abiding citizens, students in our schools, provided to our library systems, or veterans organizations.

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Gaines shall forward copies of this resolution to Governor Andrew M. Cuomo, Senator Robert Ort, Assemblyman Steve Hawley, Assemblyman Michael Norris, New York State Department of Corrections and Community Supervision and all others deemed necessary and proper.

Moved, \_\_\_\_\_; second, \_\_\_\_\_  
Adopted. X ayes; X nays

COUNTY OF ORLEANS  
STATE OF NEW YORK

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Gaines Town Board on the 12<sup>th</sup> day of March, 2018.

Dated at Albion, New York  
March XX, 2018

Susan M. Heard, Town Clerk  
Town of Gaines  
County of Orleans, New York

Dear Supervisor Grube, Councilperson Kirby, Councilperson Neilans, Councilperson Allport:

I am writing in regards to the removal of the safety window in front of the Town Clerk's desk, which was discussed at our Feb. Town Board meeting. I would like to present some considerations:

The installation of a safety partition in front of the Clerk's window was in direct response to NYS Dept. of Labor's inspection of the Town Hall for workplace safety. The evaluation cited the clerks' window as a potential workplace hazard due to the exchange of money with the public. To remedy the hazard, the Town Board contracted to have the bulletproof glass partition installed, at a cost to taxpayers of \$8000 - \$10,000. Since NYS Dept. of Labor conducts periodic inspections, removal of the partition will necessitate a replacement safety feature, at additional cost to the taxpayer. The Cost to remove the window was said to be \$1500. The cost to replace the window with another safety feature isn't yet known.

There were several other suggestions offered by Dept. of Labor including: widening the counter between the Clerk's desk and the public (that alone won't stop a bullet), posting a security guard (at what cost to the taxpayer?), exchanging money with the public in a different area (would the Clerk have to leave her desk area to traverse with each resident to a different room?)

Members, I hope you are considering fiscal responsibility to the Town as well as preventing violence to staff. Removal of this partition has the potential to open the Town to a very costly lawsuit, should, God forbid, an armed robbery occur. Since this Town Board is only three or so months into learning about the Town and its specific needs, and learning about the State and its requirements for Towns, doesn't it make fiscal sense to take the time to look at all the repercussions for the Town that removing this window could bring about?

Thank you for your attention.

Sincerely,

Marilynn Miller

Resident/Taxpayer

Mike Grabowski began his report to the Town Board by introducing himself as the Chairman of the ZBA, and highlighting his 10 years of training and experience in municipal land-use, and his 35 years as an Architect. His report followed:

**WITH RESPECT TO “Changes required to the zoning ordinance”:**

Per Town Law of the State of New York, “All town land use regulations **MUST** be in accordance with a comprehensive plan adopted pursuant to this section.”

The Town of Gaines current zoning ordinance is **NOT** in compliance with this plan. Specifically,

**Article II, III, IV – NEEDS TO BE TOTALLY ELIMINATED AND REVISED**

**Article V, VI – MUST COMPLY WITH COMPREHENSIVE PLAN**

**WITH RESPECT TO “The practice of using solely a ZBA for the planning process”:**, Mike provided background information on the ZBA’s functions and duties:

The ZBA has appellate jurisdiction to hear cases in which a decision has already been made by the Code Enforcement Officer, and can also address appeals by aggrieved applicants.

The ZBA is authorized to hear matters and make decisions regarding use and area variances, respectively.

Additional responsibilities of the Gaines ZBA include:

**Site plan review**, the ZBA reviews and approves, approves with modifications, or disproves site plans.

**Special Permits**, the ZBA reviews and grants or denies applications for special use permits.

**Subdivision review**, pursuant to section 1015 of the Town of Gaines Zoning Ordinance.

Mike cited the specific state statues that authorized the ZBA to legally address these issues. He also noted that the ZBA follows the “Zoning Ordinance of the Town of Gaines”, as adopted in 1983 and amended in 2012. He indicated that per section 8 C. of this local law, **“ALL LOCAL LAWS, ORDINANCES, RULES OR REGULATIONS, OR PARTS OR PORTIONS THEREOF THAT CONFLICT OR ARE CONTRARY TO ANY PROVISION OF THIS LOCAL LAW ARE HEREBY REPEALED.”**

Contrary to what has been said by our Supervisor there are **NO** sections in our Zoning Ordinance that refers to a Planning Board.

In 2016, Governor Cuomo launched an initiative to challenge and encourage local governments to be more efficient, reduce costs and cut property taxes. The position of the Code

Enforcement Officer is yet another example the Town of Gaines fulfilling that commitment and providing these essential services on a shared basis with other communities, at a reduced cost to the taxpayers of the town.

It's important to note that when the Town of Gaines consolidated its Zoning and Planning Boards in 2012, it was not the first to do so, but looking back can be considered one of the leaders in this region.

He then listed twenty municipalities that have combined boards. These municipalities are diverse, some are smaller, but the overwhelming majority are larger than the Town of Gaines. This fact contradicts our Supervisor's belief and statement that "Why do we only have one board when everyone else had two?"

By their own admission and acknowledgment, the Association of Towns has received, and continues to field questions and inquiries from member towns looking for ways to staff and consolidate their boards.

As further proof that consolidated boards are considered mainstream and a common practice in the State of New York, the New York State Department of State's Division of Local Government has created and specifically offers a training session titled "Joint Boards: Village/Town Planning Boards".

In that presentation they identify and recommend to give ZBA's site plan and special permit authority, and to specifically abolish individual boards. They identify and recognize that a consolidated board follows a more efficient process, highlights the savings in money for municipalities, and therefore taxpayers, in addition to better coordination and consistency in decisions.

#### **WITH RESPECT TO "How the current configuration for planning and zoning complies with zoning best practices in New York State"**

Building on the facts and proof that has been submitted, I'll attest to the fact that by its very nature, and specifically referring to the Town of Gaines, the process **IS** more streamlined and efficient, and as a result more cost effective for the taxpayers that foot the bill.

As per Lori Mithen-Demasi, Counsel for the Association of Towns of the State of New York, the Town of Gaines is in **FULL** and **TOTAL** compliance with respect to administering our land use regulations.

In addition, to Lori, Mike cited other people in the Association of Towns and Department of State, including various boards including County departments/agencies and officials, surrounding municipalities, as well as various civic leaders were also consulted in this process.

Moreover, the Attorney General has issued an opinion that there are no conflicts in the state statutes regarding the combining of boards.

The combined and collective opinion of all these sources dispels and contradicts the belief and public statements made by our Supervisor, that “we’ve been functioning outside our own town zoning and no one bothered to take action to fix it. The Town cannot afford to take backwards steps at this point in time.

I will close by stating and making it absolutely clear, that the Town of Gaines Zoning Board of Appeals, follows every state statute as previously referenced and as set forth in Municipal Home Rule Law 10.

The current Board has worked extremely hard over the past six years to correct and overcome past “dealings”, misuse and abuse of power, and to make the planning process fair for ALL applicants. I’ve heard numerous applicants comment that unlike in the past, they appreciate how open and business friendly the town has become and most importantly the fair and unbiased manner in which it conducts business. They particularly appreciate the ability to have informal discussions with the board prior to submitting an actual application.

The Board has a good working relationship with the code enforcement officer and the County Planning Board. As further proof, a majority of the Town Board members, at some point, have brought business in front of the ZBA including the Town Attorney representing both applicants and the Town at different times. Feel free to ask their opinion if they feel they were treated fairly, or were given any special treatment.

I for one am tired of the politics, the false and misleading statements that go unchecked and unchallenged and believe we should hold our elected officials to a higher standard

He concluded by challenging the Board to focus on and follow the facts and let them become the starting point and basis for any further discussion on this topic.