

COUNCILMAN DUGAN MOVED THE ADOPTION OF THE
FOLLOWING LOCAL LAW NO. 1 OF THE YEAR 2023,
SECONDED BY COUNCILWOMAN POPE

WHEREAS, the Town Board of the Town of Newstead is seeking to update its Local Law regarding Special Events Permits to provide clarity in application and enforcement; and

WHEREAS, the Town Board requested comments from the Planning Board, which were received on March 6, 2023 and considered; and

WHEREAS, a public hearing was held on March 13, 2023 at which time interested persons were heard; and

WHEREAS, the Town Board requested comments from Erie County Planning and was advised on March 23, 2023 that no recommendations were made; and

WHEREAS, the Town Board previously determined that the proposed action would not have a significant impact on the environment and a determination of non-significance was adopted; and

NOW, THEREFORE, BE IT

RESOLVED, that the following local law as set forth fully below is hereby adopted:

A Local Law known as Local Law No. 1 of the Year 2023 entitled "2023 Amendment No. 1 to the Special Events Permits Law."

Be it enacted by the Town Board of the Town of Newstead as follows:

SECTION 1. TITLE

This Law shall be known as Local Law No. 1 of the Year 2023 entitled "2023 Amendment No. 1 to the Special Events Permits Law."

SECTION 2. PURPOSE

The purpose of this local law is to update the Town's Code regarding special events permits for clarity of application and enforcement.

SECTION 3. AMENDMENT OF PRIOR LAW

Chapter 450-76.1 of the Code of the Town of Newstead, originally adopted on December 27, 2012 by Local Law No. 9 of the Year 2012 is further amended as follows:

Introductory paragraph is amended to read as follows:

The Town Board of the Town of Newstead has determined that in order to maintain and preserve public health and safety there is a need to have some control over special events that are scheduled to take place in the Town of Newstead outside of the Village of Akron. For purposes of this section, a "special event" shall be an event that is preplanned to occur within the Town of Newstead and is anticipated to result in attendance by 50 or more persons and shall include special events and/or holiday events such as Fly-in Days for the Akron Airport, the Pumpkin Festival, in addition to other events throughout the Town of Newstead; a fireworks display of any kind is also a "special event." Private parties, including, but not limited to, graduation parties, wedding celebrations and birthday parties, shall be excluded from the special event permit requirements, provided that all the parking for such event is on private property and only on one side of the public right-of-way as will be golf tournaments conducted at golf courses. Such special events shall exclude events that are scheduled to occur solely within a completely enclosed building that has been constructed expressly for the conduct of special events such as the Western New York Exhibition Center or other similar center. Special event permits shall provide for hours of operation of the special event.

Section 450-76.1(A) is amended to read as follows:

Application for permit. The person or organization that wishes to conduct a special event shall file an application with the Building Department for approval of a permit to conduct such special event. Such application for a special event permit shall include the following information:

Section 450-76.1(A)(1) is amended to read as follows:

The proposed date or dates for the special events and the hours during which such special event(s) is/are to be conducted.

Section 450-76.1(A)(5) is amended to read as follows:

A special event permit fee of \$100 shall be required for a special event. Such special event permit fee shall be waived in the case of community-based special events such as the Fourth of July Celebration and other similar events.

Section 450-76.1(B) is amended to read as follows:

Upon receipt of the application for a special event permit, the Building Department of the Town of Newstead shall review the application for completeness. If some information is lacking or believed to be insufficient, the Building Department shall request supplementary information. Once the application is deemed to be complete, if it meets with the approval of the Code Enforcement Officer, the Building Department shall issue the special event permit which permit shall, among other things, establish and set forth the approved hours for such special event. The hours for such special event shall not extend beyond 11:00 p.m. The permit may require additional restroom facilities, traffic control and security measures beyond those set forth in the application.

Section 450-76.1(C) is amended to read as follows:

All special events must comply with the Noise Law set forth at §450-89.

Section 450-76.1(D) is amended to read as follows:

Failure of the applicant to abide by the Terms and Conditions of the special event permit shall be deemed a violation of the Code of the Town of Newstead and will void the permit. Failure to abide by the Terms and Conditions or any conduct inconsistent with the approved special event permit may result in the event being shut down by the Code Enforcement Officer, may subject the applicant to a penalty of \$250 per violation, and may be grounds for denial of future requests for a special events permit.

Section 450-76.1(E) is amended to read as follows:

Failure to obtain a special event permit prior to holding a special event as set forth herein shall constitute a violation of the Code of the Town of Newstead and will subject the property owner on which a special event was conducted to a penalty in the minimum amount of \$250 per violation. Any such special event that is conducted without a permit shall be required to be immediately shut down following the issuance of a violation(s) notice by the Code Enforcement Officer of the Town of Newstead. A second subsequent violation shall result in a penalty in the minimum amount of \$300 per violation.

SECTION 4. SEVERABILITY

If any portion, subsection, sentence, clause, phrase or portion thereof of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 5. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State.

The above local law was duly put to a roll call vote at a regular meeting of the Town Board held on March 27, 2023, the results of which were as follows:

Councilmember Dugan	AYE
Councilmember Burke	AYE
Councilmember Jendrowski	AYE
Councilmember Pope	AYE
Supervisor Cummings	ABSENT

COUNCILMAN JENDROWSKI MOVED THE ADOPTION OF THE FOLLOWING LOCAL LAW NO. 2 OF THE YEAR 2023, SECONDED BY COUNCILMAN DUGAN

WHEREAS, the Town Board of the Town of Newstead is seeking to update its Local Law regarding Noise; and

WHEREAS, the Town Board requested comments from the Planning Board, which were received on March 6, 2023 and considered; and

WHEREAS, a public hearing was held on March 13, 2023, at which time interested persons were heard; and

WHEREAS, the Town Board requested comments from Erie County Planning and was advised on March 23, 2023 that no recommendations were made; and

WHEREAS, the Town Board previously determined that the proposed action would not have a significant impact on the environment and a determination of non-significance was adopted; and

NOW, THEREFORE, BE IT

RESOLVED, that the following local law as set forth fully below is hereby adopted:

A Local Law known as Local Law No. 2 of the Year 2023 entitled "2023 Amendment No. 1 to the Noise Law."

Be it enacted by the Town Board of the Town of Newstead as follows:

SECTION 1. TITLE

This Law shall be known as Local Law No. 2 of the Year 2023 entitled "2023 Amendment No. 1 to the Noise Law."

SECTION 2. PURPOSE

The purpose of this local law is to update the Town's Code regarding noise for clarity when read in conjunction with other code sections.

SECTION 3. AMENDMENT OF PRIOR LAW

Chapter 450-89 of the Code of the Town of Newstead, which was originally incorporated into the Code of the Town of Newstead by Local Law No. 8 of the Year 2012 and most recently repealed and replaced by Local Law No. 7 of the Year 2014 is amended as follows:

Section 450-89(C)(2) is amended to read as follows:

Sound measurements shall be made from the specific position of the complainant on the premises from which noise complaints are received and shall be made at a height of at least three feet above the ground and three feet away from walls, barriers, obstructions or other sound-reflective surfaces. Measurements shall be taken per the sound level meter conditions specified in Subsection E. Measurements shall be taken by the Code Enforcement Officer or other person designated by the Town Board.

Section 450-89(D)(1) is amended to read as follows:

No person shall make, continue or cause to be made, or continued, any excessive electronically generated and/or amplified noise after the time limitations listed in this section.

Section 450-89(D)(2)(a) is amended to read as follows:

Bands, musical instruments, radios, etc., producing electronically generated and/or amplified sound at a level in excess of the dBC limits outlined in this chapter. The electronic generation and/or amplification of music by any band, orchestra, radio, phonograph, musical instrument, or other device for the production or reproduction of sound at a level in excess of the dBC limits outlined in this chapter.

Section 450-89(F)(3) is amended to read as follows:

The production of music in connection with a military parade, funeral procession, or religious ceremony.

Section 450-89(F)(4) is amended to read as follows:

Sounds emanating from any publicly sponsored sporting, entertainment, or other public event such as carnivals, fairs, exhibitions, picnics, parades, or fireworks displays provided that such events shall take place between the hours of 9:00 a.m. and 11:00 p.m. local time.

Section 450-89(F)(5) is amended to read as follows:

Activities in Town parks or public buildings under permission or authority of the Town provided such event takes place between the hours of 9a.m. and 11p.m.

Section 450-89(F)(8) is amended to read as follows:

Any activity for which the Town Board grants an exception upon application by the proponent thereof. Issuance of a Special Event Permit alone is insufficient.

Section 450-89(G) is amended to read as follows:

G. Penalties for offenses.

(1) Any person who violates any portion of this section or uses any device which creates a violation of this section, shall be guilty of a violation and, upon conviction, shall be punished by a fine of not less than \$250 nor more than \$500 or by imprisonment for up to 15 days, or both.

(2) The owner of any property and any person, firm, association or corporation in control of the real property where the violation(s) of this chapter occur(s) shall be guilty of a separate violation and, upon conviction thereof, shall be fined or imprisoned as herein provided above in Subsection G(1). If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense.

(3) Other remedies. No provision of this section shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from any other law.

(a) Abatement orders: In lieu of issuing a summons, the Code Enforcement Officer, after consultation with the Town Board, may issue an order requiring abatement of any source of sound alleged to be in violation of this section within a reasonable time period and according to guidelines which the Code Enforcement Officer may prescribe.

(i.) An abatement order shall not be issued when the Code Enforcement Officer has reason to believe that there will not be compliance with the abatement order.

Section 450-89(H) is deleted in its entirety.

SECTION 4. SEVERABILITY

If any portion, subsection, sentence, clause, phrase or portion thereof of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 5. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State.

The above local law was duly put to a roll call vote at a regular meeting of the Town Board held on March 27, 2023, the results of which were as follows:

Councilmember Dugan	AYE
Councilmember Burke	AYE
Councilmember Jendrowski	AYE
Councilmember Pope	NO
Supervisor Cummings	ABSENT

THE FOLLOWING RESOLUTION WAS OFFERED BY
DEPUTY SUPERVISOR BURKE, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMAN JENDROWSKI

WHEREAS, the Town Board of the Town of Newstead in consultation with the Code Enforcement Officer had reviewed Section 450-76.1 of the Town Code regarding Special Events Permits; and

WHEREAS, it was brought to the attention of the Town Board that reference is made in the code to Special Events Permit Terms and Conditions, which have not been previously clearly outlined; and

WHEREAS, the Town Board believes that it is in the interest of the Town of Newstead to adopt written Terms and Conditions for Special Events Permits.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

1. The Town hereby adopts Terms and Conditions for Special Events Permits, a copy of which is annexed hereto and made a part hereof.
2. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on March 27, 2023, the results of which were as follows:

Councilmember Pope	NO	
Councilmember Burke	AYE	
Councilmember Jendrowski	AYE	
Councilmember Dugan	AYE	
Supervisor Cummings	ABSENT	CARRIED

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILWOMAN POPE, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN JENDROWSKI

WHEREAS, the Town of Newstead previously entered into a contract with the Erie County Society for the Prevention of Cruelty to Animals d/b/a SPCA (hereinafter "the SPCA") to provide for a seized dog to be offered for adoption; and

WHEREAS, the Town Board received an updated contract proposal from the SPCA, titled "Agreement"; and

WHEREAS, the Town Board reviewed the proposed contract and suggested a minor modification, with that modification found to be satisfactory by the SPCA; and

WHEREAS, in consultation with the Dog Control Officer, the Town Board has determined that it is in the best interest of the Town of Newstead to enter into the updated contract with the SPCA.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board does hereby approve the proposed contract with the SPCA commencing March 1, 2023, a copy of which is attached hereto and made a part hereof, and approves the costs as set forth in the contract.
2. The Supervisor/Deputy Supervisor of the Town is authorized to sign the contract.
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on March 27, 2023, the results of which were as follows:

Councilmember Pope	AYE
Councilmember Burke	AYE
Councilmember Jendrowski	AYE
Councilmember Dugan	AYE
Supervisor Cummings	ABSENT

TOWN OF NEWSTEAD

RESOLUTION FOR APPROVAL

**Temporary Special Use Permit
Home-Based Business in RA Zone
KP Woodworking – 12426 Swift Mills Road**

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILWOMAN POPE, WHO MOVED ITS
ADOPTION SECONDED BY COUNCILMAN JENDROWSKI

WHEREAS, the Town of Newstead received an application from Kevin Paquin for a site plan and special use permit to operate KP Woodworking, LLC, a woodworking shop located at 12426 Swift Mills Road in the Town of Newstead; and

WHEREAS, Town Engineer review was not warranted as there is no new construction planned; and

WHEREAS, this project is a SEQR Type II action; and

WHEREAS, on February 6, 2023, the Newstead Planning Board reviewed the application and unanimously voted to recommend to the Town Board the proposed special use permit; and

WHEREAS, the Town Board held a public hearing on March 13, 2023 with comments made by interested residents; and

WHEREAS, Erie County Planning was notified of this action as required under section 239-m of the General Municipal Law who submitted their response on March 20, 2023 making no recommendation.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board of the Town of Newstead hereby approves a temporary special use permit for a home-based business in the RA zone at 12426 Swift Mills Road to operate KP Woodworking, LLC subject to annual review and renewal.
2. That the Town Board of the Town of Newstead, after reviewing the criteria contained in the SEQRA regulations, determines that the special use permit will not have a significant effect on the environment; the annexed Negative Declaration is hereby approved.
3. That this resolution shall take effect immediately.

The above resolution was duly put to a roll call vote on March 27, 2023, the results of which are as follows:

Councilmember Burke	AYE
Councilmember Pope	AYE
Councilmember Jendrowski	AYE
Councilmember Dugan	AYE
Supervisor Cummings	ABSENT

NEGATIVE DECLARATION
Notice of Determination of Non-Significance
Dated: March 27, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act-SEQR) of the Environmental Conservation Law.

The Town of Newstead, as most local permitting authority, has determined that the proposed action described below will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Home-Based Business in the RA Zone – KP Woodworking, LLC

SEQR Status: Type II

Description of Action: Temporary Special Use Permit/Site Plan

Location: 12426 Swift Mills Road (after merger with 12438 Swift Mills Road)

Reasons Supporting this Determination:

1. The Town Board concludes that the proposed project will not adversely affect the natural resources of the State and/or health, safety, and welfare of the public and will be consistent with social and economic considerations.

For further information:

Contact Person: David J. Miller, Code Enforcement Officer
Town of Newstead
5 Clarence Center Road
Akron, NY 14001
Phone: 716-542-4574
Fax: 716-542-3702

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN DUGAN, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILWOMAN POPE

WHEREAS, the State of New York requires that municipalities adopt procurement policies in connection with purchases to be made by the Town; and

WHEREAS, the Town of Newstead previously adopted a procurement policy in 1992 which policy was revised in 2006, further revised in 2013, and further revised in 2022; and

WHEREAS, the Town Board believes that it is in the best interest of the Town of Newstead to update its procurement policy.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

1. The Town hereby adopts a revised procurement policy, a copy of which is annexed hereto and made a part hereof.
2. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on March 27, 2023, the results of which were as follows:

Councilmember Pope	AYE
Councilmember Burke	AYE
Councilmember Jendrowski	AYE
Councilmember Dugan	AYE
Supervisor Cummings	ABSENT

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN JENDROWSKI, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMAN DUGAN

WHEREAS, the Town Board of the Town of Newstead by resolution dated November 14, 2022 adopted the 2023 Budget, which outlined salaries for the positions of Emergency Coordinator and Assistant Emergency Coordinator for 2023; and

WHEREAS, at the Organizational Meeting held on January 2, 2023, the Town Board adopted a resolution wherein conflicting figures were set forth in paragraphs 47 and 52 regarding the salaries for the Emergency Coordinator and Assistant Emergency Coordinator positions; and

WHEREAS, the Town Board of the Town of Newstead wishes to correct the resolution passed on January 2, 2023 and corresponding minutes to reflect the appropriate figure in paragraph 47 for the Emergency Coordinator and Assistant Emergency Coordinators' salaries per the 2023 budget.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS

1. The resolution and minutes of the January 2, 2023 organizational meeting are amended, with paragraph 47 to now read: that Daniel Kowalik be appointed Emergency Coordinator for 2023 at a salary of \$2,700 and Joe Hawes and Mike Mutter be appointed Assistant Emergency Coordinators for 2023 at a yearly salary of \$1,650 each.
2. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at regular meeting of the Town Board of the Town of Newstead on March 27, 2023, the results of which were as follows:

Councilmember Dugan	AYE
Councilmember Burke	AYE
Councilmember Jendrowski	AYE
Councilmember Pope	AYE
Supervisor Cummings	ABSENT

RESOLUTION AUTHORIZING THE TOWN OF NEWSTEAD
TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES
DEPARTMENT OF AGRICULTURE

THE RESOLUTION REFERRED TO ABOVE WAS OFFERED BY
COUNCILWOMAN POPE, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMAN JENDROWSKI

WHEREAS, the United States Department of Agriculture has approached the Town of Newstead (the "Town"), again requesting permission to trap for an invasive pest, the European Cherry Fruit Fly, on lands owned by the Town of Newstead (the "Proposal"); and

WHEREAS, considering the potential damage the European Cherry Fruit Fly can cause to properties located within the Town, the Town Board has determined that it is in the best interest of the Town to accept the Proposal.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS

1. The Town Supervisor/Deputy Supervisor is hereby authorized to execute any necessary documents in connection with the Proposal.
2. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at regular meeting of the Town Board of the Town of Newstead on March 27, 2023, the results of which were as follows:

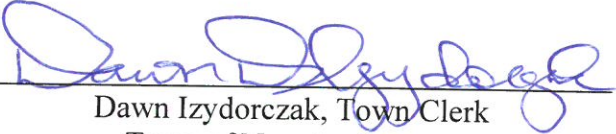
Councilmember Dugan	AYE
Councilmember Burke	AYE
Councilmember Jendrowski	AYE
Councilmember Pope	AYE
Supervisor Cummings	ABSENT

CERTIFICATE

I, DAWN IZYDORCZAK, Town Clerk of the Town of Newstead, in the County of Erie, State of New York, HEREBY CERTIFY that the above resolution has been compared by me with the resolution as officially recorded in my office and is a true, complete and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Newstead the 11th day of June 2018.

(SEAL)



Dawn Izydorczak, Town Clerk
Town of Newstead