

Resolution Adopting 2022 Town of Newstead Budget

Upon a motion by Councilman Jendrowski, seconded by Councilman Dugan

RESOLVED, that the Town Board does hereby adopt the Town of Newstead 2022 Budget as previously filed by the Town Supervisor, and known as the Preliminary Budget with the following amendments:

Individual lines were changed as follows:

A1081	change	\$1,150	to	\$3,000
A1120	change	\$356,000	to	\$360.450
A1010.1	change	\$48,042	to	\$48.479
A1110.1	change	\$116,534	to	\$117,089
A1220.1	change	\$89,106	to	\$91.428
A1355.1	change	\$69,472	to	\$71,429
A1410.1	change	\$123,363	to	\$125,838
A1990.4	change	\$10,000	to	\$13,600
A3510.1	change	\$21,133	to	\$21,433
A3989.1	change	\$4,778	to	\$5,378
A5010.1	change	\$93.214	to	\$95.422
A7310.1	change	\$79,706	to	\$85,876
A7610.1	change	\$122,155	to	\$124,771
A8160.1	change	\$1,329	to	\$1,338
A8810.1	change	\$8,091	to	\$8,106
A9030.8	change	\$68,613	to	\$70,071
B1120	change	\$84,000	to	\$85,050
B3620.1	change	\$112,139	to	\$118.976
B8020.1	change	\$39,556	to	\$39,676
B9030.8	change	\$11,834	to	\$12,366
B9060.8	change	\$40,000	to	\$45,000
DB1120	change	\$520,000	to	\$526,500
SD8540.1	change	\$25,000	to	\$25,100
SD9030.8	change	\$1,913	to	\$1,920

Changes to Appropriated Fund Balance were as follows:

A Fund	change	\$120,000	to	\$131,800
B Fund	change	\$40,286	to	\$51,725
DB Fund	change	\$12,000	to	\$13,250

AND FURTHER RESOLVED, The Town Board, in accordance with New York State Town Law, section 198, issues a Letter of Authorization to enforce collection of unpaid accounts.

Dated: November 8, 2021

SUPERVISOR CUMMINGS-	AYE	COUNCILMAN DUGAN-	AYE
COUNCILMAN JENDROWSKI-	AYE	COUNCILMAN BURKE-	AYE
COUNCILWOMAN POPE-	AYE	CARRIED UNANIMOUSLY	

11/08/2021

RESOLUTION

Motioned by Councilman Burke, seconded by Councilwoman Pope

To approve the adoption of Local Law #12 for 2021 entitled "2021 Local Law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4,"

Councilwoman	Pope	Voted ABSTAINED
Councilman	Burke	Voted AYE
Councilman	Dugan	Voted NO
Councilman	Jendrowski	Voted NO
Supervisor	Cummings	Voted AYE

FAILED TO CARRY- TABLED

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILWOMAN POPE, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMAN BURKE, TO WIT:

WHEREAS, the State of New York previously approved tax cap legislation limiting local tax increases to the lesser of 2% or the actual increase based upon the Consumer Price Index of U.S. urban areas over two consecutive 12 month periods; and

WHEREAS, the Town Board of the Town of Newstead ("the Town") has adopted legislation each year to override the tax cap; and

WHEREAS, in 2021, the Town Board approved Local Law No. 11 of the Year 2021 to allow the Town to override the tax cap for 2022 which was established at 2 %; and

WHEREAS the Town did not exceed the 2 % tax cap with the adoption of the 2022 budget; and

WHEREAS, the Town Board has now been advised that even though it did not exceed the tax cap with the 2022 budget, the Town would not be considered to be tax freeze compliant unless it repeals Local Law No. 11 of the Year 2021; and

WHEREAS, the Town Board has determined that it is in the best interest of the Town of Newstead be considered tax freeze compliant so as to make property owners in the Town eligible to receive real property tax freeze credits from the State of New York

WHEREAS, the Town Board has determined that the proposed action is a Type II action under the State Environmental Quality Review Act and no further action is required with respect to SEQRA; and

WHEREAS, Councilwoman Pope introduced the following proposed "Local Law No. 12 of the Year 2021", entitled "Local Law to Repeal Local Law No. 11 of the Year 2021" and presented a copy to each member of the Board which reads as follows:

A Local Law known as Local Law No. 12 of the Year 2021 entitled "Local Law to Repeal Local Law No. 11 of the Year 2021".

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

SECTION 1. TITLE

This Law shall be known as Local Law No. 12 of the Year 2021 entitled "Local Law to Repeal Local Law No. 11 of the Year 2021".

SECTION 2. PURPOSE

The Town Board previously adopted Local Law No. 11 of the Year 2021 to allow the Town of Newstead to override the limits in real property taxes imposed by General Municipal Law § 3-c because the Town Board was concerned about the penalties imposed if the Town exceeded the tax cap without adopting the override local law. The Town was able to adopt a budget that did not exceed the tax cap imposed by General Municipal Law § 3-c. The Town has now been advised that even though it did not exceed the tax cap, pursuant to General Municipal Law § 3-d.2(a) in order for the residents of the Town to receive real property tax freeze credits under the new program enacted by the State of New York, it is necessary for the Town to repeal Local Law No. 11 of the Year 2021. This local law is specifically intended to repeal Local Law No. 11 of the Year 2021.

SECTION 3. AUTHORITY

This local law is adopted pursuant to the Municipal Home Rule Law.

SECTION 4. REPEAL OF LOCAL LAW NO. 11 OF THE YEAR 2021

Local Law No. 11 of the Year 2021 adopted by the Town of Newstead on September 27, 2021 and effective on September 27, 2021 is hereby REPEALED in its entirety.

SECTION 5. SEVERABILITY

If any section, subsection phrase, sentence or other portion 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 portions hereof.

SECTION 6. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Newstead, in the County of Erie shall be held at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:25 p.m. on the 22nd day of November, 2021, for the purpose of hearing all persons interested in the proposed Local Law No. 12 of the Year 2021; and

BE, IT FURTHER

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Akron Bugle, designated as the official newspaper for this publication, such publication to be not less than five days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published and (b) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than five days before the date of the Public Hearing; and

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 12 of the Year 2021, entitled "Local Law to Repeal Local Law No. 11 of the Year 2021 ", available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

Councilman	Dugan	Voted AYE
Councilman	Burke	Voted AYE
Councilman	Jendrowski	Voted AYE
Councilwoman	Pope	Voted AYE
Supervisor	Cummings	Voted AYE

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN OF NEWSTEAD, NEW YORK

PLEASE TAKE NOTICE, that there has been presented to the Town Board on November 22, 2021, for adoption a proposed Local Law to be known as "Local Law No. 12 of the Year 2021" entitled "Local Law to Repeal Local Law No. 11 of the Year 2021 ". The proposed Local Law will repeal Local Law No. 11 of the Year 2021 to allow residents of the Town of Newstead to be eligible to real property tax freeze credits from the State of New York.

THEREFORE, pursuant to the Municipal Home Rule Law Rules, the Town Board of the Town of Newstead shall hold a Public Hearing on the aforesaid Local Law at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:25 p.m. on the 22nd day of November 2021, at which time persons interested may be heard. Copies of the aforesaid proposed Local Law are available at the office of the Town Clerk for inspection and distribution to any interested person during business hours. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town Hall at 542-4573 by November 18, 2021.

Dated: November 8, 2021

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWSTEAD

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

WHEREAS, at a meeting held on November 8, 2021 the Town Board discussed holding a public hearing on the following proposed "Local Law No. 13 of the Year 2021" known as "2021 Local Law to increase the compensation of elected officials,"

WHEREAS, the Town Board previously held a public hearing to consider the tentative budget for the Town of Newstead for 2022 on October 25, 2021,

WHEREAS, at the public hearing on October 25, 2021, comments were heard from the Town Supervisor regarding the salaries of the elected officials in the Town of Newstead for 2022 set forth in the tentative budget and published in the notice of public hearing to consider the tentative budget;

WHEREAS, the Town Board after giving due consideration to the comments made at the public hearing held on October 25, 2021 has determined that it is in the best interest of the Town of Newstead to increase the salaries of the elected officials in the Town of Newstead for 2022 to ensure fair and adequate compensation for services rendered that is competitive in the current economy;

WHEREAS, Councilman Dugan introduced the following proposed "Local Law No. 13 of the Year 2021" known as "2021 Local Law to increase the compensation of elected officials" and presented a copy to each member of the Town Board, which Local Law reads as follows:

A Local Law introduced as Local Law No 13 of the year 2021 entitled "2021 Local Law to increase the compensation of elected officials"

Be it enacted by the Town of Newstead, County of Erie, as follows:

SECTION 1. TITLE

This Law shall be known as Local Law No. 13 of the Year 2021 entitled "2021 Local Law to increase the compensation of elected officials"

SECTION 2. PURPOSE

It is the intent of this local law to increase the salaries of elected officials in the Town of Newstead for 2022 to provide fair and adequate compensation that is competitive in the current economy.

Section 3. Salary Increase

For 2022, the annual compensation to be paid to the elected officials in the Town of Newstead shall be as follows:

Supervisor	\$43,068
Councilman (4) @ \$12,119.75 each	\$48,479
Town Justice (\$23,085 each)	\$46,170
Town Clerk	\$56,576
Superintendent of Highways	\$69,956
Superintendent of Highways (Refuse and Garbage)	\$380
Superintendent of Highways (Cemeteries)	\$970
Superintendent of Highways (Drainage)	\$2,850
Superintendent of Highways (Parks)	\$1,700
Superintendent of Highways (Refuse/Garbage District)	\$790

This Local Law shall supersede any prior inconsistent local law or resolution. This local law shall take effect on the week ending on January 7, 2022, which is the first pay date for 2022.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect in accordance with sections 20, 21, and 24 of the Municipal Home Rule Law, subject to permissive referendum.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Newstead, in the County of Erie shall be held at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:20 p.m. on the 22nd day of November 2021, for the purpose of hearing all persons interested in the proposed Local Law No. 13 of the Year 2021; and

BE, IT FURTHER ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Akron Bugle, designated as the official newspaper for this publication, such publication to be not less than ten days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; (b) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than ten days before the date of the Public Hearing; and

BE, IT FURTHER ORDERED, that the Town Clerk is to make copies of the proposed "Local Law No. 13 of the Year 2021," entitled "2021 Local Law to increase the compensation of elected officials," available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to roll call vote at a regular meeting of the Town Board on November 8, 2021, the results of which were as follows:

Councilwoman	Pope	Voted AYE
Councilman	Burke	Voted AYE
Councilman	Dugan	Voted AYE
Councilman	Jendrowski	Voted AYE
Supervisor	Cummings	Voted AYE

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN OF NEWSTEAD, NEW YORK

PLEASE TAKE NOTICE, that there has been presented to the Town Board on November 8, 2021, for adoption a proposed Local Law to be known as "Local Law No. 13 of the Year 2021" entitled "2021 Local Law to increase the compensation of elected officials." The purpose of this local law is to increase the salaries of the elected officials in the Town of Newstead above what was previously published in connection with the notice of hearing on the preliminary budget.

THEREFORE, pursuant to the Municipal Home Rule Law Rules and Local Law No. 13, the Town Board of the Town of Newstead shall hold a Public Hearing on the aforesaid Local Law at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:20 p.m. on the 22nd day of November 2021, at which time persons interested may be heard. Copies of the aforesaid proposed Local Law are available at the office of the Town Clerk for inspection and distribution to any interested person during business hours. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town Hall at 542-4573 by November 17, 2021.

Pursuant to Section 108 of the Town Law, the proposed salaries of the following elected Town Officials are hereby specified as follows:

Supervisor	\$43,068
Councilman (4) @ \$12,119.75 each	\$48,479
Town Justice (\$23,085 each)	\$46,170
Town Clerk	\$56,576
Superintendent of Highways	\$69,956
Superintendent of Highways (Refuse and Garbage)	\$380
Superintendent of Highways (Cemeteries)	\$970
Superintendent of Highways (Drainage)	\$2,850
Superintendent of Highways (Parks)	\$1,700
Superintendent of Highways (Refuse/Garbage District)	\$790

Dated: November 8, 2021

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWSTEAD