

Town of Newstead

Lead Agency Declaration

**3-Lot Major Subdivision Application with no Public Improvement
Utley Road**

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

WHEREAS, the Town of Newstead has received a subdivision application from Nutley Acres, LLC to create three residential building lots on Utley Road in the R-A zoning district of the 5.1-acre parcel in the Town of Newstead, and

WHEREAS, the proposed action is an Unlisted action under SEQR, and

NOW THEREFORE BE IT RESOLVED,

The Newstead Town Board, being the most local agency with permitting authority, wishes to declare SEQR Lead Agency status with an uncoordinated review, and

The above resolution was duly put to a roll call vote on March 14, 2022, the results of which were as follows:

Supervisor Cummings	_____
Councilman Dugan	_____
Councilman Burke	_____
Councilman Jendrowski	_____
Councilwoman Pope	_____

Town of Newstead

Public Hearing

**3-Lot Major Subdivision Application without Public Improvement
Utley Road, Nutley Acres, LLC**

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

WHEREAS, Nutley Acres has applied for subdivision approval to create three residential building lots on a 5.1 acre parcel of land on the west side of Utley Road in the R-A zoning district owned by Nutley Acres in the Town of Newstead, and

WHEREAS, Nutley Acres subdivided three residential building lots in 8/21/2017 and one residential building lot in 3/2/2020 north of the proposed 3-Lot Major Subdivision, and

WHEREAS, the Town of Newstead is the most local agency with permitting authority, and

WHEREAS, on February 28, 2022 the Planning Board reviewed the project and recommended approval to the Town Board.

NOW THEREFORE BE IT RESOLVED

That according to Newstead Town Code section 450-85 (D) (2) the Town Board will hold a public hearing within 62 days of receipt of the Planning Board's recommendation, and such public hearing is scheduled to take place on March 28, 2022 at 7:25PM to hear comments for or against the proposed subdivision plan.

The above resolution was duly put to a roll call vote on March 14, 2022 the results of which were as follows:

Supervisor Cummings	_____
Councilman Burke	_____
Councilman Dugan	_____
Councilman Jendrowski	_____
Councilwoman Pope	_____

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

PLEASE TAKE NOTICE, that a public hearing of the Town Board will be held at Newstead Town Hall, 5 Clarence Center Road in the Village of Akron, New York at 7:25PM on the 28th day of March 2022 to consider the following:

To allow a three-lot major subdivision with no public improvements of the 5.1 acre parcel owned by Nutley Acres, LLC on Utley Road in the R-A zone of the Town of Newstead.

The site plan is on file in the Building Department at the Newstead Town Hall and is open for inspection to any interested person during business hours. The hearing is open to the public. Interested individuals may submit written comments in advance of the public hearing. The meeting room is handicapped accessible. Those needing special arrangements should contact the Town Clerks office at 542-4573 five days prior to the public hearing date.

Dated: March 14, 2022

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWSTEAD

Town of Newstead
Lead Agency Declaration

Site Plan – 11061 Main Road
One (1) Addition and Five (5) Storage Buildings totaling 21,100 Sq. Ft.
Kelly Schultz

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

WHEREAS, the Town of Newstead has received a site plan from Kelly Schultz for construction of one (1) addition and five (5) storage buildings totaling 21,100 sq. ft. at 11061 Main Road in the Town of Newstead, and

WHEREAS, the proposed action is an Unlisted action under SEQR;

NOW THEREFORE BE IT RESOLVED,

The Newstead Town Board, being the most local agency with permitting authority, wishes to declare Lead Agency; be it further

RESOLVED,

That the Newstead Town Board authorize the Building Department to coordinate the required mailings and notifications; and that this resolution take effect immediately.

The above resolution was duly put to a roll call vote on March 14, 2022, the results of which were as follows:

Supervisor Cummings	_____
Councilman Burke	_____
Councilman Jendrowski	_____
Councilman Dugan	_____
Councilwoman Pope	_____

Town of Newstead
Public Hearing

Site Plan

**One (1) Addition to existing building and Five (5) New Storage Buildings
Totaling 21,100 Sq. Ft. - 11061 Main Road
Kelly Schultz**

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN _____, WHO MOVED ITS ADOPTION
SECONDED BY COUNCILMAN _____.

WHEREAS, Kelly Schultz has applied for site plan approval for one addition to an existing building and five new storage buildings totaling 21,100 sq. ft. on a 53-acre parcel of land at 11061 Main Road in the C-2 and overlay zones owned by Kelly Schultz in the Town of Newstead, and

WHEREAS, the Town of Newstead is the most local agency with permitting authority, and

WHEREAS, on February 28, 2022 the Planning Board reviewed the project and recommends approval to the Town Board, and

NOW THEREFORE BE IT RESOLVED

That according to Newstead Town Code section 450-85 (D) (2) the Town Board will hold a public hearing within 62 days of receipt of the Planning Board's recommendation, and such public hearing is scheduled to take place on March 28, 2022 at 7:20PM to hear comments for or against the proposed site plan.

The above resolution was duly put to a roll call vote on March 14, 2022, the results of which were as follows:

Supervisor Cummings	_____
Councilman Burke	_____
Councilman Jendrowski	_____
Councilman Dugan	_____
Councilwoman Pope	_____

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

PLEASE TAKE NOTICE, that a public hearing of the Town Board will be held at Newstead Town Hall, 5 Clarence Center Road in the Village of Akron, New York at 7:20PM on the 28th day of March, 2022 to consider the following:

Site plan approval request by owner, Kelly Schultz, for one (1) addition to an existing structure and five (5) new storage buildings adding a total of 21,100 sq. ft. on 53 +/- acres in the C-2/Rte. 5 overlay zoning district at 11061 Main St., in the Town of Newstead.

The site plan is on file in the Building Department of the Town of Newstead and is open for inspection to any interested person during business hours. The hearing is open to the public. Interested individuals are invited to attend and may submit written comments in advance of the public hearing. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town Clerk at 542-4573.

Dated: March 14, 2022

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWSTEAD

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

WHEREAS, by Special Referendum, the Town of Newstead voters located within the Newstead Fire Protection District approved the establishment of a defined contribution Length of Service Award Program ("LOSAP") pursuant to Article 11-A of the New York State General Municipal Law ("GML") for volunteer firefighters of the Newstead Fire Company, Inc. effective January 1, 2003; and

WHEREAS, the LOSAP currently allows for an annual contribution in the amount of \$480 by the Town of Newstead for each eligible participant for a maximum of forty years; and

WHEREAS, since the Town of Newstead established the LOSAP in 2003, the maximum annual contribution amount permitted by law has increased to a current maximum of \$1,200; and

WHEREAS, the Newstead Fire Company, Inc. has proposed increasing the annual contribution amount by the Town of Newstead from \$480 to \$1,200, and it anticipates that this change to the LOSAP will promote the retention of existing volunteer firefighters and will aid in recruiting new volunteer firefighters; and

WHEREAS, the Newstead Town Board wishes to provide an additional incentive for the recruitment and retention of volunteer firefighters in the Town of Newstead; and

WHEREAS, in recognition of the increased financial obligation, the Town Board believes a stepped approach is most appropriate with the annual contribution to increase to \$840 effective January 1, 2023 and to \$1,200 effective January 1, 2024; and

WHEREAS, New York State Defined Contribution Volunteer Firefighter Service Award Programs are governed by Article 11-A of the GML; and

WHEREAS, Article 11-A of the GML provides that once a Service Award Program has been established, it may be abolished or amended only in the same manner as it was created; and

WHEREAS, the LOSAP for volunteer firefighters of the Newstead Fire Company, Inc. which is administered by the Town was established by a special referendum and approved by the eligible voters residing in the Newstead Fire Protection District in the Town of Newstead on June 24, 2003.

NOW THEREFORE BE IT RESOLVED, that the Town Board shall present a proposition at a special election to be held on May 17, 2022 to voters residing in the Newstead Fire Protection District in the Town of Newstead to consider amending the LOSAP prospectively, effective January 1, 2023, by increasing the annual contribution that can be earned by a participating volunteer from \$480 to \$840 effective January 1, 2023 and to \$1,200 effective January 1, 2024 at an estimate increase in the annual cost of \$27,000 for the first year following the amendment and at a further increase of \$27,000 annually (total of \$54,000 increase over the 2022 contribution) thereafter. There will be no increase in the cost of the administration of the program due to the adoption of this proposed amendment.

BE IT FURTHER RESOLVED, that this resolution is subject to a mandatory referendum of qualified voters of the Newstead Fire Protection District in the Town of Newstead in order to amend the LOSAP as proposed herein; and

BE IT FURTHER RESOLVED, that a Special Election of the qualified voters of the Town of Newstead Fire Protection District, County of Erie, State of New York, shall be held at Newstead Town Hall, 5 Clarence Center Road, Akron, New York, on May 17, 2022 at 10:00 a.m., and the polls shall remain open until 7:00 p.m.; and

BE IT FURTHER RESOLVED, that the vote upon the Proposition to be submitted to the qualified voters shall be by voting machine or absentee ballot, and the Town Clerk is hereby authorized and directed to have the necessary machines and ballots prepared for use. Absentee ballots will be available upon request to the Town Clerk and must be postmarked by no later than May 17, 2022 and received no later than May 24, 2022; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to publish in Akron Bugle, the official newspaper of the Town of Newstead, the Notice of Election for the mandatory referendum to be held on May 17, 2022, which publication must be at least ten days prior to such mandatory referendum, and to post said Notice of Election on the Town Clerk's Bulletin Board at least ten days prior to such mandatory referendum; and

BE IT FURTHER RESOLVED, that resident Town electors, each of whom is a registered voter of the Town, will be appointed to act as Chairman, Election Inspectors, and Ballot Clerks at the Special Election upon approval of the Town Board; and

BE IT FURTHER RESOLVED, that the Chairman, Inspectors, and Clerks appointed in relation to the Special Election shall be paid at the rate of \$190 per day for the day of the Special Election and \$120 per day for the time necessary to prepare the register and for conducting the Special Election; and

BE IT FURTHER RESOLVED, that the Inspectors of Election shall meet at the Newstead Town Hall, 5 Clarence Center Road, Akron, New York on or about May 2, 2022 at 5:00pm to commence preparation of the register for the Special Election; and

BE IT FURTHER RESOLVED, that in preparing such register, the Inspectors of Election shall comply with the following procedure:

(a) They shall adopt, use, or copy from the registration list certified and supplied by the County Board of Elections the names appearing thereon of all persons residing in the Town and qualified to vote in such forthcoming Special Election; and

BE IT FURTHER RESOLVED, that the Town Clerk shall furnish the Inspectors of Election, at the Town's expense, with all necessary registration books, papers, equipment, and supplies; and

BE IT FURTHER RESOLVED that the following proposition be submitted to the eligible voters of the Town of Newstead Fire Protection District at a Special Election to be held on May 17, 2022 in the Town of Newstead:

SHALL THE LENGTH OF SERVICE AWARD PROGRAM (LOSAP) ESTABLISHED FOR THE ACTIVE VOLUNTEER FIREFIGHTER MEMBERS OF THE NEWSTEAD FIRE COMPANY, INC. AND IS ADMINISTERED BY THE TOWN OF NEWSTEAD BE AMENDED TO PROVIDE THAT THE MAXIMUM ANNUAL CONTRIBUTION UNDER THE LOSAP PER ELIGIBLE PARTICIPATING VOLUNTEER SHALL INCREASE FROM FOUR HUNDRED EIGHTY (\$480.00) DOLLARS TO EIGHT HUNDRED FORTY DOLLARS (\$840.00) EFFECTIVE JANUARY 1, 2023 AND FURTHER INCREASE TO TWELVE HUNDRED DOLLARS (\$1,200.00) EFFECTIVE JANUARY 1, 2024 AT AN ESTIMATED COST INCREASE FOR THE YEAR 2023 OF \$27,000 AND A TOTAL ESTIMATED ANNUAL COST INCREASE OF \$54,000 OVER THE 2022 CONTRIBUTION THEREAFTER WITH NO INCREASE IN THE COST OF ADMINISTERING THE LOSAP DUE TO THE ADOPTION OF THIS AMENMENT?

BE IT FURTHER RESOLVED, that said Notice of Special Election shall be in substantially the following form:

NOTICE OF SPECIAL ELECTION OF THE TOWN OF NEWSTEAD

NOTICE is hereby given, pursuant to the Town Law of the State of New York, that a Special Election of the Town of Newstead will take place on May 17, 2022 between the hours of 10:00 a.m. and 7:00 p.m. at the Newstead Town Hall, 5 Clarence Center Road, Akron, New York for the purpose of voting upon the following proposition. Absentee ballots will be available upon request to the Town Clerk and must be postmarked by no later than May 17, 2022 and received no later than May 24, 2022

All residents of the Town of Newstead Fire Protection District, who are duly registered to vote with the County Board of Elections on or before April 22, 2022, shall be entitled to vote at this election.

PROPOSITION

SHALL THE LENGTH OF SERVICE AWARD PROGRAM (LOSAP) ESTABLISHED FOR THE ACTIVE VOLUNTEER FIREFIGHTER MEMBERS OF THE NEWSTEAD FIRE COMPANY, INC. AND IS ADMINISTERED BY THE TOWN OF NEWSTEAD BE AMENDED TO PROVIDE THAT THE MAXIMUM ANNUAL CONTRIBUTION UNDER THE LOSAP PER ELIGIBLE PARTICIPATING VOLUNTEERS SHALL INCREASE FROM FOUR HUNDRED EIGHTY (\$480.00) DOLLARS TO EIGHT HUNDRED FORTY DOLLARS (\$840.00) EFFECTIVE JANUARY 1, 2023 AND FURTHER INCREASE TO TWELVE HUNDRED DOLLARS (\$1,200.00) EFFECTIVE JANUARY 1, 2024 AT AN ESTIMATED COST INCREASE FOR THE YEAR 2023 OF \$27,000 AND A TOTAL ESTIMATED ANNUAL COST INCREASE OF \$54,000 OVER THE 2022 CONTRIBUTION THEREAFTER WITH NO INCREASE IN THE COST OF ADMINISTERING THE LOSAP DUE TO THE ADOPTION OF THIS AMENDMENT?

BE IT FURTHER RESOLVED, that upon the approval of the voters of the Newstead Fire Protection District in the Town of Newstead the LOSAP for the Newstead Fire Company, Inc. shall be

amended by replacing the text under the heading “7. **Annual Contribution (i.e., the annual “Service Award”)**” as follows:

The annual contribution from January 1, 2003 through December 31, 2022 has been \$480. Effective January 1, 2023, the annual contribution will be increased to \$840. Effective January 1, 2024 the annual contribution will be increased to \$1,200. The annual contribution shall be contributed by the Town, up to a maximum of forty (40) years for each calendar year a Participant earned a year of service credit under the Newstead Fire Company Service Award Program Point System. Should the General Municipal Law be amended to allow annual contributions to increase, the Town Board may, subject to compliance with the requirements of the General Municipal Law, increase the maximum amount of the annual contribution to an amount not more than the maximum amount then allowed under General Municipal Law.

BE IT FURTHER RESOLVED that all other provisions of the LOSAP will remain unchanged and the LOSAP will continue to be administered by the Town of Newstead.

The above resolution was duly put to a roll call vote at the regular meeting of the Town Board held on March 14, 2022, the results of which were as follows:

Councilwoman Pope	_____
Councilman Burke	_____
Councilman Dugan	_____
Councilman Jendrowski	_____
Supervisor Cummings	_____

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

WHEREAS, the Town Board of the Town of Newstead (hereinafter the "Town Board") contracts with the Newstead Fire Company, Inc. (hereinafter "NFC") for fire protection services in the Town of Newstead; and

WHEREAS, the Town Board received a request for reimbursement from NFC for the purchase of electronic equipment and software for use by NFC; and

WHEREAS, the Town Board upon the recommendation of NFC has determined that this equipment is necessary to comply with State mandates and to better suit the emergency response services in the Town of Newstead; and

WHEREAS, the Town Board previously approved the purchase of certain electronic equipment and ancillary items by resolution dated December 13, 2021 in the amount of \$11,862.47; and

WHEREAS, since the time the December 13, 2021 resolution passed, the availability of certain equipment changed, and NFC purchased substantially similar and better suited equipment at a reduced overall price; and

WHEREAS, NFC has requested reimbursement for the following items:

- Invoice from CDW-G for \$14,829.63 for seven (7) Dell Laptops;
- Invoice from Dell for \$456.67 for seven (7) Rigid Handle Kits;
- Payment request from The Clarence Center Volunteer Fire Company, Inc. regarding payment of \$1,759.66 for NFC's portion of ESO software set-up and training purchased jointly;
- Invoice from Alpine Software for \$3,985.60 for interfacing of ESO to Red Alert; and
- Invoice from Alpine Software for \$1,895 for system costs.

For a total cost of: \$22,926.56

WHEREAS, NFC intends to utilize the funds received in the amount of \$11,862.47 as authorized by the December 13, 2021 resolution toward the above referenced purchase; and

WHEREAS, NFC is seeking reimbursement for the remaining balance on the purchase in the amount of \$11,064.09 for a total reimbursement of \$22,926.56 from the Town of Newstead; and

WHEREAS, pursuant to Town Law §184, prior to entering into a purchase related to Fire and Emergency Services, a public hearing is required.

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 Newstead Town Hall, 5 Clarence Center Road, Akron, New York at 7:15 p.m. on the 28th day of March 2022, for the purpose of hearing all persons interested in the proposed purchase; 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 (b) post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed electronic equipment, software, and ancillary internet service purchase for use by the Newstead Fire Company available at her office for inspection and distribution to any interested person during business hours.

The above resolution was duly put to a roll call vote at a meeting of the Town Board on March 14, 2022, the results of which were as follows:

Councilman Dugan	_____
Councilman Burke	_____
Councilman Jendrowski	_____
Councilwoman Pope	_____
Supervisor Cummings	_____

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

PLEASE TAKE NOTICE, that there has been presented to the Town Board on March 14, 2022, copies of a request for reimbursement for purchase of electronic equipment and related software/set-up costs by the Newstead Fire Company.

THEREFORE, pursuant to the Town Law and General Municipal Law Rules, the Town Board of the Town of Newstead shall hold a Public Hearing on the aforesaid reimbursement request at the Newstead Town Hall, 5 Clarence Center Road, Akron, New York at 7:15 p.m. on the 28th day of March 2022, at which time persons interested may be heard. Copies of the aforesaid reimbursement request 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 March 23, 2022.

Dated: March 14, 2022

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWSTEAD