

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

WHEREAS, the Town of Newstead (the "Town") is the owner of a parcel of real property located at 6074 Cummings Road, Akron, NY 14001, SBL#60.00-2-42, colloquially known as Limerick Hall (the "Property"); and

WHEREAS, the Town Board of the Town of Newstead (the "Board") has determined that the Property is no longer needed for Town purposes and that it is in the best interest of the Town to list the Property for sale; and

WHEREAS, to ensure the Town is receiving a fair sale price for the Property, the Board has determined that it is in the best interest of the Town to advertise for bids for the sale of the Property; and

WHEREAS, the Board shall, in reviewing all proposals, consider the proposed future use of the Property and the potential financial gain to the Town from such potential future use; and

WHEREAS, the Town shall not be obligated to accept any offers it may receive for the Property.

NOW, THEREFORE, be it resolved by the Town of Newstead as follows:

- 1.) The Town Board does hereby declare the Property to be surplus property.
- 2.) The Town Board does hereby authorize and direct the Town Clerk to advertise for bids for the purchase of the property, with bids to be received by July 9th, 2021 at the Town Clerk's Office no later than 1:00 p.m.
- 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 July 28, 2021 the results of which were as follows:

Councilman Dugan	AYE	
Councilman Burke	AYE	
Councilman Jendrowski	AYE	
Councilwoman Pope	AYE	
Supervisor Cummings	AYE	CARRIED UNANIMOUSLY

LEGAL NOTICE
DISPOSITION OF SURPLUS PROPERTY
TOWN OF NEWSTEAD, NEW YORK

PLEASE TAKE NOTICE, that there has been presented to the Town Board on June 28, 2021, a resolution declaring the Town owned parcel of land located at 6074 Cummings Road, Akron, NY 14001, SBL #60.00-2-42 to be surplus, and directing the Town Clerk to advertise for bids for the purchase of the property. Interested persons must submit their bid by July 9, 2021 to the Town Clerk's Office no later than 1:00 p.m. The Town Board will, when reviewing proposals, consider the proposed future use(s) of the property, the potential financial gain to the Town from such potential future use(s), and the benefit to the Town from such potential future use(s). The Town shall not be obligated to accept any offers it may receive or the highest offer it receives.

Dated: June 28, 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 BURKE

WHEREAS, the Town Board has reviewed the Terms and Conditions of Employment for all Non-Union Classifications of Employees for the Town of Newstead (the "Terms"); and

WHEREAS, after reviewing the Terms, the Town Board desires to make certain changes to the Terms, as detailed in the Modifications to the Terms and Conditions Policy of Employment for all Non-Union Classification of Employees, dated June 28, 2021, attached hereto and made a part hereof.

NOW, THEREFORE, be it resolved by the Town Board as follows:

1. The Town Board does hereby authorize and approve the Modifications to the Terms and Conditions Policy of Employment for all Non-Union Classifications of Employees, dated June 28, 2021.
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 June 28, 2021, the results of which were as follows:

Councilman Dugan	AYE	
Councilman Burke	AYE	
Councilman Jendrowski	NO	
Councilwoman Pope	AYE	
Supervisor Cummings	AYE	CARRIED

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

WHEREAS, the Town of Newstead (the "Town") is improving consolidated water district number one to serve the residents of Indian Falls Road, Knapp Road, and Kirby Road (the "Project"); and

WHEREAS, the Town requires certain engineering services in connection with the Project (the "Engineering Services"); and

WHEREAS the Town is interested in hiring Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. ("Wendel") to provide the Engineering Services, as they are the only qualified provider of such services; and

WHEREAS, Wendel is interested in providing the Engineering Services to the Town in accordance with its proposal dated June 7, 2021.

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

1. The Town Board does hereby approve the Proposal from Wendel for the Engineering Services.
2. The Town Supervisor is hereby authorized to execute the Proposal.
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 June 28, 2021, the results of which were as follows:

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

06/28/2021

RESOLUTION ADOPTING
DETERMINATION OF NON-SIGNIFICANCE
OF
LOCAL LAW

Motioned by Councilman Burke, seconded by Councilman Jendrowski

WHEREAS, the Town Board of the Town of Newstead is considering adoption of a Local Law which would update the Towns regulations on the use of temporary signs, and has determined that it is a Type II action under the State Environmental Quality Review Act ("SEQRA") and no further action is required with respect to SEQRA.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Newstead, after considering the action proposed herein, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQR Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that the proposed action will not have a significant effect on the environment and that no further action is required by the Town Board under SEQR.

The question of the adoption of the foregoing negative declaration was duly put to a roll call vote at a regular meeting of the Town Board June 28, 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

THE FOLLOWING LOCAL LAW WAS OFFERED BY
CONCILMAN BURKE, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMAN DUGAN, TO WIT:

To approve and adopt Local Law #6 for 2021 entitled "Amendment Sign Code – Section 327",
with approved amendments as follows:

A Local Law known as Local Law No. 6 of the Year 2021 entitled "2021 Amendment No. 1 to
the Signs Law."

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. 6 of the Year 2021 entitled "2021
Amendment No. 1 to the Signs Law".

SECTION 2. PURPOSE

The purpose of this local law is to update the Towns regulations on the use of temporary
signs.

SECTION 3. AMENDMENT OF PRIOR LAW

Chapter 327 of the Code of the Town of Newstead, originally adopted on September 13,
2004 by Local Law No. 4 of the Year 2004, as subsequently amended, is further amended as
follows:

§ 327-1Intent.

The intent of this chapter is to promote and protect public health, welfare, and safety by
regulating existing and proposed outdoor signs. It is intended to protect property values, restrict
visual blight, and enhance the appearance of the community. It is further intended to enhance the
business environment while protecting and improving the character of the community by
reducing hazards that may be caused by obstructions or distractions.

§ 327-2Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

A-FRAME SIGN (aka SANDWICH BOARD)

A portable temporary sign connected at the top and angled down on either side in the
shape of an "A," usually with advertisement on two sides.

ANIMATED SIGN

Sign using movement or change of lighting to depict action or create a specific effect or scene.

AWNING/CANOPY SIGN

Sign attached to the soffit or under the fascia of a permanent canopy, covered entrance or walkway awning or marquee.

BANNER/FLAG

A piece of cloth or material attached directly to the building or hung on posts or poles.

BILLBOARD

Larger than 80 square feet one-sided face area off-premises sign used to attract attention to an object, product, service, place, activity, institution, organization, business, or public service message.

BUILDING FRONTAGE

Length of the wall of a building facing nearest public right-of-way. Where building faces more than one street, the building frontage will be equal to the length of the longest side facing nearest public right-of-way.

CHANGEABLE-COPY SIGN

Sign containing a message, text or graphics that can be changed intermittently, either manually or electronically, to display a different message.

COMMERCIAL SIGN CODE DISTRICT

- A.** C-1 - Commercial District.
- B.** C-2 - Commercial District.
- C.** R-C - Restricted Commercial District.
- D.** I-1 - Industrial District.
- E.** I-2 - Industrial District.
- F.** Route 5 Zoning Overlay District.

DIRECTIONAL SIGN

Sign located on premises and used to direct traffic to a business, including roadway signage within multi-business parcels, such as plazas.

ERECT

Build, construct, alter, display, relocate, attach, hang, place, suspend, affix, or maintain any sign, including painting of exterior wall signs, murals or wall billboards.

FACE AREA

Sign face area is portion of sign on which copy is placed. This excludes the structures on which sign is supported. Where a sign has two or more faces, the area of all faces is the total face area of the sign.

FASCIA SIGN

Sign attached flat against a building fascia.

FLASHING SIGN

An illuminated animated or changeable-copy sign characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination.

FREESTANDING SIGN

A sign permanently or temporarily affixed by any means in or upon the ground.

ILLUMINATED SIGN

Any sign lighted by electricity, gas or other artificial light, including reflective or phosphorescent light, which must conform to all National Board of Fire Underwriters requirements.

LED SIGN

Light-emitting diodes, differing from incandescent bulbs because a variety of colors can be emitted from the same bulb without using filters; has the ability to display scrolling or flashing messages as well as a variant of colors. This definition includes electronic message boards, liquid crystal displays, digitized signs or sign parts, variable electronic message centers and similar electronic displays.

LIGHTING DEVICE USED

Any light, string of lights or group or movement of lights located or arranged so as to cast illumination on and draw attention to a sign, person, activity, or business.

MONUMENT SIGN

A ground sign generally having a low profile with little or no open space between the ground and the sign.

OFF-PREMISES SIGN

Sign less than 80 square feet one-sided used to attract attention to an object, product, service, place, activity, institution or business not located on site where sign is located.

PERMANENT SIGN

Sign intended for continuous display.

POLE SIGN

Freestanding sign in excess of six feet high that is detached from a building and is attached to a single pole or similar structure.

PRIMARY SIGN

A sign related to a business or activity or service or sale upon the sign location premises. The primary sign must be the most predominantly featured. Only one primary sign per business is allowed to be placed on any building.

RESIDENTIAL SIGN CODE DISTRICT

- A.** R-A Rural-Agricultural District.
- B.** R-1 Residential District.
- C.** R-2 Residential District.
- D.** R-3 Residential District.
- E.** **MHP** Manufactured Home Park District.
- F.** **RVP** Recreational Vehicle & Campground Park District.

RIGHT-OF-WAY (ROW)

Any State, County or Town-owned land for the purpose of public transportation.

SECONDARY SIGN

A sign related to a business or activity or service or sale upon the sign location premises, subordinate to the primary sign. Only one secondary sign is allowed per business that has a public parking lot, street, highway or access way.

SIGN

A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly out-of-doors upon a building, structure, or piece of land which directs attention to an object, product, service, place, activity, person, institution, organization or business and its membership.

STREET FRONTAGE

The length of the property that is contiguous with a public street or right-of-way. Where the lot abuts more than one public right-of-way, the street frontage will be the length of the longest side.

TEMPORARY SIGN

Any sign constructed of cloth, paper, canvas, plastic or light fabric, wallboard, or other light, impermanent material with or without frames intended to be displayed for a limited period of time only.

WALL SIGN

A sign fastened to or painted on the wall of a building/structure in such a manner that the wall becomes the support structure for or forms the background surface of the sign, and the sign does not project more than 12 inches from building/structure.

WINDOW SIGN

A sign placed inside or upon a window facing the outside which is intended to be seen from the exterior.

§ 327-3 General requirements.

A. If part of a site plan, appearance and placement of signs are subject to Planning Board review and Town Board approval, taking aesthetics into consideration.

B. Multiple permanent signs per parcel must be approved by Planning Board or as part of a site plan.

C. One freestanding sign is allowed for each individual building that is not a part of a multiple development and permitted in nonresidential sign district only.

D. Signs must not prevent vehicle drivers from having a clear and unobstructed view of any official sign or entrance or exit to a roadway or intersection, or to approaching or merging traffic.

E. Twelve feet height maximum unless approval granted by Planning Board or by Town Board as part of site plan.

F. Lighted signs permitted only by Planning Board approval.

G. Single pole signs are prohibited.

H. Landscaping is recommended. Sign and area around it must be maintained.

I. Street number must be displayed on permanent signs.

J. Monument or ground level signs are recommended. Maximum height equals eight feet above grade level. Maximum square footage per side equals 32 feet for a total 64 square feet. Deviations must be approved by Planning Board.

K. Monument signs must be located minimum 25 feet from nonresidential lot and 50 feet from adjacent residential lot and 15 feet minimum from ROW.

L. Maximum total face area of a freestanding sign is determined by street frontage of the lot as follows (if lot fronts on more than one street, it is the longest street):

Street Frontage (linear feet)	Total Face Area (square feet)	Total Signage
Under 200	64	128
200 to 349	96	192
350 to 499	128	256
500 to 750	192	384
Over 750	224	448

NOTE:

Total face area of sign counts against total maximum allowable face area.

M. Multi-businesses per parcel signs:

(1) Must be consistent with other existing signs on site, including replacement of existing signs that are damaged or destroyed.

(2) Repair or replacement of previously approved signs that are damaged or destroyed are permitted in kind without approval or fee.

(3) If a new business is added to an existing sign, it must not be greater than 50% of original sign and submitted for approval by the Planning Board.

(4) Signs must be kept clean, neatly painted and free from all hazards, including faulty wiring and loose fastenings, and must be maintained at all times in a tidy and safe condition so as not to disserve the public health, safety and general welfare. Any sign found unsafe or unsecure or that is a menace to the public must be suitably repaired or removed.

(5) Any sign no longer performing its original function due to vacancy or other change on the premises on which sign is located must be painted over by the owner within 30 days and removed within one year, including foundation and supporting structure.

N. Roof signs.

(1) Roof signs are not permitted unless approved by Planning Board or by Town Board as part of site plan.

(2) Signs placed above or supported on top of a structure must be constructed of incombustible material and supported by framework of structural steel or comparable metal, except that lattice under sign, moldings and capping can be wood or other combustible material.

(3) An open space must be maintained below bottom of sign except for necessary vertical supports. Within fire limits, roof sign cannot be supported by or attached to wooden beams or other wood structure over 40 feet high.

(4) Roof sign must be designed for wind pressure meeting current building codes.

(5) Metallic parts of a roof sign exposed to lightning must be grounded.

(6) Roof signs must not interfere with access to all parts of the roof, scuttle or fire escape.

§ 327-4 **Signs allowed in all districts without permit.**

A. Historical markers, tablets and statues, memorial signs, and plaques.

B. Names of buildings and dates of erection when cut into masonry or of bronze, stainless steel, etc.

C. Emblems installed by government agencies, religious or nonprofit organizations cannot exceed six square feet maximum size.

D. On-premises direction signs identifying public parking, fire zones, entrances, and exits cannot exceed four square feet per face maximum and six feet high. Can be internally illuminated.

E. Personal names, excluding advertising messages.

F. Nonilluminated warning, private drive, posted or no-trespassing signs cannot exceed two square feet per face maximum.

G. One on-premises sign (freestanding or attached) for any business conducted on same premises as a house; cannot exceed eight square feet maximum and must be set back at least 10 feet from ROW without direct glare illumination beyond property line.

H. Number and name plates mounted on house, apartment, or mailbox identifying residents. cannot exceed two square feet maximum.

I. Lawn signs identifying residents with no advertising message. Cannot exceed four square feet. Can only be illuminated if the sign support is a lamppost.

J. Architect, engineer, contractor and/or owner signs on premises where work is in progress. Cannot exceed twelve square feet.

§ 327-5 **Temporary signs.**

A. Temporary signs must not be attached to utility poles or street signs. Temporary signs cannot be placed in the right-of-way and must not create a visual obstruction.

B. Temporary signs for commercial purposes must have an approved permit with a paid fee. No permit is required for temporary signs in residential districts.

C. Temporary signs are allowed in all districts, provided a permit has been obtained, if required

D. Maximum face area size is 32 square feet in non-residential districts. Maximum face area size is 16 square feet in residential districts.

E. Banners are allowed in all districts without a permit unless for commercial purposes.

F. Temporary A-frame signs are permitted for commercial use only. Must not exceed eight square feet in area per side, be no more than four feet from the building, and can only be used during business hours. One such sign allowed per tenant in a plaza.

G. LED, animated, and illuminated temporary signs are only allowed by the Planning Board with an approved permit.

H. Must be located at least 15 feet off paved portion of road, including A-frame signs.

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 question of the adoption of the foregoing LOCAL LAW was duly put to a roll call vote at a regular meeting of the Town Board June 28, 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