

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

WHEREAS, the State of New York approved a limit of 2% on the increase in the amount of real property taxes that may be levied by the Town over the prior year's tax levy; and

WHEREAS, in 2011 the Town Board of the Town of Newstead approved a Local Law (Local Law No. 5 of the Year 2011) to override the property tax cap limits in connection with the 2012 budget, and a local law has subsequently been passed each year thereafter from 2012 to 2021 in connection with the respective budget for the following year; and

WHEREAS, the Town Board has been advised that the tax cap will again be 2% for 2023 by the State Comptroller's Office due to the inflation growth formula that is used for computing the cap which is based on the Consumer Price Index of U.S. urban areas over two consecutive 12 month periods; and

WHEREAS, the Town Board believes that the actual increases in costs to the Town, including, but not limited to, State mandated costs and other costs to the Town over which the Town Board has little or no control, such as high inflation and supply chain issues, are likely not to be limited to 2%; and therefore, the Town Board believes that it is in the best interest of the Town of Newstead to adopt a local law this year exempting the Town of Newstead from the tax levy limitation for the 2023 budget in case it should be determined that the Town of Newstead is exceeding the actual tax cap limitation; and

WHEREAS, the legislation approving the limit on the tax levy also provides for the authority of the Town Board to override such limit by the approval by 60% of the Town Board of a local law exempting the Town of Newstead from the tax levy limit; and

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, Councilperson _____ introduced the following proposed "Local Law No. 4 of the Year 2022", entitled "Local Law to Override the Tax Limit as Established in General Municipal Law § 3-C " and presented a copy to each member of the Board which reads as follows:

A Local Law known as Local Law No. 4 of the Year 2022 entitled "Local Law to Override the Tax Limit as Established in General Municipal Law § 3-C."

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. 4 of the Year 2022 entitled "Local Law to Override the Tax Limit as Established in General Municipal Law § 3-C."

SECTION 2. PURPOSE

The purpose of this local law is to override the limit on the amount of real property taxes that may be levied by the Town of Newstead, County of Erie pursuant to General Municipal Law § 3-c, and to allow the Town of Newstead, County of Erie to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2023 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

SECTION 3. AUTHORITY

This local law is adopted pursuant to subdivision 5 of the General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the Town Board.

SECTION 4. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Newstead, County of Erie is hereby authorized to adopt a budget for the fiscal year 2023 that requires real property tax levy in excess of the limit specified in General Municipal Law, § 3-c.

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 11th day of October, 2022, for the purpose of hearing all persons interested in the proposed Local Law No. 4 of the Year 2022; 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. 4 of the Year 2022, entitled "Local Law to Override the Tax Limit as Established in General Municipal Law § 3-C," 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:

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

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

PLEASE TAKE NOTICE, that there has been presented to the Town Board on September 26, 2022, for adoption a proposed Local Law to be known as "Local Law No. 4 of the Year 2022" entitled "Local Law to Override the Tax Limit as Established in General Municipal Law § 3-C." The proposed Local Law will exempt the Town of Newstead from the tax levy limit established in General Municipal Law § 3-c.

THEREFORE, pursuant to the Municipal Home Rule Law Rules and Local Law No. 4 of the Year 2022, 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 11th day of October 2022, 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 October 5, 2022.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWSTEAD

Dated: September 26, 2022

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

Public Hearing Notice

Notice is hereby given that the Tentative Budget of the Town of Newstead for the fiscal year beginning January 1, 2023 has been completed and filed in the Office of the Town Clerk at the Newstead Town Hall, 5 Clarence Center Rd, Akron, New York where it is available for inspection by any interested persons between the hours of 8:00am and 4:30pm.

Further notice is hereby given that the Town Board of the Town of Newstead will meet and review said Tentative Budget and hold a Public Hearing thereon, at the Newstead Town Hall, 5 Clarence Center Road, Akron, NY at 7:20 pm on the 24th day of October, 2022 and that at such hearing any person may be heard in favor of or against the Preliminary Budget as compiled, or for or against any item or items therein contained. The meeting room is handicapped accessible. Those needing special arrangements should call the Town Clerk at 542-4573 no later than October 21st, 2022.

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

Supervisor	\$44,628
Councilman (4) @ \$12,319.75 each	\$49,279
Town Justice (\$23,500 each)	\$47,000
Town Clerk	\$58,656
Town Clerk- Registrar	\$1,000
Akron Central School Tax Collector	\$4,000
Clarence Central School Tax Collector	\$4,000
Superintendent of Highways	\$72,036
Superintendent of Highways(Refuse and Garbage)	\$400
Superintendent of Highways(Cemeteries)	\$1008
Superintendent of Highways(Drainage)	\$2,850
Superintendent of Highways(Parks)	\$1,750
Superintendent of Highways(Refuse/Garbage District)	\$790

Dated: September 26, 2022

By Order of the Newstead Town Board
Dawn D. Izydorczak, Town Clerk

09/26/22

RESOLUTION

Motioned by Councilman _____, seconded by Councilman _____

To approve Local Law #3 of 2022 entitled "2022 Local Law to repeal and replace Chapter 150 of the Town Code regarding Construction Codes, Uniform"

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

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

WHEREAS, the Town Board, in conjunction with the Highway Superintendent, has determined it is necessary to purchase a new tractor as well as side and rear flail mowers (the "Purchase") for use by the Highway Department; and

WHEREAS, in conjunction with the Highway Superintendent, proposed specifications for the Purchase have been prepared, which are attached hereto and made a part hereof; and

WHEREAS, the specifications for the Purchase have been reviewed and approved by the Town Board, which includes a requirement that items set forth in the Purchase be available for delivery and/or pick-up on or before April 1, 2023; and

WHEREAS, in consideration of any bids received, the Town Board reserves the right to consider a purchase contract based best value to the Town of Newstead as well as the option to reject all bids received; and

WHEREAS, pursuant to General Municipal Law the Town needs to advertise for proposals for the Purchase.

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

- 1) The Town Board does hereby authorize and direct the Town Clerk to advertise for bids for the Purchase, in accordance with the attached bid specifications, with written bids to be received by October 7, 2022 at the Town Clerk's Office no later than 2:00 p.m.
- 2) The Town Board does hereby authorize and direct the Town Clerk to prepare the bid package and open and record all bids.
- 3) This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a special meeting of the Town Board held on September 26, 2022, the results of which were as follows:

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

Proposal Specifications

Item:	Features	Quantity
New MF5711D, New Holland TS-90, or new equivalent tractor	<ul style="list-style-type: none"> • 90-110 horsepower engine • 16 x 16 power shuttle transmission • 4-wheel drive • Deluxe Cab with heat and A/C • Rear 3-point hitch • 2 rear remotes • Front tire 340/85R24 (13.6R24)R1 • Rear tire 420/85R34 (16.9R34) R1 • BT-Radio • Rotary Beacon • Back-up alarm • Engine block heater • Cup holder for cab • Proposition 65 decal 	1
New Diamond 75" side and 102" rear flail mowers or new equivalent mowers		1

Price for item 1: _____

Price for item 2: _____

Total Price: _____

For each item, include details regarding warranty availability and terms.

To the extent like or equivalent items must be substituted in place of the above features, kindly advise in writing at the time of bid. The tractor and mowers must be available for pick-up or delivery on or before April 1, 2023.