

A.

**Town of Newstead  
Public Hearing Resolution**

**Home-Based Business in the RA Zone  
Special Use Permit/Site Plan Application  
KM Land Clearing  
7838 Fletcher Road**

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER \_\_\_\_\_,  
WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER \_\_\_\_\_

WHEREAS, Kenneth Matthies has applied for a home-based business in the RA zone with a special use permit/site plan application to operate KM Land Clearing, at 7838 Fletcher Road in the Town of Newstead, and

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

WHEREAS, on August 28, 2023 the Planning Board reviewed the project and unanimously 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 hereby scheduled to take place on **Monday, October 9, 2023 at 7:25 PM** to hear comments for or against the proposed special use permit/site plan application.

The above resolution was duly put to a roll call vote on September 25, 2023 the results of which were as follows:

Supervisor Izydorczak	_____
Councilmember Dugan	_____
Councilmember Burke	_____
Councilmember Jendrowski	_____
Councilmember Pope	_____

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

PLEASE TAKE NOTICE, that a public hearing before the Newstead Town Board will be held at Newstead Town Hall, 5 Clarence Center Road in the Village of Akron, New York at 7:25 pm on the 9<sup>th</sup> day of October 2023 to consider the following:

Special Use Permit/Site Plan Application for a Home-Based Business in the RA Zone to operate KM Land Clearing, a land clearing business located at 7838 Fletcher Road in the Town of Newstead.

The Special Use Permit/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 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 five days in advance of the hearing date.

Dated: September 25, 2023

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF NEWSTEAD

B.

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMEMBER \_\_\_\_\_, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCILMEMBER \_\_\_\_\_

Public Hearing Notice

Notice is hereby given that the Tentative Budget of the Town of Newstead for the fiscal year beginning January 1, 2024, 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 Rd, Akron, NY at 7:25 pm on the 23rd day of October, 2023 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 18th, 2023.

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

Supervisor	\$45,750
Councilman (4) @ \$12,650.00 each	\$50,600
Town Justice (\$24,000 each)	\$48,000
Town Clerk	\$59,829
Town Clerk- Registrar	\$1,000
Akron Central School Tax Collector	\$4,000
Clarence Central School Tax Collector	\$4,000
Superintendent of Highways	\$73,500
Superintendent of Highways-Refuse and Garbage	\$400
Superintendent of Highways-Cemeteries	\$1000
Superintendent of Highways-Drainage	\$2,850
Superintendent of Highways-Parks	\$1,750
Superintendent of Highways-Refuse/Garbage District	\$800

Dated: September 25, 2023

By Order of the Newstead Town Board  
Jennifer DiChristina, Town Clerk

C.

COUNCILMEMBER \_\_\_\_\_ MOVED THE ADOPTION  
OF THE FOLLOWING LOCAL LAW NO. 5 OF THE YEAR 2023,  
SECONDED BY COUNCILMEMBER \_\_\_\_\_

WHEREAS, the Town Board of the Town of Newstead for many years has passed a local law to override the tax levy limit; and

WHEREAS, a public hearing was held on September 25, 2023, at which time interested persons were heard; and

WHEREAS, the Town Board previously determined that the proposed action is a Type II action under SEQR and no further action was required; 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. 5 of the Year 2023 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. 5 of the Year 2023 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 2024 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 2024 that requires a 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.

The above local law was duly put to a roll call vote at a regular meeting of the Town Board held on September 25, 2023, the results of which were as follows:

Councilmember Dugan	_____
Councilmember Burke	_____
Councilmember Jendrowski	_____
Councilmember Pope	_____
Supervisor Izydorczak	_____

D.

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMEMBER \_\_\_\_\_, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCILMEMBER \_\_\_\_\_

WHEREAS, the Town Board of the Town of Newstead in consultation with the Town Engineer has determined that the transformer at the Town Hall needs to be replaced urgently based on the attached Infrared Thermographic Inspection Report; and

WHEREAS, electric service for the Town Hall is provided by the Village of Akron, who has advised that T&R Electric is the sole source for transformers for their service; and

WHEREAS, quotes for different transformer options were obtained through the Village of Akron from T&R Electric, which are attached hereto and made a part hereof; and

WHEREAS, upon review, the Town Engineer has recommended that the Town purchase the 300 kVA transformer, as this transformer will best meet the needs of the Town, at a price of \$14,314.00; and

WHEREAS, the quote provides for an additional \$1,000 charge to ensure the earliest possible production date, which is necessary again upon recommendation of the Town Engineer.

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

1. The Town Board authorizes purchase of the 300 kVA transformer from T&R Electric and payment of the fee to ensure the earliest production date at a total cost to the Town of \$15,314.00.
2. The Town Board authorizes the Town Supervisor to sign all paperwork necessary to effectuate this purchase, subject to Town Attorney approval.
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 September 25, 2023, the results of which were as follows:

Councilmember Pope	_____
Councilmember Burke	_____
Councilmember Jendrowski	_____
Councilmember Dugan	_____
Supervisor Izydorczak	_____

E.

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMEMBER \_\_\_\_\_, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCILMEMBER \_\_\_\_\_

WHEREAS, the Town Board of the Town of Newstead at the Organizational Meeting held on January 2, 2023, adopted a resolution setting the Schedule of Meetings for 2023; and

WHEREAS, the Town Board of the Town of Newstead wishes to modify the resolution passed on January 2, 2023 and corresponding minutes to reflect that the meeting of the Town Board scheduled for Tuesday, October 10, 2023 will be rescheduled to Monday, October 9, 2023.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS

1. The resolution and minutes of the January 2, 2023 organizational meeting are amended, with the Schedule of Meetings set forth on page 11 modified to reflect that the meeting of the Town Board scheduled for Tuesday, October 10, 2023 will be rescheduled to Monday, October 9, 2023.
2. The Town Clerk is directed to update the Town's website and sign to provide notice of this modification.
3. 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 September 25, 2023, the results of which were as follows:

Councilmember Dugan	_____
Councilmember Burke	_____
Councilmember Jendrowski	_____
Councilmember Pope	_____
Supervisor Izydorczak	_____

F.

Bike Path Capital Project  
Final Close-out Resolution

Motioned by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_

WHEREAS, The Town Board of the Town of Newstead has caused all necessary work associated with the bike path capital project (hereinafter the "Project"), reflected under the HTG fund, to be completed; and

WHEREAS, upon completion of the Project, with all grant and debt funding closed out, the HTG fund has a remaining \$490.04 fund balance; and

WHEREAS, given that a surplus exists in the HTG fund after the Project has been completed, the Town has determined that the \$490.04 surplus should be transferred back to the A fund, from which the Town's share of the funding was originally allocated.

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

1. The Town Board does hereby determine that the Project is complete.
2. The Town Board further determines that the balance of the HTG fund should be transferred to the A fund.
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 September 25, 2023, the results of which were as follows:

Councilmember Pope	_____
Councilmember Dugan	_____
Councilmember Burke	_____
Councilmember Jendrowski	_____
Supervisor Izydorczak	_____