

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMEMBER DUGAN, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCILMEMBER JENDROWSKI, 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 2022 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 2024 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 2024 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, Supervisor Izydorczak introduced the following proposed "Local Law No. 5 of the Year 2023", 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, a further copy which is attached hereto and made a part hereof; and

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.

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 25th day of September 2023, for the purpose of hearing all persons interested in the proposed Local Law No. 5 of the Year 2023; 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. 5 of the Year 2023, 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:

Councilmember Pope	Voted Aye
Councilmember Burke	Voted Aye
Councilmember Jendrowski	Voted Aye
Councilmember Dugan	Voted Aye
Supervisor Izydorzak	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 August 30, 2023, for adoption a proposed Local Law to 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". 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. 5 of the Year 2023, 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 25th day of September 2023, 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 September 21, 2023.

Dated: September 11, 2023

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF NEWSTEAD

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

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	Aye
Councilmember Burke	Aye
Councilmember Jendrowski	Aye
Councilmember Pope	No
Supervisor Izydorzak	Aye