

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMEMBER BURKE, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMEMBER POPE, TO WIT:

WHEREAS, the State of New York previously approved tax cap legislation limiting local tax increases to the lesser of 2% or the actual increase based upon the Consumer Price Index of U.S. urban areas over two consecutive 12 month periods; and

WHEREAS, the Town Board of the Town of Newstead ("the Town") has adopted legislation each year to override the tax cap; and

WHEREAS, in 2023, the Town Board approved Local Law No. 5 of the Year 2023 to allow the Town to override the tax cap for 2024 which was established at 2%; and

WHEREAS, the Town did not exceed the 2 % tax cap with the adoption of the 2024 budget; and

WHEREAS, the Town Board has now been advised that even though it did not exceed the tax cap with the 2024 budget, the Town would not be considered to be tax freeze compliant unless it repeals Local Law No. 5 of the Year 2023; and

WHEREAS, the Town Board has determined that it is in the best interest of the Town of Newstead to be considered tax freeze compliant so as to make property owners in the Town eligible to receive real property tax freeze credits from the State of New York; 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 Izydoreczak introduced the following proposed "Local Law No. 6 of the Year 2023," entitled "Local Law to Repeal Local Law No. 5 of the Year 2023" and presented a copy to each member of the Board which is attached hereto and made a part hereof:

A Local Law known as Local Law No. 6 of the Year 2023 entitled "Local Law to Repeal Local Law No. 5 of the Year 2023".

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 2023 entitled "Local Law to Repeal Local Law No. 5 of the Year 2023".

SECTION 2. PURPOSE

The Town Board previously adopted Local Law No. 5 of the Year 2023 to allow the Town of Newstead to override the limits in real property taxes imposed by General Municipal Law § 3-c because the Town Board was concerned about the penalties imposed if the Town exceeded the tax cap without adopting the override via local law. The Town was able to adopt a budget that did not exceed the tax cap imposed by General Municipal Law § 3-c. The Town has now been advised that even though it did not exceed the tax cap, pursuant to General Municipal Law § 3-d.2(a) in order for the residents of the Town to receive real property tax freeze credits under the new program enacted by the State of New York, it is necessary for the Town to repeal Local Law No. 5 of the Year 2023. This local law is specifically intended to repeal Local Law No. 5 of the Year 2023.

SECTION 3. AUTHORITY

This local law is adopted pursuant to the Municipal Home Rule Law.

SECTION 4. REPEAL OF LOCAL LAW NO. 5 OF THE YEAR 2023

Local Law No. 5 of the Year 2023 adopted by the Town of Newstead on September 25, 2023 and effective on October 2, 2023 is hereby REPEALED in its entirety.

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 27th day of November, 2023, for the purpose of hearing all persons interested in the proposed Local Law No. 6 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. 6 of the Year 2023, entitled "Local Law to Repeal Local Law No. 5 of the Year 2023," 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	Dugan	Voted Aye
Councilmember	Burke	Voted Aye
Councilmember	Jendrowski	Voted Aye
Councilmember	Pope	Voted Aye
Supervisor	Izydorczak	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 October 29, 2023, for adoption a proposed Local Law to be known as "Local Law No. 6 of the Year 2023" entitled "Local Law to Repeal Local Law No. 5 of the Year 2023." The proposed Local Law will repeal Local Law No. 5 of the Year 2023 to allow residents of the Town of Newstead to be eligible to receive real property tax freeze credits from the State of New York.

THEREFORE, pursuant to the Municipal Home Rule Law Rules, 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 27th day of November 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 November 22, 2023.

Dated: November 13, 2023

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWSTEAD

COUNCILMEMBER BURKE
MOVED THE ADOPTION OF THE FOLLOWING
LOCAL LAW NO. 6 OF THE YEAR 2023, SECONDED
BY COUNCILMEMBER JENDROWSKI

WHEREAS, the Town Board of the Town of Newstead on September 25, 2023 passed a local law to override the tax levy limit, known as Local Law No. 5 of the Year 2023; and

WHEREAS, now that the budget for 2024 is complete, the Town Board has determined that Local Law No. 5 is no longer necessary and should be repealed; and

WHEREAS, Local Law No. 6 of the Year 2023 was proposed for consideration; and

WHEREAS, a public hearing was held on November 27, 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 No. 6 of the Year 2023 as set forth fully below is hereby adopted:

A Local Law known as Local Law No. 6 of the Year 2023 entitled "Local Law to Repeal Local Law No. 5 of the Year 2023".

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. 6 of the Year 2023 entitled "Local Law to Repeal Local Law No. 5 of the Year 2023".

SECTION 2. PURPOSE

The Town Board previously adopted Local Law No. 5 of the Year 2023 to allow the Town of Newstead to override the limits in real property taxes imposed by General Municipal Law § 3-c because the Town Board was concerned about the penalties imposed if the Town exceeded the tax cap without adopting the override via local law. The Town was able to adopt a budget that did not exceed the tax cap imposed by General Municipal Law § 3-c. The Town has now been advised that even though it did not exceed the tax cap, pursuant to General Municipal Law § 3-d.2(a) in order for the residents of the Town to receive real property tax freeze credits under the new program enacted by the State of New York, it is necessary for the Town to repeal Local Law No. 5 of the Year 2023. This local law is specifically intended to repeal Local Law No. 5 of the Year 2023.

SECTION 3. AUTHORITY

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SECTION 4. REPEAL OF LOCAL LAW NO. 5 OF THE YEAR 2023

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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 November 27, 2023, the results of which were as follows:

Councilmember Dugan	Absent
Councilmember Burke	Aye
Councilmember Jendrowski	Aye
Councilmember Pope	Aye
Supervisor Izydorzak	Aye