

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED
STATE RECORDS

DEC 21 2016

- County
- City of NEWSTEAD
- Town
- Village

DEPARTMENT OF STATE

Local Law No. 3 of the year 2016

A local law entitled : : Local Law to Repeal Local Law No. 2 of the Year 2016
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

- County
- City of NEWSTEAD as follows:
- Town
- Village

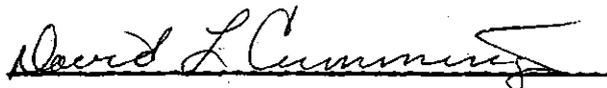
(Delete this line of text and enter text of local law here)

** SEE ATTACHED PAGES**

Presented: November 28, 2016

Public Hearing: December 12, 2016

Adopted: December 12, 2016



David L. Cummings, Supervisor

SEAL

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 20 16 of the ~~(County)(City)~~(Town)(Village) of Newstead was duly passed by the Town Board on Dec 12 20 16, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

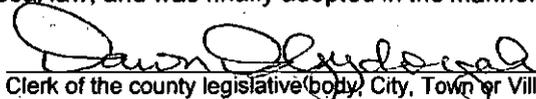
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 12, above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Dawn D. Izydorczak

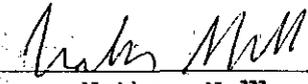
Date: 12/14/2016

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature Nathan Neill
Attorney for the Town
Title _____

~~X~~ City of NEWSTEAD
Town
~~X~~

Date: 12/15/16

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN BURKE, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMAN DUGAN, 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 has adopted legislation each year to override the tax cap but has never exceeded the tax cap; and

WHEREAS, in 2016, the Town Board approved Local Law No. 2 of the Year 2016 to allow the Town to override the tax cap for 2017 which was established at .68% and did not exceed the .68% tax cap with the adoption of the 2017 budget; and

WHEREAS, the Town Board has now been advised that even though it did not exceed the tax cap with the 2017 budget, the Town would not be considered to be tax freeze compliant unless it repeals Local Law No. 2 of the Year 2016; and

WHEREAS, the Town Board would like to have the Town of Newstead to be considered tax freeze compliant so as to make the property owners eligible to receive real property tax freeze credits from the State of New York

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, Councilman Burke introduced the following proposed "Local Law No. 3 of the Year 2016", entitled "Local Law to Repeal Local Law No. 2 of the Year 2016" and presented a copy to each member of the Board which reads as follows:

A Local Law known as Local Law No. 3 of the Year 2016 entitled "Local Law to Repeal Local Law No. 2 of the Year 2016".

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. 3 of the Year 2016 entitled "Local Law to Repeal Local Law No. 2 of the Year 2016".

SECTION 2. PURPOSE

The Town Board previously adopted Local Law No. 2 of the Year 2016 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 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. 2 of the Year 2016. This local law is specifically intended to repeal Local Law No. 2 of the Year 2016.

SECTION 3. AUTHORITY

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

SECTION 4. REPEAL OF LOCAL LAW NO. 2 OF THE YEAR 2016

Local Law No. 2 of the Year 2016 adopted by the Town of Newstead on October 24, 2016 and effective on November 2, 2016 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 7:55 p.m. on the 12th day of December, 2016, for the purpose of hearing all persons interested in the proposed Local Law No. 3 of the Year 2016; 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. 3 of the Year 2016, entitled "Local Law to Repeal Local Law No. 2 of the Year 2016 ", 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:

Councilman	Dugan	Voted	AYE
Councilman	Burke	Voted	AYE
Councilman	Jendrowski	Voted	AYE
Councilman	York	Voted	ABSENT
Supervisor	Cummings	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 November 28, 2016, for adoption a proposed Local Law to be known as "Local Law No. 3 of the Year 2016" entitled "Local Law to Repeal Local Law No. 2 of the Year 2016 ". The proposed Local Law will repeal Local Law No. 2 of the Year 2016 to allow residents of the Town of Newstead to be eligible to real property tax freeze credits from the State of New York.

THEREFORE, pursuant to the Municipal Home Rule Law Rules and Local Law No. 3 of the Year 2016, 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 7:55 p.m. on the 12th day of December, 2016, 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 wheel chair accessible. Those needing special arrangements should call the Town Hall at 542-4573 by December 7, 2016.

Dated: November 28, 2016

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWSTEAD

COUNCILMAN BURKE MOVED THE ADOPTION OF THE
FOLLOWING LOCAL LAW NO. 3 OF THE YEAR 2016,
SECONDED BY COUNCILMAN JENDROWSKI, TO WIT

A Local Law known as Local Law No. 3 of the Year 2016 entitled "Local Law to Repeal Local Law No. 2 of the Year 2016".

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. 3 of the Year 2016 entitled "Local Law to Repeal Local Law No. 2 of the Year 2016".

SECTION 2. PURPOSE

The Town Board previously adopted Local Law No. 2 of the Year 2016 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 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. 2 of the Year 2016. This local law is specifically intended to repeal Local Law No. 2 of the Year 2016.

SECTION 3. AUTHORITY

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

SECTION 4. REPEAL OF LOCAL LAW NO. 2 OF THE YEAR 2016

Local Law No. 2 of the Year 2016 adopted by the Town of Newstead on October 24, 2016 and effective on November 2, 2016 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.

The question of the enactment of the foregoing Local Law was duly put to a vote roll call vote at a regular meeting of the Town Board on December 12, 2016, the results of which were as follows:

Councilman Dugan	AYE	
Councilman Burke	AYE	
Councilman Jendrowski	AYE	
Councilman York	ABSENT	
Supervisor Cummings	AYE	CARRIED