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TOWN OF NEWFANE

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RESOLUTION #53-2026 OF THE TOWN BOARD, TOWN OF NEWFANE, NY

IMMEDIATE REMOVAL OF STORM RELATED DEBRIS FROM THE TOWN OF NEWFANE MARINA

WHEREAS, following recent inclement weather events, the immediate removal of the storm-related debris was necessary to protect the health, safety and welfare of the public, protect Town property and marina infrastructure, and restore the harbor to a safe and usable condition; and

WHEREAS, the Town Board finds that the storm event and resulting debris constituted an unforeseen occurrence and emergency condition requiring immediate action that could not reasonably await the Town's normal competitive bidding or procurement process; and

WHEREAS, New York State General Municipal Law §103(4) provides that, notwithstanding the normal competitive bidding requirements, in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property, or the life, health, safety or property of the inhabitants of a political subdivision require immediate action which cannot await competitive bidding or competitive offering, contracts for public work may be let by the appropriate officer, board or agency of the political subdivision; and

WHEREAS, Guideline 7(b) of the Town's Procurement Policy provides that no solicitation of written proposals or quotations shall be required in the event of an emergency; and

WHEREAS, the Town Board has determined that the storm-related debris condition within the Town of Newfane Harbor constituted an emergency within the meaning of General Municipal Law §103(4) and Guideline 7(b) of the Town's Procurement Policy, and that immediate debris removal was necessary; and

WHEREAS, the Town utilized the services of **Lower Niagara Works, LLC, 3485 East Avenue, Youngstown, New York 14174**, to perform the emergency debris removal necessary to address the storm-related condition; and

WHEREAS, Lower Niagara Works, LLC performed emergency debris removal and related work necessary to clear the affected areas of the Town of Newfane Harbor and restore safe conditions; and

WHEREAS, the agreed rate for the emergency work performed by Lower Niagara Works, LLC is **\$250.00 per hour**; and

WHEREAS, the Town has documented that Lower Niagara Works, LLC performed approximately **6 hours** of emergency debris removal work, for a total authorized expenditure of **\$1,500.00**, calculated at the rate of \$250.00 per hour; and

WHEREAS, the Town Board finds that the work performed was necessary, reasonable, and directly related to the emergency conditions resulting from the August 2, 2026 storm event;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Newfane hereby declares that a **public emergency existed within the Town of Newfane Harbor as a result of the storm event of August 2, 2026**, pursuant to New York State General Municipal Law §103(4) and Guideline 7(b) of the Town's Procurement Policy; and

BE IT FURTHER RESOLVED, that the Town Board hereby ratifies and authorizes the emergency debris removal work performed by **Lower Niagara Works, LLC, 3485 East Avenue, Youngstown, New York 14174**, in response to the storm-related emergency condition; and

BE IT FURTHER RESOLVED, that the Town Board has determined that the emergency work constitutes a Type II action under the State Environmental Quality Review Act ("SEQRA") (6 NYCRR § 617.5[c][42]);

BE IT FURTHER RESOLVED, that the Town Board authorizes payment to Lower Niagara Works, LLC at the agreed rate of **\$250.00 per hour** for the documented emergency work performed, totaling **6 hours** and an amount not to exceed **\$1,500.00**; and

BE IT FURTHER RESOLVED, that the Town Supervisor and appropriate Town officials are hereby authorized to execute any necessary documentation, purchase order, voucher, or other instrument necessary to process payment for the emergency work authorized by this Resolution; and

BE IT FURTHER RESOLVED, that the Town Clerk and appropriate Town officials shall maintain documentation of the emergency condition, the storm event, the work performed, the

hours worked, the contractor's invoice, and the final cost of the emergency work for the Town's procurement, financial, and audit records; and

BE IT FINALLY RESOLVED, that this Resolution shall take effect immediately upon adoption.

By Order of the Town Board
Town of Newfane, Niagara County, New York
Adopted this ____ day of _____, 2026

Town Board Member

Vote

Supervisor John Syracuse

☐ Aye ☐ Nay

Councilman Paul Conrad

☐ Aye ☐ Nay

Councilman Robert Horanburg

☐ Aye ☐ Nay

Councilwoman Jessica Reinhardt

☐ Aye ☐ Nay

Councilman Peter Robinson

☐ Aye ☐ Nay

DATED: _____