

SUPERVISOR
716-778-8531

TOWN CLERK
716-778-8822
FAX 716-638-4183

ASSESSOR
716-778-8827

TAX COLLECTOR
716-778-6052

BUILDING
INSPECTOR
716-778-5947

WATER/SEWER
716-778-8132



TOWN OF NEWFANE

2737 Main Street
Newfane, New York 14108
Tel. (716) 778-8531
Fax (716) 638-4261

JUSTICE COURT
2896 Transit Road
Newfane, New York 14108
716-778-9292

HIGHWAY
716-778-8844

WATER/SEWER
MAINTENANCE
716-778-8587

6176 McKee Street
Newfane, New York 14108
TDD 1-800-662-1220

RESOLUTION #55-2026

RESOLUTION TO AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE TEMPORARY DRAINAGE MAINTENANCE LICENSE AGREEMENTS

WHEREAS, the Town of Newfane, through its Highway Department and its Ditching Committee, inspects, maintains, repairs, and improves drainage ditches, drainage facilities, and related infrastructure throughout the Town in order to improve overall drainage and reduce flooding; and

WHEREAS, the inspection, maintenance, repair, and improvement of such drainage ditches, drainage facilities, and related infrastructure, in order to improve drainage and reduce flooding, serves a public purpose and protects the health, safety, and welfare of the Town and its residents; and

WHEREAS, from time to time the performance of such work requires the Town to obtain temporary access over portions of privately owned real property lying along or adjacent to such drainage ditches; and

WHEREAS, on June 11, 2026, the Town Board approved a standard form Temporary Drainage Maintenance License Agreement (the "License Agreement") for use in such situations, under which a property owner grants to the Town a temporary, revocable, non-recorded license to enter upon a defined portion of the owner's property to perform such drainage work, and which expressly provides that it creates a license only and does not grant, convey, or create any easement, lease, or other interest in real property; and

WHEREAS, because each such License Agreement grants only a temporary, revocable license, and does not constitute a conveyance or lease of an interest in real property, no such agreement is subject to permissive referendum; and

WHEREAS, the Town desires to enter into such a License Agreement with Erin Conley with respect to real property located at 2200 Fuller Road, Burt, New York, to permit drainage work along the existing drainage ditch running through or across that property; and

WHEREAS, to facilitate the Town’s ongoing drainage program, and to avoid the need for a separate resolution each time the Town obtains such temporary access, the Town Board finds it in the public interest to authorize the Town Supervisor to execute the Conley License Agreement and to execute additional License Agreements in substantially similar form with other property owners on an ongoing basis; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Newfane hereby authorizes the Town Supervisor to execute a Temporary Drainage Maintenance License Agreement with Erin Conley for real property known as 2200 Fuller Road, Burt, New York, in a form approved by the Attorney for the Town; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute additional Temporary Drainage Maintenance License Agreements with other property owners, from time to time and on an ongoing basis, without the need for a separate resolution of the Town Board in each instance, provided that each such agreement (a) is substantially in the same form as the License Agreement approved by the Attorney for the Town, (b) grants the Town only a temporary, revocable, non-recorded license and creates no easement or other interest in real property, (c) requires no payment by the Town to the property owner, and (d) is in a form approved by the Attorney for the Town; and be it further

RESOLVED, that the Town Board hereby finds and determines that the drainage work authorized hereby is undertaken for a public purpose and in furtherance of the Town’s drainage and flood-control functions, that any benefit to private property owners is incidental thereto, and that neither the License Agreements nor the work performed thereunder constitutes a gift of Town money or property to any private individual or private undertaking; and be it further

RESOLVED, that the Town Supervisor is hereby authorized to take such further actions and to execute such further documents as may be necessary or appropriate to effectuate the purposes of this Resolution.

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