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TOWN OF NEWFANE

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RESOLUTION #3-2026

RESOLUTION TO AUTHORIZE LIMITED AMENDMENT TO LEASE OF REAL PROPERTY

WHEREAS, the Town of Newfane (the “Town”) is the tenant under certain written lease with Eugene Mazzola dated December 28, 2006 (the “Lease”) covering real property described in the lease as “real property on file at the Niagara County Tax Office designated by the following Tax I.D. Numbers 5.83-1-24; 5.83-1-29; 5.83-1-29.2; 5.83-1-21.1; 5.83-1-21.2; excepting therefrom a 25 x 61 foot parcel in the northeast corner of parcel 5.83-1-29.1 and a (2) story wood frame building known as 5966 Ontario Street, being a part of parcel #5.83-1-29.2, all as shown on a Tax Map on file in the Niagara County Real Property Tax Office” (the “Leased Premises”); and

WHEREAS, the Lease covers the entirety of the parcel described therein and remains in full force and effect;

WHEREAS, the Lease contains restrictions on assignment or transfer by the Lessor without the consent of the Town;

WHEREAS, the Town has been advised that the current owner of the Leased Premises is contemplating a conveyance of its fee interest in the Leased Premises to Daniel Dy, or such entity as Daniel Dy may designate (the “Proposed Purchaser”); and

WHEREAS, the Town desires to consent to such conveyance, provided that the Lease continues in full force and effect following the transfer and remains binding upon the Proposed Purchaser as successor lessor;

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby consents, in principle, to the conveyance of the fee interest in the Leased Premises to the Proposed Purchaser, provided that the conveyance includes the entire Leased Premises and that the Lease remains in full force and effect following such conveyance; and

BE IT FURTHER RESOLVED, that the Town hereby approves a limited amendment to the Lease as may be necessary in connection with such conveyance, solely for the purpose of:

- (a) permitting the conveyance of the Lessor’s fee interest notwithstanding the assignment restrictions in the Lease;
- (b) confirming the identity and name of the successor lessor following the conveyance;
- (c) updating notice and contact information to reflect the successor lessor; and
- (d) making such other ministerial or conforming changes as are reasonably necessary to give effect to the foregoing

provided, however, that no economic terms, Lease term, use provisions, or other substantive rights or obligations of the Town shall be modified; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to negotiate, execute, and deliver, on behalf of the Town, a Lease Amendment or Consent and Amendment to Lease consistent with the limitations set forth herein, together with any related documents reasonably necessary to effectuate this Resolution; and

BE IT FURTHER RESOLVED, that except as expressly authorized herein, all rights of the Town under the Lease are hereby ratified and reserved, and nothing in this Resolution shall be deemed to approve any amendment or modification beyond the limited scope described above.

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	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay
_____ Councilman Paul Conrad	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay
_____ Councilman Robert Horanburg	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay

Councilwoman Jessica Reinhardt

Aye

Nay

Councilman Peter Robinson

Aye

Nay

DATED: _____