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TOWN OF NEWFANE

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RESOLUTION #10-2026

RESOLUTION DECLARING A PUBLIC EMERGENCY AND AUTHORIZING SEWER REPAIR EXPENDITURES

WHEREAS, the Town of Newfane (the “Town”) owns and operates public sewer infrastructure, including a sanitary sewer pump station (PS No. 6) and 12-inch discharge forcemain located at or near 5848 East Main Street in Olcott, New York; and

WHEREAS, on March 3, 2026, the 12-inch forcemain experienced a failure, resulting in leaking sewage and reduced sewage conveyance; and

WHEREAS, Town engineers, Wendel, examined and analyzed the failure and prepared the attached report titled “Sewer Forcemain Emergency Failure” (the “Wendel Report”), which is incorporated herein; and

WHEREAS, the Wendel Report describes the importance of the sewer forcemain to the proper functioning of the public sewer system; and

WHEREAS, Wendel opined that the forcemain failure is a public emergency in accordance with General Municipal Law § 103(4), in that the failure is an unforeseen occurrence or condition that affects public buildings, public property, or the life, health, safety, or property of the inhabitants of the Town, and requires immediate action which cannot await competitive bidding; and

WHEREAS, Wendel opined that absent an emergency declaration and repair, it is projected that it would take until April or May at the earliest to receive public bids to perform repairs; and

WHEREAS, Wendel has recommended that the Town declare a public health emergency and issue an emergency purchase order for the procurement of temporary bypass pumps and issue emergency work orders for the bypass installation and replacement of the forcemain; and

WHEREAS, the forcemain failure required the Town to take emergency action to bypass the damaged forcemain and undertake emergency repairs to stop the sewage discharge and prevent contamination of Eighteen Mile Creek and the surrounding environment; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares that the failure of the sewer forcemain and resulting sewage discharge constitutes a public emergency, in that it arises out of an unforeseen occurrence or condition that affects the life, health, safety or property of the residents of the Town and surrounding environment, that requires immediate repair and remediation which cannot await competitive bidding; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor, or his designees, to issue purchase orders and work orders, as necessary, to implement emergency repairs to the sewer forcemain, including bypassing the forcemain, replacing the forcemain, and undertaking other work and procuring materials to perform the emergency repair at a cost not to exceed \$250,000.00; and be it further

RESOLVED, that due to the emergency nature of the situation and pursuant to General Municipal Law §103(4), the Town is authorized to retain contractors and procure materials and equipment necessary to perform the repair without competitive bidding, including, but not limited to, Mark Cerrone, Inc., Xylem, Mahar Excavating and Septic, Creekside Septic, Amrize, and such other contractors and vendors as may be necessary to perform the emergency repair; and be it further

RESOLVED, that all actions taken by the Town in responding to the sewer emergency prior to the adoption of this resolution are hereby ratified and confirmed.

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