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## TOWN OF NEWFANE

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### RESOLUTION # 29-2026

#### RESOLUTION DECLARING A PUBLIC EMERGENCY AND AUTHORIZING EMERGENCY DOCK REPAIR

**WHEREAS**, the Town of Newfane (the “Town”) owns and operates the Newfane Marina that includes a floating dock system available for public use during the boating season; and

**WHEREAS**, on Friday, May 8, 2026, Town personnel conducting routine inspection of the floating docks at the Town Marina identified a critical failure of the floating dock system, including sections of the floating dock that had come apart and were no longer anchored in place; and

**WHEREAS**, the affected floating docks are in a dangerous condition and cannot be safely used by the public, and the condition affects the life, health, safety, and property of the inhabitants of the Town; and

**WHEREAS**, the busy boating season for the marina is approaching, and the Town’s ability to make the marina available for public use is critically time-sensitive; and

**WHEREAS**, the Town’s engineer, Wendel, has evaluated the situation and has recommended that the failure of the floating dock system constitutes a public emergency within the meaning of General Municipal Law § 103(4), as the condition arose from an unforeseen occurrence and the condition affects the life, health, safety, and property of the inhabitants of the Town; and

**WHEREAS**, Wendel has further determined that, absent an emergency declaration, it would take approximately eight (8) to twelve (12) weeks to complete construction documents and the competitive bidding process before a contractor could begin work, during which time the Town would potentially be unable to utilize the docks for the majority of the boating season, or would be placing members of the public in danger, jeopardizing the life, health, safety, and property of users and the Town in general; and

**WHEREAS**, the Town has contacted Lower Niagara Works, LLC, which provides ongoing maintenance and repair services for the Town at the marina, and Lower Niagara Works, LLC has represented that it has the ability to be on site to perform the necessary repairs, including providing any parts required, shortly after authorization; and

**WHEREAS**, General Municipal Law § 103(4) provides that competitive bidding requirements do not apply to purchases or work required by virtue of a public emergency arising out of an accident or other unforeseen occurrence or condition; and

**WHEREAS**, the Town Board has carefully reviewed the facts presented herein and finds that the circumstances set forth above constitute a public emergency within the meaning of General Municipal Law § 103(4).

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Newfane hereby finds and declares that a public emergency exists with respect to the failed floating dock system at the Town Marina, arising from an unforeseen occurrence that affects the life, health, safety, and property of the inhabitants of the Town, within the meaning of General Municipal Law § 103(4); 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 such equipment and materials as necessary to perform the emergency repair without competitive bidding; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor or his designee is hereby authorized and directed to engage Lower Niagara Works, LLC to perform the necessary emergency repairs to the floating dock system at the Town Marina, including procurement and installation of any required parts and materials, at a cost to the Town not to exceed \$69,250; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor or his designee are hereby authorized to execute any agreements, work orders, or other documents necessary to effectuate the emergency repairs authorized herein; and

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

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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

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Councilman Paul Conrad

Aye

Nay

---

Councilman Robert Horanburg

Aye

Nay

---

Councilwoman Jessica Reinhardt

Aye

Nay

---

Councilman Peter Robinson

Aye

Nay