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RESOLUTION #85-2026 OF THE TOWN BOARD, TOWN OF NEWFANE, NY

RESOLUTION EXERCISING THE FIRST THREE-YEAR RENEWAL OPTION UNDER THE AGREEMENT WITH MODERN DISPOSAL SERVICES, INC. FOR RESIDENTIAL GARBAGE AND RECYCLING COLLECTION

WHEREAS, the Town of Newfane is a participating municipality under the Niagara County Solid Waste Consortium for the collection and disposal of residential solid waste and recycling collection and processing; and

WHEREAS, the Niagara County Solid Waste Consortium issued bid specifications on July 1, 2020 ("Niagara County Solid Waste Bid Documents"); and

WHEREAS, the Town Board awarded the contract to Modern Disposal Services, Inc. ("Modern"), and the Town and Modern entered into an agreement dated November 13, 2020, for an initial term of six years commencing January 1, 2021 (the "Agreement"); and

WHEREAS, the Niagara County Solid Waste Bid Documents and the Agreement provide for up to two additional three-year renewal options upon mutual agreement, under the same terms and conditions; and

WHEREAS, the Town Board of the Town of Newfane and Modern have mutually agreed to exercise the first three-year renewal option, for the period January 1, 2027 through December 31, 2029, on the same terms and conditions as the Agreement; and

WHEREAS, pursuant to Section 3.10 of the Niagara County Solid Waste Bid Documents, the contractor may elect to determine tonnage collected from each participating community by either actual scale weights for tonnage collected from each community or by utilizing a weighted average of waste and/or recycling generation in each community based upon the preceding three (3) calendar years; and

WHEREAS, for purposes of the current allocation methodology and based on the weighted average over the past three years, the Town’s current allocation of consortium tonnage is 38.5% for disposal and 35.9% for recycling, subject to adjustment in accordance with the Niagara County Solid Waste Bid Documents and applicable contractual provisions; and

WHEREAS, the Town Board has determined that exercising the first renewal option under the Agreement is in the best interests of the Town and its residents;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby exercises the first renewal option under the Agreement with Modern, extending the term for three years, commencing January 1, 2027 and ending December 31, 2029, and that, except for the extension of the term, the Agreement shall continue in full force and effect in accordance with its terms; and

BE IT FURTHER RESOLVED, that the allocation of tonnage to the Town under Section 3.10 of the Niagara County Solid Waste Bid Documents, as incorporated in the Agreement, shall continue to apply during the renewal term, including the use of actual scale weights or the applicable three-year weighted average methodology as permitted therein; and

BE IT FURTHER RESOLVED, that, based upon the allocation methodology set forth in Section 3.10 of the Niagara County Solid Waste Bid Documents, the Town’s current allocation of consortium tonnage is 38.5% for disposal and 35.9% for recycling, subject to adjustment in accordance with the Niagara County Solid Waste Bid Documents and applicable contractual provisions; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to execute any written notice, acknowledgment, or other documentation necessary to exercise the first renewal option under the Agreement with Modern and to effectuate the terms of this resolution on behalf of the Town of Newfane; and

BE IT FURTHER 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