

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

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

MARINA 716-778-5462

RESOLUTION #66-2026 OF THE TOWN BOARD, TOWN OF NEWFANE, NY

RESOLUTION APPROVING THE DECOMMISSIONING FINANCIAL SECURITY (BOND NO. SURU2210014001) FOR THE OMNI NEWFANE DRAKE SETTLEMENT SOLAR PROJECT

WHEREAS, the Town of Newfane Planning Board, by resolution dated January 27, 2026, issued a Special Exception Use Permit to Omni Newfane Drake Settlement Solar, LLC (the “Applicant”) pursuant to Town Law § 274-b and Article XIA of the Town of Newfane Code (Solar Energy Systems), authorizing the construction and operation of an approximately 5 MW Solar Energy System at 6260 Drake Settlement Road, Burt, New York (the “Permit”); and

WHEREAS, Condition 7(e) of the Permit and § 270-11A.10(B)(2)(a) of the Town Code require the Applicant to provide decommissioning financial security in a form and amount acceptable to the Attorney for the Town and approved by the Town Board prior to the issuance of any building permit for the Solar Energy System; and

WHEREAS, on April 28, 2026, the Planning Board approved the Decommissioning Plan and revised cost estimate prepared by LaBella Associates, D.P.C., dated March 16, 2026, which reflects decommissioning financial security in the amount of \$908,767.00; and

WHEREAS, the Applicant has submitted a proposed Decommissioning Bond, Bond No. SURU2210014001, to be issued by Ascot Surety and Casualty Company, as Surety, in the penal sum of \$908,767.00; and

WHEREAS, the Attorney for the Town has reviewed the proposed bond as to form and, subject to the conditions set forth below, recommends its approval;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the form and amount of the decommissioning financial security represented by Decommissioning Bond No. SURU2210014001, in the penal sum of \$908,767.00, issued by Ascot Surety and Casualty Company, as Surety, on behalf of Omni Newfane Drake Settlement Solar, LLC, as Principal, as required by Condition 7(e) of the Permit and § 270-11A.10(B)(2)(a) of the Town Code, subject to the conditions set forth below; and

BE IT FURTHER RESOLVED, that this approval is subject to the Applicant's continuing obligation under Condition 7(f) of the Permit to update the Decommissioning Plan and cost estimate, and to adjust the amount of the financial security accordingly; and that, in the event any such update results in a required amount of financial security exceeding the then-current penal sum, the Applicant shall provide an increase rider or replacement security acceptable to the Town in the adjusted amount, with no lapse in the security; and

BE IT FURTHER RESOLVED, that this approval is expressly conditioned upon the Applicant's delivery to the Town of written confirmation that Ascot Surety and Casualty Company is authorized by the New York State Department of Financial Services to transact surety business in the State of New York, together with the fully executed bond and a certified copy of the power of attorney evidencing the authority of the attorney-in-fact executing on behalf of the Surety; and

BE IT FURTHER RESOLVED, that the executed bond shall be filed with the Town Clerk pursuant to § 270-11A.10(B)(2)(a) of the Town Code, and that no building permit shall be issued for the Solar Energy System until the executed bond has been delivered to and filed with the Town Clerk; and

BE IT FURTHER RESOLVED, that the Supervisor and the Attorney for the Town are hereby authorized to take such further actions as are necessary to effectuate 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