

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 #73-2026 OF THE TOWN BOARD, TOWN OF NEWFANE, NY

RESOLUTION AUTHORIZING AGREEMENT WITH WENDEL FOR CONSTRUCTION PHASE ENGINEERING SERVICES – NOURYON SOLAR PROJECT

WHEREAS, the Town of Newfane Planning Board issued three Special Exception Use Permits to Omni Burt A Solar LLC, Omni Burt B Solar LLC, and Omni Burt D Solar LLC (collectively the “Applicants”), pursuant to Town Law § 274-b and Article XIA of Chapter 270 of the Town of Newfane Code, authorizing the construction and operation of three solar energy systems at the Nouryon Chemical site located at 2153 Lockport-Olcott Road (the “Project”); and

WHEREAS, construction of the Project requires engineering observation, inspection, and construction administration services on behalf of the Town in order to confirm compliance with the Special Exception Use Permit, the approved site plan, and the Town Code; and

WHEREAS, Wendel, the Town’s consulting engineer, has submitted a proposal dated September 17, 2026 to provide construction phase engineering services for the Project at a fee of \$35,000.00 per solar energy system, or \$105,000 in total for all three solar energy systems (the “Proposal”); and

WHEREAS, the fees and expenses incurred under the Proposal are to be borne by the Applicants and paid from an escrow account to be established for the Project, and not from Town funds; and

WHEREAS, engineering services are professional services requiring specialized skill, training, expertise, and judgment, and are therefore not subject to the competitive bidding requirements of General Municipal Law § 103, and are exempt from the solicitation requirements of Guideline 7 of the Town’s Procurement Policy adopted May 15, 2025; and

WHEREAS, the Town Board has reviewed the Proposal and determines that retaining Wendel to perform construction phase engineering services for the Project is in the best interests of the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the Proposal of Wendel dated September 17, 2026 for construction phase engineering services in connection with the three solar energy systems at the Nouryon Chemical site, in an amount not to exceed \$105,000.00; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute the Proposal and any related agreement on behalf of the Town, in such form as shall be approved by the Town Attorney; and

BE IT FURTHER RESOLVED, that all fees and expenses incurred under the Proposal shall be charged against an escrow account to be established for the Project, that no such fees or expenses shall be paid from Town funds, and that the Supervisor, in consultation with the Town Engineer, is directed to confirm that the escrow account balance is sufficient before work proceeds.

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