

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 #79-2026

RESOLUTION TO AMEND RESOLUTION NO. 46-2022 REGARDING WATER AND SEWER REIMBURSEMENT CHARGES, CODE ENFORCEMENT COSTS, AND AUTHORIZATION FOR LEVY

WHEREAS, the Town Board of the Town of Newfane previously adopted Resolution No. 46-2022, establishing fees and charges for reimbursement to the Town of Newfane Water District for certain water and sewer-related expenses, services, materials, labor and other costs properly chargeable to individual properties; and

WHEREAS, the Town of Newfane and the Town of Newfane Water District incur costs associated with the administration, collection and enforcement of delinquent water and sewer accounts, including costs associated with the re-levying of delinquent water and sewer charges against properties through the annual tax levy; and

WHEREAS, the Town of Newfane also incurs costs in connection with the administration and enforcement of Town Code Chapter 184 (Property Maintenance), including costs associated with inspections, notices, administrative services, labor, materials, contractors, legal services and other expenses incurred in enforcing the provisions of such Chapter, to the extent such costs are lawfully chargeable to the affected property or responsible party; and

WHEREAS, the Town Board desires to amend Resolution No. 46-2022 to recognize and provide for reimbursement of such costs and to establish a procedure for the documentation, review and authorization of charges when such charges are to be placed upon a property owner's annual tax bill; and

WHEREAS, Niagara County Real Property Tax Services has advised that any individual charge in excess of \$1,000.00 must be preauthorized by Niagara County Real Property Tax Services prior to inclusion on the Town's tax levy, and that the Town must provide documentation supporting the charge together with the resolution or other authorization submitted for such levy; and

WHEREAS, the Niagara County Attorney has further requested documentation identifying the authority contained within the Town of Newfane Code permitting the Town to impose and collect such charges against the affected property through the tax levy; and

WHEREAS, applicable provisions of the Town of Newfane Code, including Chapter 196 (Sewer), Chapter 255 (Water), and Chapter 184 (Property Maintenance), together with applicable provisions of New York State law, provide authority for the Town to administer and enforce water, sewer and other property-related requirements and to establish and collect applicable costs, fees, expenses and charges as authorized by law; and

WHEREAS, the Town Board finds it appropriate to amend Resolution No. 46-2022 to establish a clear administrative procedure for the documentation, submission and authorization of water, sewer and other lawful reimbursement charges to be levied against individual properties;

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 46-2022 is hereby amended to provide that the Town of Newfane and/or the Town of Newfane Water District may seek reimbursement for actual and properly documented costs and expenses incurred in connection with water and sewer services, delinquent accounts, re-levying of delinquent water and sewer charges, property-related water or sewer work, and other costs properly chargeable to an individual property pursuant to applicable law, Town Code and duly adopted Town Board resolutions; and be it further

RESOLVED, that such reimbursable costs may include, where legally authorized and properly documented, costs associated with the re-levying of delinquent water and sewer accounts, including administrative costs and expenses incurred by the Town or Water District in preparing, processing and submitting such delinquent accounts for collection through the Town's tax levy; and be it further

RESOLVED, that the Town may also seek reimbursement for actual and properly documented costs incurred in enforcing Town Code Chapter 184, including, where legally authorized, costs associated with inspections, notices, administrative processing, labor, materials, contractor services, legal services and other expenses incurred by the Town in connection with enforcement activities; and be it further

RESOLVED, that all charges proposed to be assessed against an individual property shall be supported by documentation identifying, as applicable, the property owner, property address, tax parcel/SBL number, nature of the work, service or enforcement activity, date incurred, labor, materials, equipment, administrative costs and other applicable expenses, together with the total amount sought to be charged; and be it further

RESOLVED, that any individual charge in excess of \$1,000.00 proposed to be placed upon an individual property owner's tax bill shall be submitted to Niagara County Real Property Tax Services for prior authorization before the charge is included in any Town resolution or submission requesting the levy of such charge; and be it further

RESOLVED, that documentation supporting each charge, together with any required authorization from Niagara County Real Property Tax Services, shall be maintained by the Town

and submitted with the applicable Town Board resolution or other documentation provided to Niagara County for purposes of levying the charge against the affected property; and be it further

RESOLVED, that the Town shall include with such submission a copy of the applicable provisions of the Town of Newfane Code, including the relevant provisions of Chapter 255 (Water), Chapter 196 (Sewer), and Chapter 184 (Property Maintenance), or other applicable Town Code provisions, demonstrating the Town's authority to impose and collect the charge, together with any applicable statutory authority under New York State law; and be it further

RESOLVED, that nothing contained herein shall be construed to authorize a charge that is not otherwise permitted by New York State law, the Town of Newfane Code, or an applicable duly adopted Town Board resolution; and be it further

RESOLVED, that all other provisions of Resolution No. 46-2022 not specifically amended herein shall remain in full force and effect; and be it further

RESOLVED, that the Town Supervisor, Town Clerk, Water/Sewer Superintendent, Code Enforcement Officer, and/or other appropriate Town officials are hereby authorized to take such actions as are necessary to implement this resolution and to provide the required documentation to Niagara County Real Property Tax Services and the Niagara County Attorney.

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