



RESOLUTION NO. 44 - 2023

TOWN OF NEWFANE EMERGENCY RESOLUTION

OLCOTT BERM STABILIZATION EMERGENCY DECLARATION

WHEREAS, the Town of Newfane (the “Town”) has constructed a first phase of a hardened berm along the shorefront of Olcott, West of the Harbor to provide protection from elevated Lake Ontario water levels, and

WHEREAS, there has been additional wave action and undermining of the beach area in front of the hardened berm, and

WHEREAS, Town engineers, Wendel, have analyzed the damaging effects of the wave action and the undermining and washing away of materials in the beach area and recommended that armor stone be placed instead of the REDI requirement of topsoil and grass for stabilization of materials surrounding the hardened berm, and

WHEREAS, the Wendel report describes the importance of the hardened berm along with the placement of additional armor stone in front of the hardened berm to the life, health, safety and/or property of the residents of the Town of Newfane, and

WHEREAS, Wendel opines that “It is Wendel’s opinion that these circumstances, if allowed to continue without emergency repair, could jeopardize the life, health, safety and/or property of the residents of the Town of Newfane.”

NOW THEREFORE BE IT RESOLVED, that the undermining of the area in front of the hardened berm is a public emergency arising out of unforeseen occurrences or conditions whereby circumstances affecting the life, health, safety, or property of the customers of the Town, required and require immediate repair, and be it further

RESOLVED, that pursuant to the provisions of section 103(4) of the General Municipal Law of the State of New York, the Town does hereby find that such emergency required and requires immediate action that cannot await competitive bidding, and be it further,

RESOLVED, that the Town authorizes the emergency repair and implementation of the proposed solutions outlined in the Wendel report, including the purchase of materials needed for installation by Town workforces, and is ratified as an emergency repair and that competitive bidding and/or procurement policy procedures are dispensed with prospectively and retroactively.

John Syracuse, Supervisor

Laura Rutland, Councilwoman

Sue Neidlinger, Councilwoman

Richard Coleman, Councilman

Troy Barnes, Councilman

DATED: September 27, 2023

CERTIFICATE OF CLERK

STATE OF NEW YORK
COUNTY OF NIAGARA
TOWN OF NEWFANE

SEAL

Mildred Kramp, RMC, CMC
Town Clerk Town of Newfane