*The Town of Rotterdam Town Board Meeting will be held in person; however, the public may access the meeting electronically via Zoom conference call. Members of the public may listen to the board meeting by dialing **1 (929) 205-6099(** followed by the pound symbol) or by logging into Zoom.com, then enter the conference **ID NO. 867 0373 0307**. Video of the town board meeting will be posted on the Town of Rotterdam website (www.rotterdamny.org) the following Friday after the meeting.*

MEETING OF THE
ROTTERDAM TOWN BOARD
May 24, 2023
7:00 PM
Agenda Review 6:30 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

SUPERVISOR'S REMARKS: Supervisor Mollie A. Collins

EXECUTIVE SESSION

PROCLAMATIONS/PRESENTATIONS

PUBLIC HEARING

- For receipt of comment on the proposed Introductory Local Law No. __ of 2023; To amend the Town Code of the Town of Rotterdam, for the allowance of micro-breweries, micro-wineries, micro-distilleries farm-breweries, farm-wineries and farm-distilleries in the Agriculture (A-1), Main Street/Neighborhood Center (MS/NC) Overlay, Corridor Commercial (CORR) Overlay, Retail Business (B-1), General Business (B-2), and Commercial Planned Unit Development (C-PUD) Zoning Districts as a Special Use Permit.

- For receipt of comment on the proposed Introductory Local Law No. __ of 2023; To amend Chapter §267, Water, of the Town Code of the Town of Rotterdam.

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR:

Those members of the public wishing to address the Town Board will be asked to sign in before the meeting is called to order on the sign-in sheets being provided. Speakers will be called to the podium in the order of their signing in. Persons recognized by the Chair to speak during privilege of the floor shall direct his/her comments to the Town Supervisor as Chair of the meeting. Persons granted the privilege of the floor shall first clearly state his/her name and address for the record. Persons so addressing the Chair through the use of a prepared written statement shall submit a copy of the same to the Town Clerk for the purpose of maintaining clear and accurate official minutes of the Town Board meeting.

GENERAL RULES OF PROCEDURE FOR PUBLIC HEARINGS & PRIVILEGE OF THE FLOOR:

Any person recognized by the Town Supervisor to speak during privilege of the floor shall direct his/her comments to the Town Supervisor as chair of the meeting. Any person granted the privilege of the floor shall first clearly state his/her name and address for the record. The purpose of privilege of the floor shall be for speakers to express their views, thoughts and speak freely. Each speaker, who wishes to address the town board, shall have an equal and reasonable opportunity to be heard by the town board. Each speaker shall be afforded a maximum of four (4) minutes to address the town board.

INTRODUCTION OF MOTIONS, ORDERS AND RESOLUTIONS
RESOLUTIONS

177.23 To accept Town Board meeting minutes of May 10, 2023.

178.23 To authorize the purchase of two office printers.

179.23 To enter into an agreement with Barton & Logudice for consulting services for the Babe Ruth building.

180.23 To extend the bid contract for grinding & removal of brush, yard waste, & wood with Troy Sand & Gravel Co. Inc.

181.23 To appoint Seasonal Laborers at the Highway Department.

182.23 To appoint Seasonal Park Attendants to the Parks Department.

183.23 To adopt a negative declaration under SEQRA for the proposed enactment of Introductory Local Law No. 5 of 2023; To amend the town code of the Town of Rotterdam, for the allowance of micro-breweries, micro-wineries, micro-distilleries, farm-breweries, farm-wineries and farm-distilleries.

184.23 To enact Introductory Local Law No. 5 of 2023; To amend the town code of the Town of Rotterdam, for the allowance of micro-breweries, micro-wineries, micro-distilleries, farm-breweries, farm-wineries and farm-distilleries..

185.23 To enact Introductory Local Law No. 6 of 2023; To amend chapter 267, Water.

186.23 Requesting bids for the Senior Center Roof Replacement Project.

187.23 Requesting bids for 6.3mm polymer-modified hot mix asphalt highway resurfacing.

188.23 Requesting bids for mill & fill with type 3 dense binder highway paving.

189.23 To accept and award bid for Fire Hydrants, Valves and Accessories.

LIAISON REPORTS
MISCELLANEOUS
EXECUTIVE SESSION

- Personnel matters relating to Employee No. 4122023-1 with invited guests Elayne Gold, Angelique Bywater and Garry Costanzo.
- Personnel matters relating to Employee No. 5242023 with invited guests Elayne Gold, Angelique Bywater and Garry Costanzo.

ADJOURNMENT

Mollie A. Collins, Supervisor

05/24/2023

PUBLIC HEARING

#1

For receipt of comment on the proposed Introductory Local Law No. __ of 2023; To amend the town code of the Town of Rotterdam, for the allowance of microbreweries, micro wineries, micro distilleries, farm-breweries, farm-wineries, and farm-distilleries.

Local Law Filing
Instructions

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

PLEASE OBSERVE THESE INSTRUCTIONS FOR FILING LOCAL LAWS WITH THE SECRETARY OF STATE

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.

2. Each local law to be filed with the Secretary of State shall be an original certified copy.

3. Each local law shall be filed on a form provided by the Department of State. If additional pages are required, they must be the same size as the form. Typewritten copies of the text may be attached to the form. Only legible copies will be accepted.

4. File only the number, title and text of the local law.

5. In the case of a local law amending a previously enacted local law, the text must be that of the law as amended. Do not include any matter in brackets, with a line through it, italicized or underscored to indicate the changes made. The printed number of the bill and explanatory matter must be omitted.

6. For the purpose of filing a local law with the Department of State, number each local law consecutively, beginning with the number one for the first local law filed in each calendar year. The next number in sequence should be applied to each local law when it is submitted for filing, regardless of its date of introduction or adoption. The date of filing of a local law is the date on which the local law is placed on file by the Department.

It is suggested that municipalities use introductory identifying bill numbers for proposed local laws. After the local law is enacted (and approved by the voters, if required), the local law should then be numbered with the next consecutive local law number, as described above, and then submitted to the Department for filing.

7. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town or Village Clerk or other officer designated by the local legislative body. Certification forms are provided herewith.

8. A copy of each local law may be mailed or delivered to:
NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231.

(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam

Local Law No. 5 **of the year 20** 23

A local law A LOCAL LAW TO AMEND CHAPTER 270 OF THE TOWN CODE OF THE TOWN OF
(Insert Title)
ROTTERDAM for the allowance of microbreweries, micro wineries and micro distilleries .

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam **as follows:**

See Attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 20 23 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board on _____ 20 23, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20 2 3, in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____ , became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ,_____ above.

_____
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

Add to Town Code Chapter 270-5. Definitions.

Brewpub: An establishment which sells or produces on and/or off-site alcoholic beverages, including beers, ales, meads, braggot, hard ciders, wines and similar spirituous liquors. Ancillary activities to include on-site consumption and contains kitchen facilities for consumption of food and beverages. The maximum size for such an establishment shall not exceed 25,000 square feet. The Owner must possess a valid Restaurant-Brewer License from the NYS Liquor Authority. Off-site distribution of alcoholic beverages shall be consistent with New York State Liquor Authority law as now enacted and in the future.

Farm Cidery: means and includes any place or premises, located on a farm in New York state, in which New York state labelled cider is manufactured, stored, and sold, or any other place or premises in New York state in which New York State labelled cider is manufactured, stored, and sold.

Farm Distillery: means and includes any place or premises located on a farm in New York state in which liquor is manufactured and sold, or any other place or premises in New York state in which liquor is manufactured primarily from farm and food products, as defined in subdivision two of section two hundred eighty-two of the agriculture and markets law, and such liquor is sold.

Farm Winery: means and includes any place or premises, located on a farm in New York state, in which wine is manufactured and sold.

Farm Brewery: means and includes any place or premises located on a farm in New York state, in which New York state labelled beer is manufactured, stored, and sold, or any other place ore premises in New York state in which New York state labelled beer is manufactured, stored, and sold.

Farm Meadery: means and includes any place or premises located in New York state, in which New York state labelled mead or braggot is manufactured, stored, and sold, or any other place or premises in New York state in which New York state is labelled mead or braggot is manufactured, stored, and sold. The Owner must possess a valid Farm Meadery License from the NYS Liquor Authority.

Micro-brewery: means and includes any place or premises in New York state wherein the owner possesses a valid Micro Brewer's License from the NYS Liquor Authority.

Micro-distillery: means and includes any place or premises in New York state wherein the owner possesses a valid Micro Distiller's (A-1) License or Micro Rectifier's (B-1) License from the NYS Liquor Authority.

Micro-winery: means and includes any place or premises located on a farm in New York State in which wine or cider is manufactured and sold.

Micro-brewery, Micro-winery, Micro-distillery: An establishment engaged in the production and distribution of beers, ales, meads, braggot, hard ciders, wines and similar spirituous liquors as otherwise defined. The establishment may include other uses such as a tasting room and shall allow for both sale and onsite consumption of alcoholic beverages with limited food offered for consumption in the tasting room. The maximum size for such an

establishment shall not exceed 75,000 square feet. Limited retail sale of merchandise associated with the establishment is permitted. Production shall be consistent with the NYS Liquor Authority limits for these types of establishments. Off-site distribution of alcoholic beverages shall be consistent with New York State Liquor Authority law as now enacted and in the future.

Farm-brewery, Farm-cidery, Farm-winery, Farm-meadery, Farm-distillery: An establishment engaged in the production and distribution of beers, ales, meads, braggot, hard ciders, wines and similar spirituous liquors as otherwise defined. The establishment may include other uses such as a tasting room and shall allow for both sale and onsite consumption of alcoholic beverages with limited food offered for consumption in the tasting room. Limited retail sale of merchandise associated with the establishment is permitted. Production shall be consistent with the NYS Liquor Authority limits for these types of establishments. Off-site distribution of alcoholic beverages shall be consistent with New York State Liquor Authority law as now enacted and in the future.

Add to Town Code Chapter 270-18. Special Uses (Agriculture Zone)

(O) Farm-brewery, farm-cidery, farm-winery, farm-meadery, farm-distillery, micro-breweries, micro-wineries, and micro-distilleries.

Micro-breweries, Micro-cideries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each micro-brewery, micro-cidery, micro-winery, or micro-distillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property or other acceptable method.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. No more than two food cart vendors are permitted on-site.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-53.23. Special Uses (MS/NC Overlay Zone)

(H) Brewpubs, micro-breweries, micro-cideries, micro-wineries and micro-distilleries.

Brewpubs, Micro-breweries, Micro-cideries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, microbrewery, microwinery, or microdistillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.

4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-53.43. Special Uses (CORR Overlay Zone)
(H) Brewpubs, micro-breweries, micro-cideries, micro-wineries and micro-distilleries.

Brewpubs, Micro-breweries, Micro-cideries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, micro-brewery, micro-cidery, micro-winery, or micro-distillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-56. Special Uses (Retail Business Zone)
(J) Brewpubs, micro-breweries, micro-cideries, micro-wineries and micro-distilleries.

Brewpubs, Micro-breweries, Micro-cideries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, micro-brewery, micro-cidery, micro-winery, or micro-distillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-64. Permitted Uses (General Business Zone)
(H) Brewpubs, micro-breweries, micro-cideries, micro-wineries and micro-distilleries..

Brewpubs, Micro-breweries, Micro-cideries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, micro-brewery, micro-cidery, micro-winery, or micro-distillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-108.4. Special Uses (Commercial PUD Zone)

(H) Brewpubs, micro-breweries, micro-cideries, micro-wineries and micro-distilleries.

Brewpubs, Micro-breweries, Micro-cideries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, micro-brewery, micro-cidery, micro-winery, or micro-distillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

ZONING COORDINATION REFERRAL

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

For Use By SCDEDP

Received 5-2-23
Case No. A-3-23
Returned 5-11-23

FROM: ☑ Legislative Body
☐ Zoning Board of Appeals
☐ Planning Board

Municipality: Town of Rotterdam

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) 382-5539

Received
Schenectady County
MAY - 2 2023
Economic Development
and Planning Dept.

ACTION:
☑ Zoning Code/Law Amendment
☐ Zoning Map Amendment
☐ Subdivision Review
☐ Site Plan Review
☐ Special Permit
☐ Use Variance
☐ Area Variance
☑ Other (specify) Local Law - Micro-Breweries etc.

PUBLIC HEARING OR MEETING DATE: May 10, 2023

SUBJECT: Town of Rotterdam – Code Amendment. Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code entitled "Zoning" of the Town of Rotterdam in regards to allowing microbreweries, micro-wineries, and micro-distilleries by Special Use Permit Zoning Districts

REQUIRED ENCLOSURES:
1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.

2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:

☐ the boundary of any city, village or town;
☐ the boundary of any existing or proposed County or State park or other recreation area;
☐ the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
☐ the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
☐ the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
☐ the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: Peter Comenzo Title: Sr. Planner

Address: 1100 Sunrise Boulevard Schenectady, NY 12306

E-mail: pcomenzo@rotterdamny.org Phone: 518-355-7575 Ext 338

Signature Date: 4 27 23

RECEIVED
MAY 17 2023
TOWN OF ROTTERDAM
PUBLIC WORKS

PLANNING & ZONING COORDINATION REFERRAL

Case No. R-03-23

Applicant Town Board

Referring Officer Peter Comenzo

Municipality Rotterdam

Considerations: Proposed local law amending the zoning code to add Brewpubs and Microbrewery, microwinery and microdistillery to the list of special permitted uses.

RECOMMENDATION

Receipt of zoning referral is acknowledged on May 2, 2023. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

☑ ***Approve of the proposal.**

☐ **Defer to local consideration (No significant county-wide or inter-community impact)**

☐ **Modify/Conditionally Approve.** Conditions:

☐ **Advisory Note:**

☐ **Disapprove.** Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

5/10/23
Date

Ray Gillen, Commissioner
Economic Development and Planning

2. **Town of Rotterdam – Code Amendment. Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code entitled "Zoning" of the Town of Rotterdam in regards to allowing microbreweries, micro-wineries and micro-distilleries by Special Use Permit in the A-1 Zoning District.**

Chairman Yuille: Peter, do you want to explain this?

We are not going to do anything tonight on this, we are just looking for comments and generate some thoughts and then the next meeting, we will probably have a recommendation.

Mr. Comenzo: Thank you, Mr. Chairman. Peter Comenzo, the Town Planner. In your packets you will see there is a letter let me back up. I received a phone call from a Laurel Boser. She was looking at property in Rotterdam but also brought up the fact that we don't permit microbreweries anywhere in town. In looking at our code, she was correct. Obviously, there has been quite a big interest in these types of facilities. They are kind of, like I mentioned earlier, there are probably 25 or so in the Capital Region.

So, basically, we looked at our neighbor in Glenville, who does have a couple, they have a winery, a distillery and also a microbrewery in their town and they have definition section in their Code as well as for the allowance for these types of facilities. At the Town Board meeting, one of our residents got up and spoke and had mentioned that mead is also something approved by the state legislature a couple of years back and braggot was also approved by the state so we added that. Then we modified the proposed language to just basically say similar type alcoholic beverages because who knows in the future what folks are going to come up with something different or some new variation of fermentation.

So, unlike typical report and recommendation at the Planning Commission does, the Board just kind of vote yes or no and state our reasons why, in this case, we thought it might be prudent to have a discussion and make a recommendation that this group would feel in terms of on-site consumption, whether that should be permissible or not. Number 1 that is kind of first and foremost. The Town of Glenville does not allow that in their Code, but I know in many instances it does occur. There is also the issue of, I don't know how far we would want to get into it, a lot of these facilities have food trucks that come and then also take a look at our other zones and make sure that both in the commercial zones in the Town and the industrial zones that there would be an ability to make, I believe it would outright be permitted, right now in the industrial zone although it doesn't say that specifically, there is a manufacturing component to it.

Just kind of looking for the Board's feedback on what thoughts are in regards to allowing for on site consumption and whether you would want to get into the other zones and come back with a recommendation to add this into our commercial zones and industrial zones and whatever performance standards that you would want to see. Maybe in the Agriculture zone you want to have a minimum acreage requirement of an acre, five (5) acres, whatever that may be and those types of performance standards we could put in the report and recommendation to the Board and then they can move forward with the public hearing process.

Ms. Heinel: There are other types as well as just the cidery, breweries, "Inaudible", there is the farm ciders, breweries and "Inaudible" and just for clarification for the Board when we get into this a farm brewery, the only difference between a farm brewery in New York State and normal brewer in New York State, is that in order to be called a farm brewery, one they have to be a on farm and their products that they use to make their product have to come from New York State so that they can get a label that get placed on the product that says New York State Agricultural product and that is what the difference between the farm versions of all these things and the non-farm version.

There is also the factor of just for inclusionary purposes of placing all of the definitions into the Code to some extent or another. Whether you wanted to accept those as well or just the limited, normal versions we take of brewer, microbrewery, because they do have different definitions in the State version of the legislature, they have each labeled with different definitions. The Board could always choose to adopt the State's definitions for each one to make it a simple process of what classifies each.

Mr. Comenzo: Or just reference the section of the State Code because things change.

Ms. Heinel: Some municipalities have said, microbreweries shall have the normal, ordinary meeting as defined in the NYS Alcoholic and Beverages Law Section, I forget what specific section number it is, but they define it just by referring to how it is defined in the Alcoholic Beverage Law of New York State. That is also a considering factor.

Mr. Collins: When it comes to the manufacturing do they give, if we put it in like a general business, does it give off odors into the atmosphere where it could be noxious to the neighbors?

Mr. Comenzo: There is a smell associated with fermenting beer. I don't know if there is some type of diffuser that's in there or fans that would exhaust that.

Mr. Collins: I was just thinking because when we talk about nail salons and so forth, they have to have certain system to stop it.

Mr. Comenzo: They boil it and there is a scent to it. I have visited microbreweries and you can smell it inside. I do not know how much of an issue it is outside.

Mr. Collins: I do not know to be honest with you.

Ms. Heinel: To my recollection, a lot of that gets contained with the modern equipment that is used in these. A lot of that gets contained within the internal structures. Now, that doesn't mean that the smokestack or whatever it might be might not give off some smell, but they would also have to comply with the Alcoholic Beverage Laws, their own regulatory and licensing authorities. Just like many of these other businesses too. It's a good idea to look into.

Mr. Comenzo: I think part of that would be during the site plan review process too. What are they doing with the waste material once it's done fermenting and what do you do with all the hops? Do you dump them in the dumpster in the back or are they fed to pigs, I don't know exactly what is done with the waste materials.

Mr. Collins: Like I say, one of those thoughts that ran through my mind.

Chairman Yuille: Mr. Calder, any questions?

Mr. Calder: Isn't the waste material going to be taken away by a truck, basically. The editorial today in the Gazette was very informative for somebody that doesn't know about this. In some of the stuff here talked about the waste being taken away.

Mr. Comenzo: I would imagine that it is organic so, I would imagine that they would feed it to animals.

Mr. Calder: And they talked about some of it going to nearby farms.

Mr. Comenzo: Or at least used for fertilizer. But the storage of it, I don't know if you have to build up enough to get a truck load of it to make it.

Mr. Calder: When we were discussing this earlier, the water at some point may have been an issue. I don't know if that is an issue but whether we should consider that with the zoning with the water, where the water is, where there is water available, where there is no water available. Does that make any sense or not?

Mr. Collins: Well, water is water but I mean I can't see them building out by Maple Ski Ridge because if that's all wells they could never produce that kind of water.

Mr. Comenzo: Depending on the size of the brewery. They didn't say they were looking at a really large operation, but I would assume that would be one of the first things that you would look at after a location or whether it's allowed in the Town or not. I know these folks were looking at several different towns and different pieces of property. They were looking at a property off of Mariaville Road. Who knows, they may have found another piece of property already. It made sense to look at this because I know from an economic standpoint and tourism, I don't think it's a matter of if we're going to see a request for a microbrewery or cidery, but its when. At least we would have a Code that would give the Board the ability to look at it. Otherwise, you just tell them no when they come.

Ms. Heinel: I think the water issue would be more of an issue that the applicant/potential buyer would have to verify for themselves whether the property could actually meet the demands for what they need it to be. That's not really a concern necessarily for the Town to take on of whether the person buying the property is aware whether they are going to get the water or not. That is part of the buyers due diligence in purchasing a property for a specific need is whether they can meet that need.

Mr. Comenzo: I think Clark might have been alluding to like living next door and having your well run dry because they are using.

Ms. Heinel: That's fair and it's something to consider but that's the problem you would have with any neighbor that potentially bought a house right next to you and tapped the same well.

Mr. Comenzo: Whether it was farming…

Ms. Heinel: Whether it was farming, whether it was a business or whatever it might be, it's going to be a potential problem for anybody purchasing a property in that area.

Mr. Calder: I think getting ahead of it is a good idea, but I'm surprised we haven't had to deal with it before since everybody has.

Mr. Comenzo: Like I said earlier, we have gotten inquiries about properties in our commercial zones for breweries and I can potentially see some of these areas where there is a lot of parking and under-utilized retail areas in town potentially going in there. We do have very good quality water in the town. I could see someone looking to do that.

Mr. Calder: I have no other questions. Thank you.

Chairman Yuille: Mark?

Mr. D'Alessandro: I have a question. Number 4 about the on-site consumption or not. I did one of those tours up in the Thousand Islands for a winery tour. Is sipping considered consumption? They had like little dixie cups that you could have the wine.

Ms. Heinel: That's a tasting versus consumption which is ordering. I think the idea there was that tasting would be a very different experience than buying a pint of beer or five (5) or six (6) or however many.

Mr. D'Alessandro: Do we have to specify anything like that or is that just like a…

Mr. Comenzo: Right now, we based this from the Town of Glenville's Code. I don't know how closely they follow that for terms of on-site or off-site consumption or that type of thing but it's something to discuss. If it's going to be a large, if it's going to be a small operation they probably wouldn't have some type of beer/alcohol sales but a lot of times if they have a good product they grow.

Ms. Heinel: The other thing is just because one business is the one spurring us to look at this as a potential change for our code, it isn't going to be the only one probably that's going to come around. What one is planning on doing is not what the other is going to plan on doing. If we don't allow on-site consumption now, good chances are that there is going to be one that comes along that is going to want it and we are going to have to go through this process all over again so it's best to have an idea of is that something that the Town is going to allow should we recommend this or should we limit it to this and this only.

Mr. D'Alessandro: That's all that I have.

Mr. Comenzo: I kind of was torn about whether to put the letter in there or not from the property owner. It doesn't seem like the Board is focusing on this and I'm certainly not. It was just an inquiry to the Town and I said hey, if you are really interested why don't you send us a letter and I will see if the Town Board will entertain it. They did accept it and forwarded it to this board for report and recommendation. Like I said, unlike some of our other code amendments they are pretty straightforward, this one we are looking to try to get a recommendation from the Board in terms of what you think the Town should do in regards to this issue.

Ms. Heinel: Especially since a lot of these site plans, if this does go forward and get accepted, are going to come before this Board. Once it gets enacted and you start getting interest with applications, you guys are going to be the ones looking at the site plans and everything in there. Now would be the time to start thinking about the thing that you would want to require of a site plan applicant for something like this for that special use permit. What would be the things that you would be concerned with?

Mr. Comenzo: So far, I have heard water and waste or smells.

Ms. Heinel: Lighting would be a big one. I would imagine neighbors would be concerned with from a space, hours of operation would be another one to consider. Noise as well.

Mr. Comenzo: I don't know how far the Board wanted to get into that in terms of performance standards or if you wanted to direct staff to come up with an idea of specific recommendations.

Ms. Heinel: Or those things can be left to site plan and be made conditions at a site plan approval so they can be adapted to each application as well. It is just something to consider.

Chairman Yuille: I think the on-site consumption, I'm sorry, Mark, are you done?

Mr. D'Alessandro: The only thing I was going to say is four (4) years ago if you were going to talk about drug and alcohol on the Planning Commission, I would have told you were nuts.

Chairman Yuille: I think the on-site consumption we need to consider.

Mr. Comenzo: I think that is the biggest item there. Is the Board in support for allowing on-site consumption for microbreweries.

Chairman Yuille: If someone wants it, they could come back for a special use permit for that.

Mr. Comenzo: It's implied that it's allowed. Right now, the way it's written is prohibited. So, if the Board was okay with allowing for on-site consumption for having a taproom to sell beer…

Mr. Signore: I think at some point somebody is going to bring that up so why go through this again. Put a very broad description for these and I think Courtney had it right to use the State's description and "Inaudible…" in terms of the "Inaudible…" I would include everything in that and then add oversight by the Town or DPW under the discretion of the Town, perhaps so we don't have to go through this process several times because people are going to come up with a lot of ideas. We have all these different things here now.

Mr. Comenzo: I don't know if everybody agrees with what Joe is saying, he's basically saying is we should reference the State Code instead of trying to define all these different types of beverages, allow for on-site consumption and be a little more general in terms of the performance standards. In my mind, I am thinking you could address noise, odor, lighting, etc. and if you just wanted to add a statement in there to say the Planning Commission during Site Plan or during the Special Use Permit review would look at lighting, odors, you need to prepare answers to lighting, traffic, the general things you guys look at.

Ms. Heinel: Water, waste, lighting, traffic, noise, safety, hours of operation.

Mr. Comenzo: Does that sound…

Chairman Yuille: Joe, do you have anything else to add?

Mr. Signore: Like the on-site food could be discretionary as well. Put that in there and then like Tom mentioned they could come in for a special use permit but at least it would already be in the Code. I think Tom had a good idea with that.

Chairman Yuille: Joe, anything to add?

Mr. Miglucci: The waste issue is rice, hops, barley and it's all natural. The smell basically dissipates quickly and there is nothing really toxic or endangering. "Inaudible…"

Mr. Comenzo: I guess in terms how they are going to handle that would be, the other thing I was thinking of is rodents and that type of thing, would that attract them?

Chairman Yuille: VanDyke down there they have a microbrewery and they are right in the middle…

Mr. Comenzo: A lot of these places are literally right in the middle of the town or cities. I can foresee that occurring and having these in our business and industrial zones. For example, Burdeck Street or Altamont Avenue.

Mr. Signore: Do we know someone who is involved in the renderings for microbrewing and what they look like? I'm thinking a farmer would take it and plow it in.

Mr. Comenzo: I could look into it.

Ms. Heinel: I don't know if the fermenting process actually ruins the ability to compost because of the process of the breakdown of it. You can't use cooked in compost because it doesn't degrade the same way, it doesn't add the nutritional benefits and I don't know if the process of fermentation does the same thing to the waste products where it would make it not viable.

Mr. Comenzo: I can find out. I know somebody that knows somebody that runs one.

Ms. Heinel: I also have a friend who the farm manager at Indian Ladder Farms.

Chairman Yuille: Anyone else have anything else to add?

Mr. Collins: I have one more question. When it comes to the food truck thing, that way if you do it because NYS you have to food if you sell booze, right? But are we going to say you can only have one food truck because sometimes somebody will see a food truck and some guy says I got a food truck, and I will go down and hang out. Do you know what I am saying? I don't know if that would become a problem.

Mr. Comenzo: I think the food truck pays the brewery to be there.

Ms. Heinel: It's also up to the brewery on how many they want to allow on their property too.

Mr. Comenzo: It's going to depend on their customer base. If there is only 30 people going there, there is not going to be 5 trucks.

Ms. Heinel: With regards to the food concerns, that's really going to depend on what type of license they get from the Alcoholic and Beverages Committee and everything like that because that is going to dictate what they need to have on-site. They will be telling us when they come in for an application what type of license they are getting or have from the Liquor Authority and that will tell us what they are going to have on-site foodwise. Some licenses you can get away with just your peanuts on your bar.

Chairman Yuille: How are we going to put this together so that we can do it at the next meeting? Are we going to put a list together?

Mr. Comenzo: I think between Courtney and I we can probably come up with some type of draft to consider. I think Joe made some good points in referencing the State Code and then the on-site consumption. I think everybody was kind of in agreement, in at least in reading the tea leaves here, that on-site consumption is not really a concern and it would be something that would be addressed the review process.

Ms. Heinel: Any issues with on-site consumption from anybody?

Mr. Comenzo: Then generic performance standards. Ask them to come up with a plan to address safety and lighting.

Ms. Heinel: I think like you suggested something we could add in the tagline that during special use permit review the board will look at these factors…

Mr. Comenzo: Like proximity to neighbors and we can come up with a list and then when they come in, they will know they say they want to do this, but we can say we reference the Code and when you come in, here's what you need to address. Then the on-site food, I think we were okay with that.

We should be able to come up with something and come back to you in two (2) weeks.

Meeting adjourned at 8:15 p.m.

Motion to adjourn the meeting was made by Mr. Collins and Mr. D'Alessandro seconded the motion.
Next meeting scheduled for March 7, 2023.

Respectfully Submitted, Marlo L. Carter, Planning Commission Secretary

2. **Town of Rotterdam – Code Amendment. Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code entitled "Zoning" of the Town of Rotterdam in regards to allowing microbreweries, micro-wineries, and micro-distilleries by Special Use Permit in the A-1 Zoning District**

Chairman Yuille: Peter, are you going to present?

Mr. Comenzo: Yes. Peter Comenzo, Town Planner.

If you recall, not last meeting, but the meeting before we had a discussion and proposed legislation for the microbrewery and micro-distilleries. We were directed, to look at more comprehensive and not just focus on the Ag Zone but to look at breweries and microbreweries and brew pubs townwide to check our different zones. Part of the discussion was not necessarily just the Ag zone but some of the underutilized properties in the town, people could look there and really the thing from a zoning perspective is that you have the manufacturing component as well as the beverage component. So, it really does not fit specifically into any zone. And it is certainly not allowed in the Ag zone.

After looking at this matter, there were also some other performance standards that you wanted us to address in terms of noise, food carts, hours of operation. So, I went back and went through the zoning code and did some research to other communities as to how they addressed this. So, brew pub and microbrewery, micro-distillery, micro-winery are separated. The brew pub is more like a restaurant type facility with production of beer or wine or some of the other products, like braggot or cider, and that can be done in a brew pub setting where you can also have kitchen facilities and that would be more of something you would see in a commercial zone.

The microbrewery and micro-winery, micro-distillery would be more of a production type facility so, the square footage proposed for that or what I had seen, we had discussed up to 75,000 square feet for a microbrewery, micro-winery, or micro-distillery and then the brew pub would be 25,000 square feet.

The way our code is set up, it is cumulative so, first I looked at the Ag zone and we talked about the food cart and this obviously subject to discussion tonight, I had listed no more than two (2) food cart vendors permitted on site and that was for the Ag zone. We would not allow brew pubs but the microbrewery component would be in the Ag zone. We have it listed as a special use in the Ag zone. As a special use in the Main Street Neighborhood Center Overlay District and in the Corridor Overlay District. We addressed the noise code. We allowed food carts permitted on site by permission of the Planning Commission only. So, even if one of these businesses opened, they could always come back if they wanted to add a food cart component to it or they could work that into their site plan when they came forth.

The smaller, we would have it as a special use in the less intensive zones, like Main Street Neighborhood Center and the Corridor Commercial as well as the Retail Business zones which right now, we allow restaurants in those zones. When you get over to the General Business zone, I would propose that it would be a permitted use because the way our cumulative zoning works in both the light industrial and the heavy industrial zone, whatever is allowed by right in the General Business zone is also allowed in the Industrial zones so they would be allowed outright in the I-1 and I-2 zones subject to the same performance standards that are listed in here.

As well as the Commercial PUD zone which is a new zoning classification which we don't have any right now in the Town, but that is more for like the Exit 25A area and I think we had proposed that type of zoning for Exit 25 as well in terms of some type of a planned unit development with several different types of uses on the same piece of property.

That is all that I have. Are there any questions?

Chairman Yuille: Mr. D'Alessandro?

Mr. D'Alessandro: No.

Chairman Yuille: Mr. Collins?

Mr. Collins: No.

Chairman Yuille: Mrs. Flansburg?

Mrs. Flansburg: I don't have any questions, just a comment. As I was not here for the original meeting, I appreciate that all of the minutes were part of this so I was able to read up and catch up on it. It sounds like we are modeling quite a bit of it after Glenville who has many of these.

Mr. Comenzo: Glenville's is very rudimentary, I guess, it just basically said you could allow, and it didn't actually allow on-site consumption obviously it would be an issue with anything other than maybe tasting. We kind of went back to the drawing board based on the Board's comments and we rewrote this based on some other municipalities.

Mrs. Flansburg: It was nice to have it to be able to follow along both of your comments back and forth so, I appreciate that.

Chairman Yuille: Mr. Signore?

Mr. Signore: No. We have quite a way to go on this anyway, right?

Mr. Comenzo: Well, it's a report and recommendation. The only difference with this is that what was originally forwarded to the Board is completely different than what we have here. This is really the recommendation of the Planning Commission as based on your comments from the last meeting and the work of staff to go through this and address it.

Ms. Heinel: From here it would go to the Town Board and then the Town Board would make…

Mr. Comenzo: They will call for a public hearing. If they want to add things or subtract things, they can address that.

Chairman Yuille: Mr. Miglucci?

Mr. Miglucci: I'm good with it.

Chairman Yuille: To give you a little history, this came about because someone came in looking to possibly put a microbrewery out on Mariaville Road. There isn't a current project, but since this is probably going to start to come through, we thought we would get ahead of the game with it. So, we got those, and we will go from there. Again, just to remind everybody, this is a recommendation. We are going to vote either yes or no on it and when you give your vote, explain your vote as to why you vote yes or why you vote no and give a reason. If you have something that you would like to change, there is a section here that Peter put in so that you can add a section or something that you might want to change or might want to do. We will go with that.

Ms. Heinel: I do have a question. I was just looking at the DPW comments, Peter, and I think we have addressed it, but I want to make sure that we did because these were from the February meeting, for the microbreweries, we are allowing on-site consumption, right?

Mr. Comenzo: Yes.

Ms. Heinel: Does it specifically state it? It says tasting room in the definition, and I want to make sure and I would agree that I think it's enough because brew pub covers it specifically.

Mr. Comenzo: The brew pub is covered in all zones except for Ag.

Ms. Heinel: Yeah, and it specifically states on-site consumption and I was looking at the comment and then the definition we are using for the microbreweries, micro-wineries, and micro-distilleries, it doesn't specifically say anything about the on-site consumption other than that it includes a tasting room. I was wondering if the Board wanted to specifically state on-site consumption or not.

Chairman Yuille: For the brew pubs?

Ms. Heinel: No, for the microbreweries, micro-wineries and micro-distilleries.

Mr. Comenzo: The only caveat on that, I believe we didn't really want to open this in the Ag zone to bars. I think it needs to be clear, unless the Board wants to recommend that, but I don't think we want to open up the Agricultural Districts to opening up taverns and just, I don't know if they would have some type of five (5) gallon jug in the back, like the Cuomo chips, a bucket of beer in the back.

Mr. Collins: Could they come back and ask for, say someone just opened a microbrewery in the Agricultural zone, and then later on, could they come back and ask for a special use permit to add consumption or is this strictly…

Mr. Comenzo: I guess you could tie it to the Liquor Authority approval or because of home rule, we can dictate exactly what you want to see in the agricultural district. This is a little unclear. It doesn't outright allow you to have a full service bar and then, in that, I guess the distinction between brew pub and microbrewery, at least in my mind to say okay if you are opening up a microbrewery, you are not opening a bar and you are allowed up to 75,000 square feet and you can have tastings. I think what Courtney is saying is do you want to allow someone that if they are making beer, can they sell cider and…

Ms. Heinel: Or sell their own beer?

Mr. Comenzo: I don't know if you want to put a performance standard in there to say limited to on-site production products.

Ms. Heinel: I just want clarification from the Board's perspective, is that something they want or in response to DPW comment kind of in just looking at it or do we want to leave it as is with just the tasting room reference.

Mr. Collins: I don't think, with respect to someone that's in Agricultural, they are out there for a reason. The rural setting and so forth and I kind of agree that maybe we shouldn't force them and let someone come in and open a big beer joint. It's a different atmosphere than in the business districts. So, I kind of agree with what we are saying. That is just my opinion, for what it's worth. They are living out there for a reason and for them all of a sudden to have a few beer joints, I don't know, we are just talking here.

Mrs. Flansburg: I'm just trying to think about how this applies to reality. I'm thinking Agricultural, not in our community, but Indian Ladders has a giant "Inaudible" and on-site consumption and tasting and own little restaurant, is that the kind of thing that we are talking about here or not at all?

Mr. Comenzo: I'm looking at it from a perspective if I'm looking at a developer that comes in or someone wants to come in and open up a business in the Town of Rotterdam what are the restrictions? If someone came and said hey, I want to open up a bar in the Ag zone then there is some discretion in terms of what you are looking at. I guess, to address it, you could add it in here how we are dealing with food carts or hours of operation. You could say other types of liquor as approved by the Planning Commission. If you want to address that issue. I think if you allow brew pubs in the Ag zone, I think you may find somebody that will try to use that or twist that in some way that it's an allowed use and you'll wind up with a bar.

Mr. Collins: I don't want that, I don't think.

Mr. Signore: Peter, you are going to see unforeseen issues as these progresses, right?

Mr. Comenzo: Yes, 20 years ago we wouldn't be having this conversation about microbreweries.

Mr. Signore: These people go for their permits to get established, they should understand that a lot of this is going to be under the discretion of the Town and how the Town makes changes or perhaps the State makes changes.

Mr. Comenzo: Like I said, it's either allowed or it's not. It's either in the code or it's not. I don't have that discretion to say well, I kind of like your business and I don't like this other business. You are either permitted to have other types of alcoholic beverages on-site or you are not. The other alternative is that you could make it a performance standard and have them come in and request to offer other limited types of beverages. And you could limit it to not hard liquor or whatever you could have a percentage of alcohol maybe. If you wanted to do it that way, you couldn't serve shots of some type of hard liquor as opposed to a different variety of these types of liquors.

Ms. Heinel: My question wasn't necessarily geared towards having other types of alcohol at the establishment, it's more whether they can consume their own. They can sell and consume their own product right on site. Like a tasting room is a tasting room but being sit down with a beer from there, drink a few of them is a little different than a tasting room. My question was more of if a microbrewery opens and they want to sell their product on-site to people to on-site consume, that's really the question. Would we want to allow on-site consumption of at least their own products and not even really getting into the question of having liquor, ciders and beer at the same location.

Mr. Collins: I think they should be able to see their own product but that is what their business is for but we don't want them to be bring in a full line of alcoholic beverages and start having a bar. I think that if someone opens a brewery and they have a tasting room and that person should, I feel should be able to say I like this product, I would like to buy it however it's package but they can only sell their product and not expand to other products, does that make sense? Do you know what I mean? They are producing/manufacturing a item, they are offering you to taste the item and now the reason say that I would like to buy however it's package, a quart, a six pack, I don't go out anymore doing that stuff, but I think if you are allowing them to make it there and taste it there, I think you should be able to take that product home, no other vendors product. If that makes any kind of sense?

Mrs. Flansburg: It does but I also think it's a matter of I have tasted these three (3) and I like this one and I would like a pint of that one.

Ms. Heinel: Right.

Mrs. Flansburg: They would still be limited to their product.

Ms. Heinel: At this point, I just posed a question because I wanted some clarity on that particular point, if no one else has any questions, we do the vote, for an example, a board member wanted to suggest that as a modification for a recommendation, I think you could, otherwise you could just leave it as is.

Mr. Collins: What do you think, Peter?

Mr. Comenzo: I think these other zones are going to allow restaurants which potentially have full-service bar. You could be a brew pub but you can also be a restaurant right, and the restaurant, if they get their approvals to sell liquor from the liquor authority, it really comes down to the Ag zone. I think Courtney is correct and we probably should address sale of whether, either their product from on-site which I believe would make a lot of sense and then whether you would want

limited or you could limit it to the amount of alcohol too. I guess you could say anything under 20% or 15% alcohol could be sold.

Ms. Heinel: That would kind of defeat the purpose of a micro-distillery because they make liquor.

Mr. Comenzo: That's true. I didn't think of that. I'm thinking beer.

Ms. Heinel: I know, but it does include all the other ones.

Mr. Collins: My concern is the Ag zone and not the other ones. I mean if a guy opens up in the business zone, a restaurant, that already established but in an Ag zone, I think it should be, I will make that recommendation if I can when we do it that their own product be sold on their site.

Mr. Comenzo: I guess this is an establishment engaged in the production and distribution of beers, braggot, meads, hard ciders, we could change that to distribution and sale. Just add the word and sale. Distribution could be sales.

Mrs. Flansburg: It was never a question to me that they would not be selling it there. That is their job. They are producing it and they are going to sell it there and they would hope that they are going to make agreements with other businesses to also sell their products like beverage centers or other places. I'm going to go a step further and say that I think they should be able to consume it there, whether everybody agrees with me or not, their own product they should be able to consume it there.

Ms. Heinel: I think if you are going to add that into the text Peter, where you would put it is kind of similar where it's put in the other one. So, it says the establishment may include other uses such as a tasting room with food, offer to consumption in the tasting room and/or on-site consumption of their own products. And just put it into that sentence.

Mr. Comenzo: Does that make sense, everybody?

Mr. Collins: Yes.

Chairman Yuille: We will find out when the first one comes in and we have…

Mr. Comenzo: On-site consumption and sale. Would we add the word sale?

Ms. Heinel: Yes.

Mr. Comenzo: There is a difference between distribution and sale.

Ms. Heinel: I don't know if that makes a huge difference because I think the idea behind production and distribution means they are going to produce it and distribution is inherently a sale to some extent or another involved in that process, but we can add it there just to cover our basis.

Chairman Yuille: NYS has a lot of regulations on this also.

Ms. Heinel: A whole bunch. The ABC Laws are lengthy, strict, and somewhat convoluted.

Chairman Yuille: Anymore discussion? Hearing none, at this time, I will entertain a motion for a recommendation. Please identify whether the motion is going to be positive or negative.

Mrs. Flansburg: I will make a motion that the Planning Commission adopt a positive recommendation for this, but including the new changes that we made specifically to microbrewery, micro-winery, and micro-distillery on-site consumption for sale in the Ag zone.

Mr. Comenzo: Consumption of tasting room and/or on-site consumption and sale of their own product.

Mrs. Flansburg: They are not just limited to tasting, right?

Mr. Heinel: Right.

Chairman Yuille: Motion made by Mrs. Flansburg. Is there a second?

Mr. Collins: I second the motion.

Chairman Yuille: Motion seconded by Mr. Collins. Are there any questions on the motion? Everyone understands that we changed a couple of words and added a couple of words in there? Please call the vote.

Marlo Carter: Mr. Collins?

Mr. Collins: Yes, and the reason being we made the changes that are positive and we are just bringing the town forward and trying to get ahead of the curve on this. I think this is a good recommendation and I hope the Town Board agrees with us.

Marlo Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes, for the same reasons as he stated and I would like to be ahead of it when the projects come before us. I think it is helpful for a clear understanding of what is expected.

Marlo Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes, I agree with Mr. Collins and Mrs. Flansburg.

Marlo Carter: Mr. Signore?

Mr. Signore: Yes, I agree with the others.

Marlo Carter: Mr. Miglucci?

Mr. Miglucci: Yes, just like everyone else stated and it is a nice place to take a date.

Marlo Carter: Chairman Yuille?

Chairman Yuille: Yes, and I agree with what everyone said and it is nice to get ahead of it, so we have something out there. It may not happen for a year or two but at least we have something. There will probably be something that comes up that we are going to have to change or NYS may make a change and we must abide by that.

Motion carried.

Thank you, Peter.

Meeting adjourned at 8:07 p.m.

Motion to adjourn the meeting was made by Mr. Collins and Mr. D'Alessandro seconded the motion.

Next meeting scheduled for April 4, 2023

Respectfully Submitted,

Marlo L. Carter
Planning Commission Secretary

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, April 26, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 153.23

TO CALL FOR A PUBLIC HEARING ON THE PROPOSED INTRODUCTORY LOCAL LAW __ OF 2023; TO AMEND TO THE TOWN CODE OF THE TOWN OF ROTTERDAM FOR THE ALLOWANCE OF MICRO-BREWERIES, MICRO-WINERIES AND MICRO-DISTILLERIES

THEREFORE, UPON MOTION OF Councilmember **DODSON, seconded** by Councilmember **CHRISTOU,**

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Town Clerk to publish in the official newspaper of the Town of Rotterdam not less than ten (10) days prior to the date designated for the public hearing provided for hereby the following notice:

TOWN OF ROTTERDAM
NOTICE OF HEARING

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a public hearing at the Rotterdam Junction District #1 Firehouse, 1215 Main Street, Rotterdam Junction, New York 12150, at 7:00 p.m. on the 10th day of May, 2023 for the following purpose:

> For receipt of comment on the proposed Introductory Local Law No. __ of 2023; To amend to the Town Code of the Town of Rotterdam, for the allowance of micro-breweries, micro-wineries, and micro-distilleries in the Agriculture (A-1), Main Street/Neighborhood Center (MS/NC) Overlay, Corridor Commercial (CORR) Overlay, Retail Business (B-1), General Business (B-2), and Commercial Planned Unit Development (C-PUD) Zoning Districts as a Special Use Permit.

BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK

DATED: April 26, 2023
Daily Gazette: Please publish once on April 29, 2023
Town Clerk
Post

SECTION 2. This resolution shall become effective April 26, 2023.

DATED: April 26, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on April 26, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this April 28, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM Office of the Town Clerk Schenectady, County, NY

TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org

LEGISLATIVE REQUEST FORM

DATE:	April 18, 2023
TO:	Mollie A. Collins, Town Supervisor
FROM:	Peter Comenzo, Sr. Planner PC
TITLE OF REQUEST:	Town Board to consider calling for a public hearing on a proposed amendment to the Town Code of the Town of Rotterdam, for the allowance of microbreweries, micro wineries and micro distilleries in the Agriculture (A-1), Main Street/Neighborhood Center (MS/NC) Overlay, Corridor Commercial (CORR) Overlay, Retail Business (B-1), General Business (B-2), and Commercial Planned Unit Development (C-PUD) Zoning Districts as a Special Use Permit.
TOWN BOARD MEETING:	April 26, 2023
Background Information:	On February 8, 2023 the Town Board of the Town of Rotterdam forwarded proposed legislation to the Planning Commission for a report and recommendation which would permit and regulate the operation of microbreweries, micro wineries and micro distilleries as a special use permit in the Agricultural (A-1) Zoning District.
Evaluation/Analysis:	On February 21, 2023 and March 21, 2023, the Planning Commission reviewed and discussed the proposed legislation. On March 21st the Commission made a Positive Recommendation with several proposed changes to original proposed amendments.
Recommendation(s):	The Town Board to call for a public hearing to be held Wednesday, May 10, 2023.
Attachment/Document(s):	Planning Commission Report and Recommendation with amendments. Planning Commission Minutes February 21, 2023 and March 21, 2023 Draft Local Law
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	NYS Town Law

LEGISLATION WILL BE PREPARED BY: Supervisors Office

RESOLUTION NO. 81.23

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, February 8, 2023, at 7:00 p.m., the following resolution was duly adopted:

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW NO. 2 OF 2023 AND REFERRING SAME TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

THEREFORE, UPON MOTION OF Councilmember **DODSON** seconded by Councilmember **MASTROIANNI,**

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board recognizes the introduction of Introductory Local Law No. 2 of 2023 to allow for microbreweries, microwineries and microdistilleries by Special Use Permit, in the Town Agriculture (A-1) Zoning District.

SECTION 2. The Town Board hereby determines that the proposed enactment of Local Law No. 2 of 2023 is a Type I action under the State Environmental Quality Review Act pursuant to 6 NYCRR § 617.4 (b) (2), that there are no other involved agencies (as that term is defined under the SEQRA regulations) other than the Town Board, and therefore declares itself as lead agency for purposes of conducting the SEQRA review and authorizes the Supervisor or her designee to execute Part 1 of the Full Environmental Assessment Form..

SECTION 3. The Town Board hereby refers Introductory Local Law No. 2 of 2023 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

SECTION 4. This resolution shall become effective February 8, 2023.

DATED: February 8, 2023

NAME	AYES	NOES	ABSTAIN
Christou (Absent)			
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on February 8, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this February 10, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org

LEGISLATIVE REQUEST FORM

DATE: January 24, 2023

TO: Mollie A. Collins, Town Supervisor

FROM: Peter Comenzo, Sr. Planner PC

TITLE OF REQUEST: Public petition to the Town Board to consider the adoption of updates to the Town Zoning Code relating to the allowance of microbreweries, microwineries and microdistilleries in the Agriculture (A-1) Zoning District.

TOWN BOARD MEETING: February 8, 2023

Background Information: The Town has received an inquiry regarding the allowance for the location of a microbrewery in the Town of Rotterdam. Although potentially an agriculture related use, the current Town Zoning Code does not permit this type of manufacturing, sale, or consumption in the Agriculture (A-1) Zone. The Town Board of the Town of Rotterdam should determine if they would like to consider an amendment to Chapter 270 of the Town Code of the Town of Rotterdam, which would permit and regulate microbreweries, microwineries and microdistilleries.

Evaluation/Analysis: Chapter 270-174(b) requires the Town Board to refer amendments to Planning Board for a report and recommendation. Microbreweries and similar type uses have become popular over the last 20 years and many are in more rural areas.

Recommendation(s): The Town Board should refer the proposed amendment to the Planning Board for a Report and Recommendation to allow for microbreweries, microwineries and microdistilleries in the Town Agriculture (A-1) Zoning District.

Attachment/Document(s): Draft Local Law of the Year 2023
Letter from Laurel Boser and Eli Beaudin received 1/20/23

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): Rotterdam Town Code Chapter 270

LEGISLATION WILL BE PREPARED BY: Supervisors Office

05/24/2023

PUBLIC HEARING

#2

For receipt of comment on the proposed Introductory Local Law No. __ of 2023; To amend Chapter §267, Water, of the Town Code of the Town of Rotterdam.

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ **County** ☐ **City** ☐ **Town** ☐ **Village**
(Select one:)

of _____

Local Law No. _____ **of the year 20**____

A local law to amend chapter 267 "Water" of the Rotterdam Town Code
(Insert Title)

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam **as follows:**

See Attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board on _____ 20 23, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20[ ][ ], in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

_____
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, April 26, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 158.23

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW NO. __ OF 2023; TO AMEND CHAPTER 267, WATER, AND SCHEDULING A PUBLIC HEARING THEREON

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Supervisor **COLLINS,**

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board recognizes the introduction of Introductory Local Law No. __ of 2023 to amend Chapter §267, Water, of the Town Code of the Town of Rotterdam.

SECTION 2. The Town Board of the Town of Rotterdam hereby authorizes the Town Clerk to publish in the official newspaper of the Town of Rotterdam not less than ten (10) days prior to the date designated for the public hearing provided for hereby the following notice:

TOWN OF ROTTERDAM
NOTICE OF HEARING

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a public hearing at the Rotterdam Junction District #1 Firehouse, 1215 Main Street, Rotterdam Junction, New York 12150, at 7:00 p.m. on the 10th day of May, 2023 for the following purpose:

> For receipt of comment on the proposed Introductory Local Law No. __ of 2023; To amend Chapter §267, Water, of the Town Code of the Town of Rotterdam.

BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK

DATED: April 26, 2023
Daily Gazette: Please publish once on April 29, 2023
Town Clerk
Post

SECTION 3. This resolution shall become effective April 26, 2023.

DATED: April 26, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on April 26, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this April 28, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office of the Town Clerk
Schenectady, County NY

§ 267-1. Purpose.

The purpose of this chapter is to:

A. Protect the public potable water supply of the Town of Rotterdam from the possibility of contamination by isolating within its customer's internal distribution system or its customer's private water system such contaminations or pollutants which could backflow into the public water supply system.

B. Comply with the requirements of the New York State Sanitary Code 5-1.31.

C. Promulgate the rules and regulations and schedule of fees for town water districts.

§ 267-2. Definitions; word usage.

A. For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

AIR GAP SEPARATION — A physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, and in no case less than one inch.

APPROVED CHECK VALVE — A check valve that seats readily and completely. It must be carefully machined to have free-moving parts and assured watertightness. The face of the closure element and valve seat must be bronze composition or other noncorrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be bronze or other noncorrodible, non-sticking material, machined for easy, dependable operation. The closure element (e.g., clapper) shall be internally weighted to otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

APPROVED DOUBLE-CHECK-VALVE ASSEMBLY — An assembly of at least two independently acting approved check valves, including tightly closing shutoff valves on each side of the check- valve assembly and suitable test cocks plus connections available for testing the watertightness of each check valve. Shall be New York State Department of Health (NYSDOH) approved backflow prevention device/assemblies.

APPROVED REDUCED PRESSURE PRINCIPAL BACKFLOW PREVENTION DEVICE — A device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, two shutoff valves and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the two check valves, less than the pressure on the public water supply side of the device. At cessation of normal flow, the pressure between the check valves shall be less than the supply pressure. In case of leakage to either valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. To be approved, these devices must be readily accessible for maintenance and testing and installed in a location where no part of the device will be submerged. Shall be New York State Department of Health (NYSDOH) approved backflow prevention device/assemblies.

APPROVED WATER SUPPLY — Any water supply approved by, or under the public health supervision of, a public health agency of the State of New York, City of Schenectady or the Town of Rotterdam. In determining what constitutes an approved water supply, the Department of Public Health of the State of New York (herein called "NYSDOH") shall have the final judgment as to its safety and potability.

AUXILIARY WATER SUPPLY — Any water supply on or available to the premises other than the Town water supply.

CONSUMER — Any person to whom water is sold and furnished from the Town of Rotterdam.

CONTAMINATION — An impairment of the quality of the Town water supply by the presence of any foreign substance (organic, inorganic, radiological or biological) to a degree which creates a hazard to the public health.

CROSS CONNECTION — Any unprotected connection between any part of the Town waterworks system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as safe, wholesome, and potable for human consumption.

DEPARTMENT OF PUBLIC WORKS – Department Head, Senior Building Inspector/Building Inspector, Town Engineer, Senior Water Treatment Plant Operator or authorized representative.

NONTOXIC SUBSTANCE — Any substance of a nonpoisonous nature that may create a moderate or minor hazard to the water supply system.

PERSON — Any natural person, firm, association, organization, partnership, trust or association or persons, joint venture, corporation or company, and includes the United States, the State of New York, the County of Schenectady, any special purpose district and any officer or agent thereof.

PREMISES — Integrated land area, including improvements thereon, undivided by public thoroughfares or water distribution mains of the Town of Rotterdam and where all parts of the premises are operated under the same management and for the same purpose.

PROTECTIVE DEVICE — Any of the following devices:

(1) Air gap separation.

(2) Approved reduced pressure principal backflow prevention device (NYSDOH approved).

(3) Approved double-check-valve assembly (NYSDOH approved).

SERVICE CONNECTION — The terminal end of a service connection from the Town water supply at its point of delivery to the consumer. If a meter is installed, "service connection" means the downstream end of the meter. No unprotected takeoffs from the service line ahead of any meter or backflow protective device located at the point of delivery to the consumer shall be permitted.

TOWN — The Town of Rotterdam.

TOWN WATER SUPPLY — The approved water supply sold and delivered to consumer's premises through the Water Works System of the Town of Rotterdam.

TOXIC SUBSTANCE — Any substance (liquid, solid or gaseous), including raw sewage and lethal substances, that, when introduced into the water supply system, creates or may create a danger to the health and well-being of the consumer.

B. "Shall" is mandatory; "may" is permissive.

§ 267-3. Where protection is required; type of protection.

A. Auxiliary water supply. Each service connection from the Town water supply for furnishing water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the Town water supply. Where a single- or dual-family residential customer served by a public water supply system has or proposes to install an auxiliary water supply (i.e., well, cistern, spring, etc.) the supplier of water shall protect the public water supply system against backflow by requiring the customer to perform one of the following:

(1) Permanently disconnect the auxiliary water supply from any direct connection to the public water supply system. An inspection to determine compliance with this requirement shall be made by the local plumbing or building code enforcement official, or their designee. The frequency of inspections shall be at the initial time of disconnection and at periodic intervals thereafter (i.e., every three to five years);

B. Toxic or hazardous substances. Should a facility be rated hazardous, a reduced pressure zone (RPZ) device shall be required.

C. Nonhazardous substances. At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health) if introduced into the Town water supply is handled in such a manner as to constitute a cross connection, the Town water supply shall be protected by an approved double-check-valve assembly.

D. Sewage Treatment Plant/Pump Stations – At the service connection to any sewage treatment plant or sewage pumping station, the Town water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the service connection and all piping between the service connection and receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the Town water supply shall be protected with an approved reduced-pressure principal backflow prevention device, provided that this alternative is acceptable by the NYSDOH.

E. Fire systems. At the service connection to any premises in which a fire protection system is installed, the Town water supply shall be protected based on the water source and arrangement of supplies in accordance with the following classifications:

(1) Class 1.

(a) Direct connection from public water mains only; no pumps, tanks or reservoirs; no physical connections from auxiliary water supplies, no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells or other safe outlets.

(b) Protection: double-check-valve assembly.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(2) Class 2.

(a) Same as Class 1, except booster pumps may be installed in the connections from the street mains.

(b) Protection: double-check-valve assembly.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(3) Class 3.

(a) Direct connection from public water supply main, plus one or more of the following: elevated storage tanks, fire pumps taking suction from aboveground covered reservoirs or tanks; and pressure tanks.

(b) Protection: double-check-valve assembly.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(4) Class 4.

(a) Directly supplied from public mains similar to Classes 1 and 2 and with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within 1,700 feet of the pumper connection.

(b) Protection: air gap or reduced pressure principal

backflow prevention device.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(5) Class 5.

(a) Directly supplied from public mains and interconnected with auxiliary supplied, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or when antifreeze or other industrial water systems; or where antifreeze or other additives are used.

(b) Protection: air gap or reduced pressure principal backflow prevention device.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(6) Class 6.

(a) Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(b) Protection: determined by the DPW upon review of engineering drawings of the system.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

F. Lawn sprinkling systems.

(1) Where a single- or multi -family residential customer served by the public water supply system has or proposes to install a lawn sprinkler or irrigation system, the minimum required backflow protection to prevent back-siphonage shall be a vacuum breaker that shall be located, specified, installed, maintained and accessible for inspection in accordance with Sections 902.2(d)(2) and 902.3(a), (b)(1), (c) and (d) of the Uniform Fire Prevention and Building Code (UFP and BC), respectively, in a manner acceptable to the supplier of water and/or the local plumbing or building code

enforcement official.

(2) For the systems described below, the supplier of water shall protect the public water system against backflow by requiring the customer to perform one of the following:

(a) Install an approved double-check valve assembly (DCVA) on those systems which may be subject to backpressure from pumps or elevated piping where no chemical injection takes place; or

(b) Install an approved RPZ device on those systems where provisions are made for chemical injection.

NOTE: The supplier of water may allow protective devices to be installed in the internal supply pipes to a lawn sprinkler or irrigation system, provided that there are no other hazards associated with a residential user as described in the categories "auxiliary water supplies" and "miscellaneous residential water uses" of this document. Containment at the service connection with an approved DCVA or RPZ shall be required in any other case. For options in Subsection E(2)(a) or (b) above, the device shall be tested in accordance with Section 5-1.31(a)(3) of the State Sanitary Code and maintained in a manner and frequency acceptable to the Department of Public Works and/or the state or local Health Department.

(3) Automatic rain shut-off, such as Hunter Mini Clik or equal, must be installed as part of pre-installation.

(4) An electrical timer shut-off must be installed to control usage of sprinkler system. The timer settings must conform with the rules and regulations for sprinkling as set forth by Section 267-9.

G. Cross-connection control.

(1) All portions of the water distribution system serving the swimming pool and auxiliary facilities shall be protected against backflow and back-siphonage. Water introduced into the pool, either directly or to the recirculation system, shall be supplied through an air gap or by another method which will prevent backflow and back-siphonage.

(2) Outside water hose bibs shall be protected with a vacuum breaker-backflow preventer such as Watts Series 8 or equal.

H. All existing systems must comply with this local law.

§ 267-4. Responsibility for maintenance.

A. Consumer responsibility. It shall be the responsibility of each consumer at his own expense to furnish, install and keep in good working order and safe condition any and all protective devices required in this section. The Town shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the improper or negligent installation, operation, use, repair or maintenance of or interfering with any protective device by any consumer or any other person.

B. Conflicts. Whenever two or more conditions exist on any premises for the correction of which different protective devices are required in this chapter, the consumer shall be required only to install the protective device which, in the opinion of the Department of Public Works and NYSDOH, affords the maximum protection to the Town water supply.

§ 267-5. Inspection; records; cost.

(1) The consumer on whose premises any protective device is installed shall have each such device inspected annually by an appropriately certified inspector. The certified inspector shall report inspection results on NYSDOH Form 1013 – Report on the Test and Maintenance of Backflow Prevention Devices. If successive inspections disclose repeated failures in the operation of any device, the Department of Public Works-shall require more frequent inspections. Each device shall be repaired, overhauled or replaced at the expense of the consumer whenever it is found to be defective. Records of such tests, repairs and overhauls shall be kept and a copy of such records forwarded to the Department of Public Works and the Schenectady County Health Department on an annual basis. The Department of Public Works shall have the duty of determining that the inspections required herein are performed properly. If following demand, therefore, the consumer fails to have any of the inspections made as required herein or to make the above-described records available, the Department of Public

Works shall have the right to inspect the device and the consumer to pay the cost thereof.

§ 267-6. Noncompliance; service to be discontinued; notice; service.

A. No water service connection shall be installed on the premises of any consumer unless the Town water supply is protected as required by this section.

B. Delivery of water to the premises of any consumer may be discontinued by the Department of Public Works if any protective device required by this section has not been installed, inspected, tested and maintained or is defective or has been removed or bypassed.

C. Delivery of water.

(1) Delivery of water shall be discontinued immediately and without notice to the consumer if the Department of Public Works, County Health Officer, or NYSDOH determined that:

(a) The Town water supply is being contaminated or is in immediate danger of contamination.

(b) A protective device required by this section has not been installed or is defective or has been removed or bypassed.

(c) The consumer cannot immediately be located.

(2) Delivery of water shall not be resumed until any protective device required by this section and approved by the Department of Public Works has been properly installed or until conditions at the consumer's premises causing the contamination or danger of contamination have been abated or corrected to the satisfaction of the Department of Public Works and County Health Officer and/or (NYSDOH).

D. Notice.

(1) Except as provided in Subsection C, delivery of water shall not be discontinued until written notice thereof has been given to the consumer. The notice shall state:

(a) The conditions or defects which must be corrected.

(b) The manner in which the stated conditions or defects are to be corrected.

(c) The date on or after which delivery of water will be discontinued, and which shall not be less than 15 nor more than 90 days following the date of delivery of mailing the notice. The Department of Public Works may grant the consumer an extension of an additional period not to exceed 90 days if he determines the consumer has exercised due diligence but has been unable to comply with the notice within the time originally allowed.

(2) The notice shall be given by delivering the same to the consumer, the manager or agent thereof, or to any person in charge of or employed in the place of business of the consumer, or, if the consumer has no place of business, then at the place of residence of the consumer if known or by leaving the notice at either the place of business or the residence of the consumer. If the consumer cannot be found, service of the notice shall be mailed, postage fully prepaid, addressed to the consumer at the place of business or residence set forth in the application of the consumer for water service in the records of the Town.

(3) Once discontinued, delivery of water shall not be resumed until any protection device required by this chapter and approved by the Department of Public Works has been properly installed or until the conditions at the consumer's premises creating the need for a protective device have been abated or corrected to the satisfaction of the Department of Public Works.

E. For the purpose of making any inspections or discharging the duties imposed by this chapter, the Department of Public Works shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises of water from the Town water supply, shall be considered as having stated his consent to the entry upon his premises of the Department of Public Works for the purposes stated herein.

§ 267-7. Presently installed devices.

All presently installed prevention devices which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained shall, except for the inspection and maintenance requirements under § 267-5, be excluded from the requirements of these rules so long as the Department of Public Works is assured that they will satisfactorily protect the Town's water supply. Whenever the existing device is moved from the present location or requires more than minimum maintenance which constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this section.

§ 267-8. Enforcement; penalties for offenses.

A. Violations. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any premises in violation of any provision of this chapter or to fail in any manner to comply with a notice, directive or order of the Department of Public Works or the designee requiring compliance with this chapter.

B. Penalties. Any person, firm or corporation who shall violate any of the provisions of this chapter or any rule or regulation made pursuant thereto shall; receive a warning for the first violation, upon conviction thereof, be punished by a fine of no less than $100 for the second violation, $200 for the third violation, and $300 for each subsequent violation. Each day of continued violation shall constitute a separate, additional offense.

§ 267-9. Water and sprinkler regulations for consolidated water districts.

A. Purpose. Rules, regulations, and rates adopted and prescribed by the Town Board of the Town of Rotterdam, Schenectady County, New York, in accordance with § 198 of the Town Law shall apply to the territory of the Town of Rotterdam known and designated as "Water District of the Town of Rotterdam, New York."

B. Applicability. The rules and regulations herein contained shall apply to every person or user supplied with water by the Department of Public Works, and each such person or user must agree to comply with said rules and regulations as set forth herein, and the same shall constitute a part of the

contract, express or implied, between such person or user and the Department of Public Works.

C. Permits.

1. Applications for permits to connect service or supply pipes with either the Water District mains or curb connections must be made in writing at the office of the Department of Public Works by the owner of the premises or his agent on forms prepared for that purpose. The application shall specify the particular uses for which water is required. The owner or agent must furnish the Department of Public Works the correct street and lot number as taken from the deed.

2. Permits will be issued by the Department of Public Works and shall expire 30 days from date of issuance. All work done under the permit shall be performed by the owner or his agent. No work shall be covered up unless same is first inspected by the Department of Public Works. No work will be inspected until a request by the owner or his agent is called in to the Department of Public Works and a request for inspection is given at least 24 hours in advance. All defective work or work done not in accordance with the rules contained herein, the New York State Uniform Fire Prevention and Building Code and the Plumbing Code of the Town of Rotterdam will not be approved and shall be redone, modified or reinstalled in accordance with the directions of the Department of Public Works. Failure to comply by the owner or his agent with the directions of the Department of Public Works to correct any defects in work or to carry out any directions of the Department of Public Works in connection with said work as prescribed herein shall constitute good and sufficient reason for revocation of the permit.

3. No plumbing or plumbing fixtures (shut-off, check valve, expansion tank) shall be installed in any house, building, or structure thereafter to be erected or remodeled unless and until plans for installation thereof shall be first filed and approved by the Department of Public Works and a permit therefore is obtained.

4. No extension or alteration of service pipes, whether involving new uses of water or not, shall be made without the permission of the Department of Public Works, and for any extension involving new uses of water, an application shall be

filed with and approved by the Department of Public Works before such extension is made.

5. Discontinuance of fixtures. Application must be made for a permit and such permit granted for any desired change in or discontinuance of the use of any fixture on any water service before any such change or discontinuance is made. The charge for the use of water from the fixtures will continue unchanged until the person making such change or discontinuance has notified the office of the Department of Public Works and certified that the change or discontinuance has been made.

D. Connections, construction and maintenance.

1. Agent or owner. The agent designated and employed by the owner of the premises will be considered the agent of such owner while employed in the execution of the work of introducing water into said premises, and in no case shall the agent of the Department of Public Works or the Town of Rotterdam be responsible for the acts of such agent.

2. Permit required; excavations. No persons, except the properly authorized employees of the Department of Public Works will be permitted to tap or make any connections with street mains or distributing pipes of the Water District unless it is a contractor certified installment – greater than 1". No person shall make any attachment to or connection with the pipes, or make any additions to or alterations of any tap, pipe, cock or other fixture connected with the pipes supplying water to consumers, unless a permit is first obtained. After inspection of excavations, all excavations on the premises shall be backfilled and shall not be disturbed or uncovered without written permission of the Department of Public Works.

3. Notice for installation of laterals. After receiving a permit for the installation of any water service, the applicant requesting the work shall notify the Department of Public Works 48 hours in advance of his or her desire to have the lateral installed and shall designate the name of the street and the house or lot number where the lateral is to be installed and the name of the owner or applicant.

4. Large cut-in connections. If a larger connection than a 1 1/ 2 inch-tap is required, a Type K copper pipe service not less

than two inches in diameter shall be installed or if larger than 3-inch diameter is required, a Class 52 ductile iron, double cement line, seal coated pipe shall be installed by the Department of Public Works only from the main to the property line of the premises, connections with the street main to be made with patented or standard fittings, all material to be furnished by the Department of Public Works. All services greater than 3-inch shall have a gate valve placed in the service pipe near the street main, which gate valve shall be controlled exclusively by the Department of Public Works. The property owner shall be billed for service work at the actual cost of labor, material, pavement, and final restoration, or pursuant to the Schedule of Fees, said amount must be paid to the Receiver of Taxes. No estimate of the cost of installation of any connection, under these rules, shall be binding upon the Department of Public Works or the Town of Rotterdam. Upon failure to pay said charge, the cost of the work performed shall be assessed against said premises and collected as a water charge levied against said premises, in addition to any other remedies provided herein.

5. Service pipes and fittings. Existing services installed by the Department of Public Works to the property line are to be connected by the property owner when application is made for a service to said property. Any changes in the location of the services shall be done at the owner's expense.

6. Installation. The Department of Public Works shall require an inspection to be made by an inspector from the Department of Public Works of each service pipe and trench before any backfilling is done. The inspector may refuse to turn on water where backfilling is done before said inspection is made or where the work does not fulfill the requirements of these rules and regulations. A $500 fine and re-excavating the trench to expose the pipe for inspection shall be the remedy for non-conformance.

7. Service pipes maintained. The owner of property into which water is introduced by a service pipe will be required to be maintained in reasonable order, at his own cost and expense, the said service pipe from and including the curb stop to his own premises, including all fixtures therein provided for delivering or supplying water for any purpose, and the curb box must be kept in view and the top thereof even with the ground, sidewalk or street grade at all times, and in a serviceable condition. In case such service and fixtures are

not kept in repair, the water may be shut off from the premises until the requirements of this rule are complied with, or the Department of Public Works or authorized representative (licensed plumber) may make the necessary repairs, to conform to this rule, and charge the cost of repair to the owner of the property. The cost of the repair shall be paid by the property owner within 60 days from date of completion. The Department of Public Works may shut off the water from such property until such time as charges are paid or a mutual payment agreement is worked out.

8. Defective services. In all premises where water from water district mains is now supplied by a system of pipes and fixtures for water service, and where the service pipes and fixtures are not of the standard or pattern prescribed in the rules and regulations of the Department of Public Works, or where such fixtures and devices for the prevention of damage to the service or of waste of water, as are prescribed in said rules and regulations, are lacking from said system, the owners of said premises shall, at any time when so required by order of the Department of Public Works, make such changes in and additions to said system or fixtures for said water service as shall be necessary in order to comply with such rules and regulations, and at their own cost and expense. In case of failure to comply with this rule at any premises, the water may be shut off from such premises until this rule is complied with.

9. Discontinuance of service. No deduction shall be made from any bill for water for the discontinuance of the water supply to any premises, unless the owner of such premises shall have received a permit to terminate, completed the work and had an inspection showing the termination of water to said property. All consumers will be charged for the use of water for the current year and will not be charged for water the following year. Please note properties that are metered (businesses & sprinklers) are for prior year and will be charged as such.

10. Responsibility for excavations. In the opening of a trench for the introduction of any water service pipe under authority of a permit from the Department of Public Works, the owner and agent will each be held responsible for the trench opened by them. Whenever any trench is opened for making a connection with or laying any water pipe, public safety and convenience shall be duly regarded and conserved by the

construction of road plates, bridges, or other protective devices across open trenches as may be required to properly ensure safety to the public. Approved construction lights, barricades, railings and all other necessary means of protection against accident shall be provided by the agent or owner.

11. Inspectors may enter premises. The Department of Public Works, upon presentation of proper identification, may enter and must be permitted to enter upon any premises in the Water District where water is being supplied or upon any premises when application is made for a permit to connect plumbing with the water pipes for the purpose of inspecting the plumbing and fixtures of the water service, and all work in connection with such service.

E. Shutting off.

1. Water may be shut off by the Department of Public Works from any service or main for the purpose of making or constructing new work, or making repairs in the water system, or of enforcement of payment of monies or charges due the Department of Public Works for water supply and for other matters in accordance with these rules and regulations. In the case of making or constructing new work or in making repairs, the right is reserved to shut off the water from any consumer without notice for as long a period as may be necessary.

2. When the water supply has been shut off for a failure to comply with these rules and regulations, it shall not again be turned on except by the Department of Public Works until compliance is made with these rules and regulations in the matter and payment made, by the owner of the premises concerned, to the Receiver of Taxes, of all expenses incurred by the said Department of Public Works in so shutting off such water supply. Notice regrading water shutoff shall conform with § 267-6, Noncompliance; service to be discontinued; notice; service.

F. Change of pressure. The Town of Rotterdam nor the Department of Public Works shall not be liable for any damage or loss of any kind, to property or persons, which may arise from any or be caused by any increase/decrease of water pressure from any cause whatsoever.

G. In order to maintain sufficient water supply and pressure at all times for fire protection and household use, from May 1 through October 15, lawn sprinkling, garden sprinkling and other use of public water shall be restricted to the following days and times:

1. Automatic lawn sprinkler systems.

(a) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with even-numbered addresses and with automatic lawn sprinkler systems serviced by the municipal supply, may use the public water supply for outside lawn and garden sprinkling on even-numbered calendar days from 7:00 a.m. to 9:00 a.m. and 7:00 pm to 9:00 pm, regardless of the nature of use of the premises.

(b) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with odd-numbered addresses and with automatic sprinkling systems serviced by the municipal water supply, may use the public water supply for outside lawn and garden sprinkling on odd-numbered calendar days from 7:00 a.m. to 9:00 a.m. and 7:00 pm to 9:00 pm, regardless of the nature of use of the premises.

(c) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with automatic lawn and garden sprinkling systems serviced by the municipal supply, shall not be permitted to use manually placed and/or handheld lawn sprinklers outside of the times specified in Subsection G(1)(a) and (b).

(d) Sprinkling outside of the designated days and hours is strictly prohibited.

2. Manually placed lawn sprinklers or handheld watering.

(a) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with even-numbered street addresses and without automatic lawn sprinkling systems serviced by the municipal supply, may use the public water supply for outside lawn and garden sprinkling on even-numbered calendar days from 7:00 a.m. to 9:00 a.m. and 7:00 p.m. to 9:00 p.m., regardless of the nature of use of the premises.

(b) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with odd-numbered street addresses and without automatic lawn sprinkler systems serviced

by the municipal supply, may use the public water supply for outside lawn and garden sprinkling on odd-numbered calendar days from 7:00 a.m. to 9:00 a.m. and 7:00 p.m. to 9:00 p.m., regardless of the nature of use of the premises.

(c) Sprinkling outside of the designated days and hours in strictly prohibited.

3. The restrictions contained in Subsection G(2)(a) and (b) above shall not apply to hand-sprinkling of outdoor gardens used for the growing of noncommercial foodstuffs and flower gardens which require water outside the times listed above.

4. In the event of a fire or other water emergency, the Town Supervisor, upon the recommendations of the Department of Public Works, may modify or suspend any or all of the regulations relating to sprinkling for the duration of the emergency. The Department of Public Works shall notify the public by publication or other appropriate manner of any modification or suspension of sprinkling as a result of such emergency.

5. Upon application of any person, the Town Supervisor, or his/her designee, may vary or modify the restrictions contained herein upon such terms and conditions as he/she deems appropriate. There shall be no appeal from the decision of the Town Supervisor on an application made under this subsection.

6. Nothing contained herein shall restrict the use of private wells for outside watering purposes, provided that a valid sign stating "PRIVATE WELL" must be displayed on the dwelling, readable from the right-of- way. All private wells' water faucets must be permanently labeled. No interconnection of the private well with the public water system shall be permitted.

7. No person shall fill a swimming pool from the public water supply at any time without the approval of the Department of Public Works. The Department of Public Works shall specify the quantity, time and method for filling of swimming pools upon receipt of pool permit.

H. Waste of water. Water must not be allowed to run to prevent freezing in the service pipes or their attachments or for the purpose of flushing soil pipes or sewers or for any other purposes on the premises than those paid for or indicated in the application for the same and which are allowed by these rules and regulations. Faucets must be kept properly packed and all other fixtures in repair, so as to prevent leaks.

I. Water meters.

1. All commercial users shall have water meters installed at the expense of the property owner and periodically inspected by the Department of Public Works. The Department of Public Works reserves the right to order a meter to be placed on any service or place the consumer on a flat rate whenever in the opinion of the Department of Public Works it is for the best interests of the water district. All water passing through a meter will be charged for, whether used or wasted. Meter and reading display unit shall meet the specifications of the Town of Rotterdam. Meters shall be replaced or calibrated after ten years from the date if installation.

2. Service in good condition. No meter shall be installed unless the service, service fixtures and plumbing adjacent to the proposed location of the meter are in a good and serviceable condition. The curb box must be readily accessible, the curb cock, stop and waste cock in good working order and any rusty or unsafe pipes next to the proposed location of the meter replaced. The owner, as shown on the latest assessment roll of the Water District, of the premises in which meter is to be installed shall be notified in writing by mail addressed to him at such premises of any required repairs under this rule, which shall be made within 10 days.

3. Check valves/Expansion Tanks~~,~~ All meters installed shall have check valve/expansion tanks installed to prevent hot water from backing through the meter or to mitigate over pressurization of the internal plumbing system. All services that are metered and require check valves/expansion tanks to prevent hot water from backing through the meter shall be supplied, connected and fitted with such check valves up to and including meters of 1 1/2 inches in size. Services requiring a meter over 1 1/2 inches in size shall be designed by a licensed professional engineer and a drawing of the water service lateral, shutoff valve, meter/setter, check valve, expansion tank shall be provided to the Department of Public Works. Meters two inches or larger in size may be installed with bypasses so that meters may be removed for testing or repairs made without hindering the supply of water. The expense of such bypasses and additional work shall be borne by the owner. All such bypasses shall be locked and sealed (tamper proof) and under the exclusive control of the Department of Public Works.

4. Removal. No meter shall be removed or disturbed without the written permission of the Department of Public Works.

5. Testing. Persons making complaints as to the correctness of meter bills and claiming to be overcharged can, by applying at the Department of

Public Works within 10 days after meter bills have become due, have the meter examined and the dial reread. The Department of Public Works is authorized to correct any charge due to a fault in the meter or to incorrect reading of the dial but shall have no power to reduce meter bills for any other reason whatsoever.

6. Reading of meters. Meters will be read annually by regular authorized agents of the Department of Public Works. Bills shall be rendered at such periods of the year as the Department of Public Works may direct.

7. Schedule bills. Refer to Paragraph O – Schedule of Fees. For an intermediate period or for a new or additional service, the bill must be paid before the water is turned on.

8. Meter bills. Refer to Paragraph O – Schedule of Fees.

9. Special bills. All special bills and charges for services rendered, material sold or expenses incurred by the Department of Public Works in connection with the enforcement of these rules and regulations must be paid at the office of the Receiver of Taxes within 30 days after the bill is rendered. The supply of water may be shut off from the premises with reference to which such charges become due in default of payment of such bills or charges and until bills and charges are paid.

10. Default in payment of meter bills. In the case of default of payment for the period of 30 days of a meter bill after the same is due, the Department of Public Works may shut off the water supply at the premises to which such bill relates until such bill is paid.

11. Delinquent water rentals. All delinquent water rents except meter bills which shall remain unpaid at the expiration of 30 days from due date thereof shall carry penalties and interest charges as provided by law.

12. Nonpayment. Wherever the owner of any premises which are supplied with water shall be charged for water supplied, services rendered, material furnished or expense incurred by the Department of Public Works pursuant to these rules and regulations, and said charges are not paid and the water shall be turned off on account of such nonpayment, no application for water services for such premises need be granted by the Department of Public Works (notwithstanding the said premises may have changed ownership) until such charges shall have been paid in full to the Receiver of Taxes. Further, if water service is not turned off on account of such nonpayment, any such unpaid bills will become a lien against the property and will be added to the Town's assessment rolls for collection.

13. Type. Water meters in the Town of Rotterdam shall have an easily accessible walk up, outside remote reader that does not require a wand to read and shall read in gallons.

J. Discontinuance of use of water. Any consumer desiring to discontinue the use of water shall contact a plumber to shut the water off at the curb. In the case of an emergency, consumers shall notify the Department of Public Works, and an employee of the Department of Public Works will shut the water off at the curb. No rebate will be made for any period of discontinuance unless consumer has applied for and completed work to terminate water at the main. The fact that different portions of premises can be shut off inside of the same buildings will not entitle the owner to rebate.

K. Supply from wells (Buildings not connected to the Town's water supply where public water is available) . No rebate shall be made from any water bills (debt service) under a claim that less water has been used because of use from a private well. Municipal water is available to the property and fire protection is provided.

L. Failure to make repairs. No rebate for any water bill will be made in cases where the charges result from the failure on the part of the owner or consumer to promptly repair any broken, frozen or defective fixtures or service.

M. Fire hydrants.

1. All street hydrants are under control of the Department of Public Works except for private water system not controlled by the Town (School properties, Industrial Parks, HOAs, etc.). No person shall use a wrench for opening hydrants except a wrench furnished by the Department of Public Works for the purpose. No person except the Department of Public Works, or of the Fire Department, or a person holding a written permit signed by the Department of Public Works, shall disturb any hydrant or any part thereof, or take any water therefrom under any circumstances whatever; any person found guilty of violating any provision of this rule shall be guilty of a misdemeanor, and in addition thereto he shall pay to the water district a penalty in the amount of $500, in addition to any damage done to said hydrant and the cost of restoring same to its proper condition.

2. Obstructions. Any person placing any obstructions that would prevent free access to any fire hydrant shall be guilty of obstruction, and such violation shall be punishable pursuant to the New York State Vehicle and Traffic Law or § 247-8, Enforcement; penalties for offenses.

N. Operated by employees of Department of Public Works only. No person except

an employee of the Department of Public Works shall open, close or in any way interfere with any gate valve in any water main. Any person who has disturbed or displaced a valve box so that the valve stem cannot be reached by a key, or has covered a valve box or a valve chamber with dirt, paving plank or other material, shall immediately replace the valve box and remove the obstruction. Any person violating this section shall be guilty of a misdemeanor.

O. Schedule of Fees

1. Fees for water service shall be pursuant to the Schedule of Fees adopted by the Town Board.
2. Billing Schedule

(a) Residential – Detached one- and two-family dwelling units and multiple single-family dwelling units (town houses, condominiums, etc.). One EDU for each unit.

(b) Non- Residential – Assembly (Group A); Business (Group B); Education (Group E); Factory and Industrial (Group F); High Hazard (Group H); Institutional (Group I); Mercantile (Group M); Residential (Group R) except as defined above; Storage (Group S); and Utility and Miscellaneous (Group U)

(c) EDU equivalent is based on 75,000 gallons per year for non-residential based on metered use. One (1) EDU (75,000 gallons); Two (2) EDUs (150,000 gallons), etc. Rounded to the nearest tenth of a digit.

(d) Vacant: One (1) EDU Debt Service, O&M Zero EDU unless service is requested.

(e) Bills for water are invoiced as follows:

- Residential – In District – Debt Service – January Tax Bill
- Residential – In District – O&M Bill – June Bill
- Residential – Out of District – Debt Service – January Tax Bill
- Residential – Out of District – Voucher O & M – January 15th
- Non-Residential – In District – Debt Service – January Tax Bill
- Non-Residential – In District – O&M Bill – June Bill
- Non-Residential – Out of District – Debt Service – January Tax Bill
- Non-Residential – Out of District – Voucher O & M Bill– January 15th

P. Emergency Water Conservation

1. Should the Department of Public Works determine that water conservation is

needed for the health, safety and welfare of the Town, the Town Supervisor may declare the need for water conservation and impose water restrictions, including but not limited to the restriction of water use outside the residence or commercial property.

§ 267-1. Purpose.

The purpose of this chapter is to:

A. Protect the public potable water supply of the Town of Rotterdam from the possibility of contamination by isolating within its customer's internal distribution system or its customer's private water system such contaminations or pollutants which could backflow into the public water supply system.

B. Comply with the requirements of the New York State Sanitary Code 5-1.31.

C. Promulgate the rules and regulations and schedule of fees for town water districts.

§ 267-2. Definitions; word usage.

A. For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

AIR GAP SEPARATION — A physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, and in no case less than one inch.

APPROVED CHECK VALVE — A check valve that seats readily and completely. It must be carefully machined to have free-moving parts and assured watertightness. The face of the closure element and valve seat must be bronze~~,~~ composition or other noncorrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be bronze or other noncorrodible, ~~nonstickingnon sticking~~ material, machined for easy, dependable operation. The closure element (e.g., clapper) shall be internally weighted to otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

APPROVED DOUBLE-CHECK-VALVE ASSEMBLY — An assembly of at least two independently acting approved check valves, including tightly closing shutoff valves on each side of the check- valve assembly and suitable test cocks plus connections available for testing the watertightness of each check valve. Shall be New York State Department of Health (NYSDOH) approved backflow prevention device/assemblies.

APPROVED REDUCED PRESSURE PRINCIPAL BACKFLOW PREVENTION DEVICE — A device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, two shutoff valves and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the two check valves, less than the pressure on the public water supply side of the device. At cessation of normal ~~flow~~flow, the pressure between the check valves shall be less than the supply pressure. In case of leakage to either valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. To be approved, these devices must be readily accessible for maintenance and testing and installed in a location where no part of the device will be submerged. Shall be New York State Department of Health (NYSDOH) approved backflow prevention device/assemblies.

APPROVED WATER SUPPLY — Any water supply approved by, or under the public health supervision of, a public health agency of the State of New York, City of Schenectady or the Town of Rotterdam. In determining what constitutes an approved water supply, the Department of Public Health of the State of New York (herein called "~~State Health Department~~NYSDOH") shall have the final judgment as to its safety and potability.

AUXILIARY WATER SUPPLY — Any water supply on or available to the premises other than the Town water supply.

CONSUMER — Any person to whom water is sold and furnished from the Town of Rotterdam.

CONTAMINATION — An impairment of the quality of the Town water supply by the presence of any foreign substance (organic, inorganic, radiological or biological) to a degree which creates a hazard to the public health.

CROSS CONNECTION — Any unprotected connection between any part of the Town waterworks system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as safe, ~~wholesome~~wholesome, and potable for human consumption.

DEPARTMENT OF PUBLIC WORKS – Department Head, Senior Building Inspector/Building Inspector, Town Engineer, Senior Water Treatment Plant Operator or authorized representative.

NONTOXIC SUBSTANCE — Any substance of a nonpoisonous nature that may create a moderate or minor hazard to the water supply system.

PERSON — Any natural person, firm, association, organization, partnership, trust or association or persons, joint venture, corporation or company, and includes the United States, the State of New York, the County of Schenectady, any special purpose district and any officer or agent thereof.

PREMISES — Integrated land area, including improvements thereon, undivided by public thoroughfares or water distribution mains of the Town of Rotterdam and where all parts of the premises are operated under the same management and for the same purpose.

PROTECTIVE DEVICE — Any of the following devices:

(1) Air gap separation.

(2) Approved reduced pressure principle backflow prevention device (NYSDOH approved).

(3) Approved double-check-valve assembly (NYSDOH approved).

SERVICE CONNECTION — The terminal end of a service connection from the Town water supply at its point of delivery to the consumer. If a meter is installed, "service connection" means the downstream end of the meter. No unprotected takeoffs from the service line ahead of any meter or backflow protective device located at the point of delivery to the consumer shall be permitted.

TOWN — The Town of Rotterdam.

TOWN WATER SUPPLY — The approved water supply sold and delivered to consumer's premises through the Water Works System of the Town of Rotterdam.

TOXIC SUBSTANCE — Any substance (liquid, solid or gaseous), including raw sewage and lethal substances, that, when introduced into the water supply system, creates or may create a danger to the health and well-being of the consumer.

B. "Shall" is mandatory; "may" is permissive.

§ 267-3. Where protection is required; type of protection.

A. Auxiliary water supply. Each service connection from the Town water supply for furnishing water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the Town water supply. Where a single- or dual-family residential customer served by a public water supply system has or proposes to install an auxiliary water supply (i.e., well, cistern, spring, etc.) the supplier of water shall protect the public water supply system against backflow by requiring the customer to perform one of the following: **[Amended 5-12-1999 by L.L. No. 7-1999]**

(1) Permanently disconnect the auxiliary water supply from any direct connection to the public water supply system. An inspection to determine compliance with this requirement shall be made by ~~the supplier of water,~~ the local plumbing or building code enforcement official, or their designee. The frequency of inspections shall be at the initial time of disconnection and at periodic intervals thereafter (i.e., every three to five years);

~~(2) Abandon the auxiliary water supply in a manner acceptable to the state or local Health Department; or~~

~~(3) Install an approved reduced pressure zone (RPZ) device at the public water supply service connection in accordance with Section 5-1.31 of the State Sanitary Code.~~

~~B.~~ Toxic or hazardous substances. Should a facility be rated hazardous, a reduced pressure zone (RPZ) device ~~would~~ shall be required. ~~independent of a separate system handling the auxiliary water system. We would also require a reduced pressure zone device if the facility were rated nonhazardous and the auxiliary water system did not meet the water quality requirements of the Sanitary Code.~~

C. Nonhazardous substances. At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health) if introduced into the Town water supply is handled in such a manner as to constitute a cross connection, the Town water supply shall be protected by an approved double-check-valve assembly.

D. Sewage Treatment Plant/Pump Stations – At the service connection to any sewage treatment plant or sewage pumping station, the T~~t~~own water supply shall be protected by an air gap separation. The air gap shall be

located as close as practicable to the service connection and all piping between the service connection and receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the T-town water supply shall be protected with an approved reduced-pressure principal backflow prevention device, provided that this alternative is acceptable by the NYSDOH.

E. Fire systems. At the service connection to any premises in which a fire protection system is installed, the Town water supply shall be protected based on the water source and arrangement of supplies in accordance with the following classifications:

(1) Class 1.

(a) Direct connection from public water mains only; no pumps, tanks or reservoirs; no physical connections from auxiliary water supplies, no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells or other safe outlets.

(b) Protection: double-check-valve assembly.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(2) Class 2.

(a) Same as Class 1, except booster pumps may be installed in the connections from the street mains.

(b) Protection: double-check-valve assembly.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(3) Class 3.

(a) Direct connection from public water supply main, plus one or more of the following: elevated storage tanks, fire pumps taking suction from aboveground covered reservoirs or tanks; and pressure tanks.

(b) Protection: double-check-valve assembly.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(4) Class 4.

(a) Directly supplied from public mains similar to Classes 1 and 2 and with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within 1,700 feet of the pumper connection.

(b) Protection: air gap or reduced pressure principle backflow prevention device.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(5) Class 5.

(a) Directly supplied from public mains and interconnected with auxiliary supplied, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or when antifreeze or other industrial water systems; or where antifreeze or other additives are used.

(b) Protection: air gap or reduced pressure principle backflow prevention device.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(6) Class 6.

(a) Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(b) Protection: determined by the ~~Department Head of~~ DPW upon review of engineering drawings of the system.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

F. Lawn sprinkling systems. **[Amended 5-12-1999 by L.L. No. 7-1999]**

(1) Where a single- or multi ~~dual~~-family residential customer served by the public water supply system has or proposes to install a lawn sprinkler or irrigation system, the minimum required backflow protection to prevent back-siphonage shall be a vacuum breaker that shall be located, specified, installed, maintained and accessible for inspection in accordance with Sections 902.2(d)(2) and 902.3(a), (b)(1), (c) and (d) of the Uniform Fire Prevention and Building Code (UFP and BC), respectively, in a manner acceptable to the supplier of water and/or the local plumbing or building code enforcement official.

(2) For the systems described below, the supplier of water shall protect the public water system against backflow by requiring the customer to perform one of the following:

(a) Install an approved double-check valve assembly (DCVA) on those systems which may be subject to backpressure from pumps or elevated piping where no chemical injection takes place; or

(b) Install an approved RPZ device on those systems where provisions are made for chemical injection.

NOTE: The supplier of water may allow protective devices to be installed in the internal supply pipes to a lawn sprinkler or irrigation system, provided that there are no other hazards associated with a residential user as described in the categories "auxiliary water supplies" and "miscellaneous residential water uses" of this document. Containment at the service connection with an approved DCVA or RPZ shall be required in any other case. For options in Subsection E(2)(a) ~~or (~~or (b) above, the device shall be tested in accordance with Section 5-1.31(a)(3) of the State Sanitary Code and maintained in a manner and frequency acceptable to the ~~supplier of water~~ Department of Public Works and/or the state or local Health Department.

(3) Automatic rain shut-off, such as Hunter Mini Clik or equal, must be installed as part of pre-installation. **[Amended 8-8-2001 by L.L. No. 10-2001]**

(4) An electrical timer shut-off must be installed to control usage of sprinkler system. The timer settings must conform with the rules and regulations for sprinkling as set forth by ~~the town~~ Section 267-9.

G. Cross-connection control. **[Amended 8-8-2001 by L.L. No. 10-2001]**

(1) All portions of the water distribution system serving the swimming pool and auxiliary facilities shall be protected against backflow and back-siphonage. Water introduced into the pool, either directly or to the recirculation system, shall be supplied through an air gap or by another method which will prevent backflow and back-siphonage.

(2) Outside water hose bibs shall be protected with a vacuum breaker-backflow preventer such as Watts Series 8 or equal.

H. All existing systems must comply with this local law by May 1, 2004. **[Amended 8-8-2001 by L.L. No. 10-2001]**

§ 267-4. Responsibility for maintenance.

A. Consumer responsibility. It shall be the responsibility of each consumer at his own expense to furnish, install and keep in good working order and safe condition any and all protective devices required in this section. The Town shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the improper or negligent installation, operation, use, repair or maintenance of or interfering with any protective device by any consumer or any other person.

B. Conflicts. Whenever two or more conditions exist on any premises for the correction of which different protective devices are required in this chapter, the consumer shall be required only to install the protective device which, in the opinion of the ~~Engineer~~ Department of Public Works and ~~County Health Officer~~ NYSDOH, affords the maximum protection to the Town water supply.

§ 267-5. Inspection; records; cost. [Amended 6-23-2004 by L.L. No. 5-2004]

(1) The consumer on whose premises any protective device is installed shall have each such device inspected annually by an appropriately certified inspector. The certified inspector

shall report inspection results on NYSDOH Form 1013 – Report on the Test and Maintenance of Backflow Prevention Devices. If successive inspections disclose repeated failures in the operation of any device, the ~~Public Works Coordinator~~ Department of Public Works ~~may~~shall require more frequent inspections. Each device shall be repaired, overhauled or replaced at the expense of the consumer whenever it is found to be defective. Records of such tests, repairs and overhauls shall be kept and a copy of such records forwarded to the ~~Public Works Coordinator~~ Department of Public Works and the Schenectady County Health Department on an annual basis. The ~~Public Works Coordinator~~ Department of Public Works shall have the duty of determining that the inspections required herein are performed properly. If following demand, therefore, the consumer fails to have any of the inspections made as required herein or to make the above-described records available, the ~~Public Works Coordinator~~ Department of Public Works shall have the right to inspect the device and the consumer to pay the cost thereof.

§ 267-6. Noncompliance; service to be discontinued; notice; service.

A. No water service connection shall be installed on the premises of any consumer unless the Town water supply is protected as required by this section.

B. Delivery of water to the premises of any consumer may be discontinued by the ~~Engineer~~ Department of Public Works if any protective device required by this section has not been installed, inspected, tested and maintained or is defective or has been removed or bypassed.

C. Delivery of water.

(1) Delivery of water shall be discontinued immediately and without notice to the consumer if the ~~Engineer~~ Department of Public Works, ~~or~~ County Health Officer, or ~~(~~NYSDOH~~)~~ determined that:

(a) The Town water supply is being contaminated or is in immediate danger of contamination.

(b) A protective device required by this section has not been installed or is defective or has been removed or bypassed.

(c) The consumer cannot immediately be located.

(2) Delivery of water shall not be resumed until any protective device required by this section and approved by the ~~Engineer~~ Department of Public Works has been properly installed or until conditions at the consumer's premises causing the contamination or danger of contamination have been abated or corrected to the satisfaction of the ~~Engineer~~ Department of Public Works and County Health Officer and/or (NYSDOH).

D. Notice.

(1) Except as provided in Subsection C, delivery of water shall not be discontinued until written notice thereof has been given to the consumer. The notice shall state:

(a) The conditions or defects which must be corrected.

(b) The manner in which the stated conditions or defects are to be corrected.

(c) The date on or after which delivery of water will be discontinued, and which shall not be less than 15 nor more than 90 days following the date of delivery of mailing the notice. The ~~Engineer~~ Department of Public Works may grant the consumer an extension of an additional period not to exceed 90 days if he determines the consumer has exercised due diligence but has been unable to comply with the notice within the time originally allowed.

(2) The notice shall be given by delivering the same to the consumer, the manager or agent thereof, or to any person in charge of or employed in the place of business of the consumer, or, if the consumer has no place of business, then at the place of residence of the consumer if known or by leaving the notice at either the place of business or the residence of the consumer. If the consumer cannot be found, service of the notice shall be mailed, postage fully prepaid, addressed to the consumer at the place of business or residence set forth in the application of the consumer for water service in the records of the Town.

(3) Once discontinued, delivery of water shall not be resumed until any protection device required by this chapter and approved by the ~~Engineer~~ Department of Public Works has been properly installed or until the conditions at the consumer's premises creating the need for a protective device have been abated or corrected to the satisfaction of the Department of Public Works.

E. For the purpose of making any inspections or discharging the duties imposed by this chapter, the Department of Public Works shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises of water from the Town water supply, shall be considered as having stated his consent to the entry upon his premises of the ~~Engineer~~ Department of Public Works for the purposes stated herein.

§ 267-7. Presently installed devices.

All presently installed prevention devices which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained shall, except for the inspection and maintenance requirements under § 267-5, be excluded from the requirements of these rules so long as the Department of Public Works is assured that they will satisfactorily protect the ~~t~~Town's water supply. Whenever the existing device is moved from the present location or requires more than minimum maintenance which constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this section.

§ 267-8. Enforcement; penalties for offenses. [Amended 7-9-2003 by L.L. No. 9-2003]

A. Violations. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any premises in violation of any provision of this chapter or to fail in any manner to comply with a notice, directive or order of the Department of Public Works ~~Town Engineer, Chief Operator of Water, the Town Building Inspector/Code Enforcement Officer~~ or the designee ~~of any one of them~~ requiring compliance with this chapter.

B. Penalties. Any person, firm or corporation who shall violate any of the provisions of this chapter or any rule or regulation made pursuant thereto shall~~,~~: receive a warning for the first violation, upon conviction thereof, be punished by a fine of no less than

~~$500~~ $100 for the second violation, $200 for the third violation, and $300 for each subsequent violations. ~~nor more than $1,000 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than $1,000 nor more than $1,500 or imprisonment for a period not to exceed 15 days, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than $1,500 nor more than $2,000 or imprisonment for a period not to exceed 15 days, or both.~~ Each day of continued violation shall constitute a separate, additional offense. **~~[Amended 6-12-2013 by L.L. No. 7-2013]~~**

§ 267-9. Water and sprinkler regulations for consolidated water districts. [Added 6-26-2013 by L.L. No. 8-2013]

A. Purpose. Rules, ~~regulations~~regulations, and rates adopted and prescribed by the Town Board of the Town of Rotterdam, Schenectady County, New York, in accordance with § 198 of the Town Law shall apply to the territory of the Town of Rotterdam known and designated as "Water District of the Town of Rotterdam, New York."

B. Applicability. The rules and regulations herein contained shall apply to every person or user supplied with water by the Department of Public Works, and each such person or user must agree to comply with said rules and regulations as set forth herein, and the same shall constitute a part of the contract, express or implied, between such person or user and the Department of Public Works.

C. Permits.

1. Applications for permits to connect service or supply pipes with either the Water District mains or curb connections must be made in writing at the office of the Department of Public Works by the owner of the premises or his agent on forms prepared for that purpose. The application shall specify the particular uses for which water is required. The owner or agent must furnish the Department of Public Works the correct street and lot number as taken from the deed.

2. Permits will be issued by the Department of Public Works and shall expire 30 days from date of issuance. All work done under the permit shall be performed by the owner or his

agent. No work shall be covered up unless same is first inspected by the Department of Public Works. No work will be inspected until a request by the owner or his agent is ~~made~~ called in ~~writing~~ to the Department of Public Works and a request for inspection is given at least 24 hours in advance. All defective work or work done not in accordance with the rules contained herein, the New York State Uniform Fire Prevention and Building Code and the Plumbing Code[1] of the Town of Rotterdam will not be approved and shall be redone, modified or reinstalled in accordance with the directions of the Department of Public Works. Failure to comply by the owner or his agent with the directions of the Department —of Public Works to correct any defects in work or to carry out any directions of the Department of Public Works in connection with said work as prescribed herein shall constitute good and sufficient reason for revocation of the permit.

3. No plumbing or plumbing fixtures shall be installed in any house, building, or structure thereafter to be erected or remodeled unless and until plans for installation thereof shall be first filed and approved by the Department of Public Works and a permit therefore is obtained.

4. No extension or alteration of service pipes, whether involving new uses of water or not, shall be made without the permission of the Department of Public Works, and for any extension involving new uses of water, an application shall be filed with and approved by the ~~Water Commissioner~~ Department of Public Works before such extension is made.

5. Discontinuance of fixtures. Application must be made for a permit and such permit granted for any desired change in or discontinuance of the use of any fixture on any water service before any such change or discontinuance is made. The charge for the use of water from the fixtures will continue unchanged until the person making such change or discontinuance has notified the office of the Department of Public Works and certified that the change or discontinuance has been made.

D. Connections, construction and maintenance.

1. Agent or owner. The agent designated and employed by the owner of the premises will be considered the agent of such owner while employed in the execution of the work of

introducing water into said premises, and in no case shall the agent of the Department of Public Works or the Town of Rotterdam be responsible for the acts of such agent.

2. Permit required; excavations. No persons, except the properly authorized employees of the Department of Public Works will be permitted to tap or make any connections with street mains or distributing pipes of the Water District unless it is a contractor certified installment – greater than 1". No person shall make any attachment to or connection with the pipes, or make any additions to or alterations of any tap, pipe, cock or other fixture connected with the pipes supplying water to consumers, unless a permit is first obtained. After inspection of excavations, all excavations on the premises shall be backfilled and shall not be disturbed or uncovered without written permission of the Department of Public Works.

3. Notice for installation of laterals. After receiving a permit for the installation of any water service, the applicant requesting the work shall notify the Department of Public Works 48 hours in advance of his or her desire to have the lateral installed and shall ~~(as per definition of shall do not need definitely)~~ designate the name of the street and the house or lot number where the lateral is to be installed and the name of the owner or applicant.

4. Large cut-in connections. If a larger connection than a 1 1/2 inch-tap is required, a ~~cast-iron~~ Type K copper pipe service not less than two inches in diameter shall be installed or if larger than 3-inch diameter is required, a Class 52 ductile iron, double cement line, seal coated pipe shall be installed by ~~employees of~~ the Department of Public Works only from the main to the property line of the premises, connections with the street main to be made with patented or standard fittings, all material to be furnished by the Department of Public Works. All services greater than 3-inch ~~such services~~ shall have a gate valve placed in the service pipe near the street main, which gate valve shall be controlled exclusively by the Department of Public Works. The property owner shall be billed for ~~this~~ service work at the actual cost of labor, material, pavement, and final restoration ~~out to the Department of Public Works, which,~~ said amount must be paid to the Receiver of Taxes. No estimate of the cost of installation of any connection, under these rules, shall be binding upon the Department of Public Works or the Town of

Rotterdam. Upon failure to pay said charge, the cost of the work performed shall be assessed against said premises and collected as a water charge levied against said premises, in addition to any other remedies provided herein.

5. Service pipes and fittings. Existing services installed by the Department of Public Works to the property line are to be connected ~~to~~ by the property owner when ~~he makes~~ application is made for a service to said property. Any changes in the location of the services shall be done at the owner's expense.

6. Installation. The Department of Public Works shall require an inspection to be made by an inspector from the Department of Public Works of each service pipe and trench before any backfilling is done. The inspector may refuse to turn on water where backfilling is done before said inspection is made or where the work does not fulfill the requirements of these rules and regulations. A $500 fine or re-excavating the trench to expose the pipe for inspection shall be the remedy for non-conformance.

7. Service pipes maintained. The owner of property into which water is introduced by a service pipe will be required to be maintained in ~~perfect~~ reasonable order, at his own cost and expense, the said service pipe from and including the curb stop to his own premises, including all fixtures therein provided for delivering or supplying water for any purpose, and the curb box must be kept in view and the top thereof even with the ground, sidewalk or street grade at all times, and in a serviceable condition. In case such service and fixtures are not kept in repair, the water may be shut off from the premises until the requirements of this rule are complied with, or the Department of Public Works may make the necessary repairs, to conform to this rule, and charge the cost of repair ~~thereof~~ to the owner of the property. The cost of the repair shall be paid by the property owner within 60 days from date of completion~~. at which this rule is violated and collect such cost from the owner of such property and~~ The Department of Public Works may shut off the water from such property until such time as charges are paid or a mutual payment agreement is worked out.

8. Defective services. In all premises where water from water district mains is now supplied by a system of pipes and fixtures for water service, and where the service pipes and

fixtures are not of the standard or pattern prescribed in the rules and regulations of the Department of Public Works, or where such fixtures and devices for the prevention of damage to the service or of waste of water, as are prescribed in said rules and regulations, are lacking from said system, the owners of said premises shall, at any time when so required by order of the Department of Public Works, make such changes in and additions to said system or fixtures for said water service as shall be necessary in order to comply with such rules and regulations, and at their own cost and expense. In case of failure to comply with this rule at any premises, the water may be shut off from such premises until this rule is complied with.

9. Discontinuance of service. No deduction shall be made from any bill for water for the discontinuance of the water supply to any premises, unless the owner of such premises shall have received a permit to terminate, completed the work and had an inspection showing the termination of water to said property. All consumers will be charged for the use of water for the current year and will not be charged for water the following year. Please note properties that are metered (businesses & sprinklers) are for prior year and will be charged as such.

10. Responsibility for excavations. In the opening of a trench for the introduction of any water service pipe under authority of a permit from the Department of Public Works, the owner and agent will each be held responsible for the trench opened by them. Whenever any trench is opened for making a connection with or laying any water pipe, public safety and convenience shall be duly regarded and conserved by the construction of road plates, ~~such~~ bridges, or other protective devices across open trenches as may be required to properly ~~insure~~ensure safety to the public. ~~Red signal~~ Approved construction lights, barricades, railings and all other necessary means of protection against accident shall be provided by the agent or owner.

11. Inspectors may enter premises. ~~Employees of t~~The Department of Public Works, upon presentation of proper identification, may enter and must be permitted to enter upon any premises in the Water District where water is being supplied or upon any premises when application is made for a permit to connect plumbing with the water pipes for the purpose of inspecting the plumbing and fixtures of the water

service, and all work in connection with such service.

E. Shutting off.

1. Water may be shut off by the Department of Public Works from any service or main for the purpose of making or constructing new work, or making repairs in the water system, or of enforcement of payment of monies or charges due the Department of Public Works for water supply and for other matters in accordance with these rules and regulations. In the case of making or constructing new work or in making repairs, the right is reserved to shut off the water from any consumer without notice for as long a period as may be necessary.

2. When the water supply has been shut off for a failure to comply with these rules and regulations, it shall not again be turned on except by the Department of Public Works until compliance is made with these rules and regulations in the matter and payment made, by the owner of the premises concerned, to the Receiver of Taxes, of all expenses incurred by the said ~~Bureau~~ Department of Public Works in so shutting off such water supply. Notice regrading water shutoff shall conform with § 267-6, Noncompliance; service to be discontinued; notice; service.

F. Change of pressure. The Town of Rotterdam nor the Department of Public Works shall not be liable for any damage or loss of any kind, to property or persons, which may arise from any or be caused by any change ~~in or~~ increase/decrease of water pressure from any cause whatsoever.

G. In order to maintain sufficient water supply and pressure at all times for fire protection and household use, from May 1 through ~~September~~ October 15, ~~(In 2019 was until November 1??)~~lawn sprinkling, garden sprinkling and other use of public water shall be restricted to the following days and times: [Amended 7-24-2020 by L.L. No. 10-2020]

1. Automatic lawn sprinkler systems.

(a) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with even-numbered addresses and with automatic lawn sprinkler systems serviced by the municipal supply, may use the public water supply for outside lawn and garden sprinkling on even-numbered calendar days from ~~1:00~~ 7:00 a.m. to ~~4:00~~ 9:00 a.m. and 7:00 pm to 9:00 pm, regardless of the nature of use of the premises.

(b) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with odd-numbered addresses and with automatic sprinkling systems serviced by the municipal water supply, may use the public water supply for outside lawn and garden sprinkling on odd-numbered calendar days from ~~1:00~~ 7:00 a.m. to ~~4:00~~ 9:00 a.m. and 7:00 pm to 9:00 pm, regardless of the nature of use of the premises.

(c) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with automatic lawn and garden sprinkling systems serviced by the municipal supply, shall not be permitted to use manually placed and/or handheld lawn sprinklers outside of the times specified in Subsection G(1)(a) and (b).

(d) Sprinkling outside of the designated days and hours is strictly prohibited.

2. Manually placed lawn sprinklers or handheld watering.

(a) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with even-numbered street addresses and without automatic lawn sprinkling systems serviced by the municipal supply, may use the public water supply for outside lawn and garden sprinkling on even-numbered calendar days from ~~6:30~~ 7:00 a.m. to ~~8:00~~ 9:00 a.m. and ~~6:30~~ 7:00 p.m. to ~~8:00~~ 9:00 p.m., regardless of the nature of use of the premises.

(b) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with odd-numbered street addresses and without automatic lawn sprinkler systems serviced by the municipal supply, may use the public water supply for outside lawn and garden sprinkling on odd-numbered calendar days from ~~6:30~~ 7:00 a.m. to ~~8:00~~ 9:00 a.m. and ~~6:30~~ 7:00 p.m. to ~~8:00~~ 9:00 p.m., regardless of the nature of use of the premises.

(c) Sprinkling outside of the designated days and hours in strictly prohibited.

3. The restrictions contained in Subsection G(2)(a) and (b) above shall not apply to hand-sprinkling of outdoor gardens used for the growing of noncommercial foodstuffs and flower gardens which require a letter from the Department of Public Works to water outside the times listed above.

4. In the event of a fire or other water emergency, the Town Supervisor, upon the recommendations of the ~~Engineer/Director of Public Works~~ Department of Public Works, may modify or suspend any or all of the regulations relating to sprinkling for the duration of the emergency. The ~~Engineer/Director of Public Works~~ Department of Public Works shall notify the public by publication or other appropriate manner of any modification or suspension of sprinkling as a result of such emergency.

5. Upon application of any person, the Town Supervisor, or his/her designee, may vary or modify the restrictions contained herein upon such terms and conditions as he/she deems appropriate. There shall be no appeal from the decision of the Town Supervisor on an application made under this subsection.

6. Nothing contained herein shall restrict the use of private wells for outside watering purposes, provided that a valid sign stating "PRIVATE WELL" must be displayed on the dwelling, readable from the right-of- way. All private wells' water faucets must be permanently labeled. No interconnection of the private well with the public water system shall be permitted.

7. No person shall fill a swimming pool from the public water supply at any time without the approval of the ~~Superintendent of the Department of Water and Wastewater Management~~ Department of Public Works. The ~~Superintendent~~ Department of Public Works shall specify the quantity, time and method for filling of swimming pools upon receipt of pool permit.

H. Waste of water. Water must not be allowed to run to prevent freezing in the service pipes or their attachments or for the purpose of flushing soil pipes or sewers or for any other purposes on the premises than those paid for or indicated in the application for the same and which are allowed by these rules and regulations. Faucets must be kept properly packed and all other fixtures in repair, so as to prevent leaks.

I. Water meters.

1. All commercial users shall have water meters installed at the expense of the property owner and periodically inspected by the Department of Public Works. The Department of Public Works reserves the right to order a meter to be placed on any service ~~or to take out a meter and~~ or place the consumer on a flat rate whenever in the opinion of the Department of Public Works it is for the best interests of the water district ~~so to do~~. All water passing through a meter will be charged for, whether used or wasted.

2. Service in good condition. No meter shall be installed ~~by the Department of Public Works~~ unless the service, service fixtures and plumbing adjacent to the proposed location of the meter are in a good and serviceable condition. The curb box must be readily accessible, the curb cock, stop and waste cock in good working order and any rusty or unsafe pipes next to the proposed location of the meter replaced. The owner, as shown on the latest assessment roll of the Water District, of the premises in which meter is to be installed shall be notified in writing by mail addressed to him at such premises of any required repairs under this rule, which shall be made within 10 days. ~~and if repairs are not made within 10 days.~~

3. Check valves/Expansion Tanks~~, test tees and bypasses~~. All meters installed ~~by the Department of Public Works~~ shall have check valve/expansion tanks installed ~~placed next to outlets~~ to prevent hot water from backing through the meter or to mitigate over pressurization of the internal plumbing system. All services that are metered and require check valves/expansion tanks to prevent hot water from backing through the meter shall be supplied, connected and fitted with such check valves up to and including meters of 1 1/2 inches in size. ~~by the Department of Public Works.~~ Services requiring a meter over 1 1/2 inches in size shall be designed by a licensed professional engineer and a drawing of the water service lateral, shutoff valve, meter/setter, check valve, expansion tank shall be provided to the Department of Public Works. ~~and furnished by the property owner may be installed by the Department of Public Works, but if check valves are required, same are to be installed by the property owner. All sizes above 3/5 inch shall have a test tee next to the outlet of meter and the full size of same, then the check and another valve so that meter can be tested at any time in place. If the owner of premises so desires,~~ M~~m~~eters two inches or larger in size may be installed with bypasses so that meters may be removed for testing or repairs made without hindering the supply of water. The expense of such bypasses and additional work shall be borne by the owner. All such bypasses shall be locked and sealed (tamper proof) and under the exclusive control of the Department of Public Works.

4. Removal. No meter shall be removed or disturbed without the written permission of the Department of Public Works.

5. Testing. Persons making complaints as to the correctness of meter bills and claiming to be overcharged can, by applying at the Department of Public Works within 10 days after meter bills have become due, have the meter examined and the dial reread. The Department of Public Works is authorized to correct any charge due to a fault in the meter or to incorrect

reading of the dial but shall have no power to reduce meter bills for any other reason whatsoever.

6. Reading of meters. Meters will be read ~~semi~~annually by regular authorized agents of the Department of Public Works. Bills shall be rendered at such periods of the year as the Department of Public Works ~~Water Bureau~~ may direct.

7. Schedule bills. ~~All bills for water furnished at schedule rates will be payable annually in advance at the office of the Receiver of Taxes on the 15th day of January in each year.~~ Refer to Paragraph O – Schedule of Fees. For an intermediate period or for a new or additional service, the bill must be paid before the water is turned on.

8. Meter bills. ~~Bills for metered water will be payable annually, on the 15th day of January of each year, at the office of the Receiver of Taxes.~~ Refer to Paragraph O – Schedule of Fees.

9. Special bills. All special bills and charges for services rendered, material sold or expenses incurred by the Department of Public Works in connection with the enforcement of these rules and regulations must be paid at the office of the Receiver of Taxes within 30 days after the bill is rendered. The supply of water may be shut off from the premises with reference to which such charges become due in default of payment of such bills or charges and until bills and charges are paid.

10. Default in payment of meter bills. In the case of default of payment for the period of 30 days of a meter bill after the same is due, the Department of Public Works may shut off the water supply at the premises to which such bill relates until such bill is paid.

11. Delinquent water rentals. All delinquent water rents except meter bills which shall remain unpaid at the expiration of 30 days from due date thereof shall carry penalties and interest charges as provided by law.

12. Nonpayment. Wherever the owner of any premises which are supplied with water shall be charged for water supplied, services rendered, material furnished or expense incurred by the Department of Public Works pursuant to these rules and regulations, and said charges are not paid and the water shall be turned off on account of such nonpayment, no application for water services for such premises need be granted by the Department of Public Works (notwithstanding the said premises may have changed ownership) until such charges shall have been paid in full to the Receiver of Taxes. Further, if water service is not turned off on account of such nonpayment, any such unpaid bills will become a lien against the property and will be added to the Town's assessment rolls for collection.

~~12.~~13. Type. Water meters in the Town of Rotterdam shall have an easily accessible walk up, outside remote reader that does not require a wand to read and shall read in gallons.

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J. Discontinuance of use of water. Any consumer desiring to discontinue the use of water shall contact a plumber to shut the water off at the curb. In the case of an emergency consumers shall ~~must~~ notify the Department of Public Works, and an employee of the Department of Public Works will shut the water off at the curb. No rebate will be made for any period of discontinuance unless consumer has applied for and completed work to terminate water at the main.~~of such use less than six months from the time of turning off the water by the Department of Public Works~~. The fact that different portions of premises can be shut off inside of the same buildings will not entitle the owner to rebate.

K. Partial supply from wells. No rebate shall be made from any water bills under a claim that less water has been used because of a partial use from wells.

L. Failure to make repairs. No rebate for any water bill will be made in cases where the charges result from the failure on the part of the owner or consumer to promptly repair any broken, frozen or defective fixtures or service.

M. Fire hydrants.

1. All street hydrants are under control of the Department of Public Works. No person shall use a wrench for opening hydrants except a wrench furnished by the Department of Public Works for the purpose. No person except ~~an authorized agent or employee of~~ the Department of Public Works, or of the Fire Department, or a person holding a written permit signed by ~~the Coordinator of~~ the Department of Public Works, shall disturb any hydrant or any part thereof, or take any water therefrom under any circumstances whatever; any person found guilty of violating any provision of this rule shall be guilty of a misdemeanor, and in addition thereto he shall pay to the water district a penalty in the amount of $500, in addition to, any damage done to said hydrant and the cost of restoring same to its proper condition.

2. Obstructions. Any person placing any obstructions that would prevent free access to any fire hydrant shall be guilty of obstruction, and such violation shall be punishable pursuant to the New York State Vehicle and Traffic Law or § 247-8, Enforcement; penalties for offenses.

~~2.~~3. Specs?

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N. Operated by employees of Department of Public Works only. No person except an employee of the Department of Public Works shall open, close or in any way

interfere with any gate valve ~~or gate~~ in any water main. ~~conduit or street pipe.~~ Any person who has disturbed or displaced a valve box so that the valve stem cannot be reached by a key, or has covered a valve box or a valve chamber with dirt, paving plank or other material, shall immediately replace the valve box and remove the obstruction. Any person violating this section shall be guilty of a misdemeanor.

O. Schedule of Fees ~~Commercial use~~.

~~1.~~ Fees for water service shall be pursuant to the Schedule of Fees adopted by the Town Board. ~~Definitions. As used in this subsection, the following terms shall have the meanings indicated:~~
~~COMMERCIAL RATE — The prescribed rate as hereinafter set forth for the consumption of water by users other than private consumers and applicable to metered premises where owners or occupants in the course of their occupation or in the conduct of their business use and consume large quantities of water.~~
~~COMMERCIAL USER — Any person, firm or corporation consuming a large quantity of water in the course of his or its business or trade carried on the premises.~~

2. Billing Schedule ~~Sale of water to commercial users.~~

(a) Residential – Detached one and two family dwelling units and multiple single family dwelling (town houses, condominiums, etc.)

(b) Non- Residential – Assembly (Group A); Business (Group B); Education (Group E); Factory and Industrial (Group F); High Hazard (Group H); Institutional (Group I); Mercantile (Group M); Residential (Group R) except as defined above; Storage (Group S); and Utility and Miscellaneous (Group U)

(c) EDU equivalent is based on 75,000 gallons per year for non residential based on metered use.

(d) ~~All commercial users, as defined in this section, are hereby required at their own cost and expense and under the supervision of the Department of Public Works to install on the premises a water meter, which meter shall be the property of Water District and not of the consumer, and may be removed by any authorized employee of Water District for repairs and/or Department of Public Works of supply of water to the premises.~~

(e) Bills for water are invoiced as follows:

- Residential – In District – Debt Service – January Tax Bill
- Residential – In District – O&M Bill – June Bill
- Residential – Out of District – Debt Service – January Tax

Bill

- Residential – Out of District – Voucher O & M – January 15th
- Non-Residential – In District – Debt Service – January Tax Bill
- Non-Residential – In District – O&M Bill – June Bill
- Non-Residential – Out of District – Debt Service – January Tax Bill
- Non-Residential – Out of District – Voucher O & M Bill– January 15th

P. Should the Department of Public Works determine that water conservation is needed for the health, safety and welfare of the Town, the Town Supervisor may declare the need for water conservation and impose water restrictions, including but not limited to the restriction of water use outside the residence or commercial property.

Town of Rotterdam, NY
Friday, April 21, 2023

Chapter 267. Water

[HISTORY: Adopted by the Town Board of the Town of Rotterdam 2-28-1996 by L.L. No. 4-1996. Amendments noted where applicable.]

GENERAL REFERENCES
Plumbing — See Ch. **213**.
Sewers — See Ch. **230**.

§ 267-1. Purpose.

The purpose of this chapter is to:

A. Protect the public potable water supply of the Town of Rotterdam from the possibility of contamination by isolating within its customer's internal distribution system or its customer's private water system such contaminations or pollutants which could backflow into the public water supply system.

B. Comply with the requirements of the New York State Sanitary Code 5-1.31.

§ 267-2. Definitions; word usage.

A. For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

AIR GAP SEPARATION
A physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, and in no case less than one inch.

APPROVED CHECK VALVE
A check valve that seats readily and completely. It must be carefully machined to have free-moving parts and assured watertightness. The face of the closure element and valve seat must be bronze, composition or other noncorrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be bronze or other noncorrodible, nonsticking material, machined for easy, dependable operation. The closure element (e.g., clapper) shall be internally weighted to otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

APPROVED DOUBLE-CHECK-VALVE ASSEMBLY
An assembly of at least two independently acting approved check valves, including tightly closing shutoff valves on each side of the check-valve assembly and suitable test cocks plus connections available for testing the watertightness of each check valve.

APPROVED REDUCED PRESSURE PRINCIPAL BACKFLOW PREVENTION DEVICE
A device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, two shutoff valves and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the two check valves, less than the pressure on the public water supply side of the

device. At cessation of normal flow the pressure between the check valves shall be less than the supply pressure. In case of leakage to either valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. To be approved, these devices must be readily accessible for maintenance and testing and installed in a location where no part of the device will be submerged.

APPROVED WATER SUPPLY

Any water supply approved by, or under the public health supervision of, a public health agency of the State of New York, City of Schenectady or the Town of Rotterdam. In determining what constitutes an approved water supply, the Department of Public Health of the State of New York (herein called "State Health Department") shall have the final judgment as to its safety and potability.

AUXILIARY WATER SUPPLY

Any water supply on or available to the premises other than the Town water supply.

CONSUMER

Any person to whom water is sold and furnished from the Town of Rotterdam.

CONTAMINATION

An impairment of the quality of the Town water supply by the presence of any foreign substance (organic, inorganic, radiological or biological) to a degree which creates a hazard to the public health.

CROSS CONNECTION

Any unprotected connection between any part of the Town waterworks system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as safe, wholesome and potable for human consumption.

ENGINEER

The Town Engineer at the Town of Rotterdam, or his authorized representative.

NONTOXIC SUBSTANCE

Any substance of a nonpoisonous nature that may create a moderate or minor hazard to the water supply system.

PERSON

Any natural person, firm, association, organization, partnership, trust or association or persons, joint venture, corporation or company, and includes the United States, the State of New York, the County of Schenectady, any special purpose district and any officer or agent thereof.

PREMISES

Integrated land area, including improvements thereon, undivided by public thoroughfares or water distribution mains of the Town of Rotterdam and where all parts of the premises are operated under the same management and for the same purpose.

PROTECTIVE DEVICE

Any of the following devices:

(1) Air gap separation.

(2) Approved reduced pressure principle backflow prevention device.

(3) Approved double-check-valve assembly.

SERVICE CONNECTION

The terminal end of a service connection from the Town water supply at its point of delivery to the consumer. If a meter is installed, "service connection" means the downstream end of the

meter. No unprotected takeoffs from the service line ahead of any meter or backflow protective device located at the point of delivery to the consumer shall be permitted.

TOWN
The Town of Rotterdam.

TOWN WATER SUPPLY
The approved water supply sold and delivered to consumer's premises through the Water Works System of the Town of Rotterdam.

TOXIC SUBSTANCE
Any substance (liquid, solid or gaseous), including raw sewage and lethal substances, that, when introduced into the water supply system, creates or may create a danger to the health and well-being of the consumer.

B. "Shall" is mandatory; "may" is permissive.

§ 267-3. Where protection is required; type of protection.

A. Auxiliary water supply. Each service connection from the Town water supply for furnishing water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the Town water supply. Where a single- or dual-family residential customer served by a public water supply system has or proposes to install an auxiliary water supply (i.e., well, cistern, spring, etc.) the supplier of water shall protect the public water supply system against backflow by requiring the customer to perform one of the following:
[Amended 5-12-1999 by L.L. No. 7-1999]

(1) Permanently disconnect the auxiliary water supply from any direct connection to the public water supply system. An inspection to determine compliance with this requirement shall be made by the supplier of water, the local plumbing or building code enforcement official, or their designee. The frequency of inspections shall be at the initial time of disconnection and at periodic intervals thereafter (i.e., every three to five years);

(2) Abandon the auxiliary water supply in a manner acceptable to the state or local Health Department; or

(3) Install an approved reduced pressure zone (RPZ) device at the public water supply service connection in accordance with Section 5-1.31 of the State Sanitary Code.

B. Toxic or hazardous substances. Should a facility be rated hazardous, a reduced pressure zone device would be required independent of a separate system handling the auxiliary water system. We would also require a reduced pressure zone device if the facility were rated nonhazardous and the auxiliary water system did not meet the water quality requirements of the Sanitary Code.

C. Nonhazardous substances. At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health) if introduced into the Town water supply is handled in such a manner as to constitute a cross connection, the Town water supply shall be protected by an approved double-check-valve assembly.

D. Fire systems. At the service connection to any premises in which a fire protection system is installed, the Town water supply shall be protected based on the water source and arrangement of supplies in accordance with the following classifications:

(1) Class 1.

(a) Direct connection from public water mains only; no pumps, tanks or reservoirs; no physical connections from auxiliary water supplies, no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells or other safe outlets.

(b) Protection: double-check-valve assembly.

(2) Class 2.

(a) Same as Class 1, except booster pumps may be installed in the connections from the street mains.

(b) Protection: double-check-valve assembly.

(3) Class 3.

(a) Direct connection from public water supply main, plus one or more of the following: elevated storage tanks, fire pumps taking suction from aboveground covered reservoirs or tanks; and pressure tanks.

(b) Protection: double-check-valve assembly.

(4) Class 4.

(a) Directly supplied from public mains similar to Classes 1 and 2 and with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within 1,700 feet of the pumper connection.

(b) Protection: air gap or reduced pressure principle backflow prevention device.

(5) Class 5.

(a) Directly supplied from public mains and interconnected with auxiliary supplied, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or when antifreeze or other industrial water systems; or where antifreeze or other additives are used.

(b) Protection: air gap or reduced pressure principle backflow prevention device.

(6) Class 6.

(a) Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(b) Protection: determined by the Engineer upon review of engineering drawings of the system.

E. Lawn sprinkling systems.
[Amended 5-12-1999 by L.L. No. 7-1999]

(1) Where a single- or dual-family residential customer served by the public water supply system has or proposes to install a lawn sprinkler or irrigation system, the minimum required backflow protection to prevent backsiphonage shall be a vacuum breaker that shall be located, specified, installed, maintained and accessible for inspection in accordance with Sections 902.2(d)(2) and 902.3(a), (b)(1), (c) and (d) of the Uniform Fire Prevention and Building Code (UFP and BC), respectively, in a manner acceptable to the supplier of water and/or the local plumbing or building code enforcement official.

(2) For the systems described below, the supplier of water shall protect the public water system against backflow by requiring the customer to perform one of the following:

(a) Install an approved double-check valve assembly (DCVA) on those systems which may be subject to backpressure from pumps or elevated piping where no chemical injection takes place; or

(b) Install an approved RPZ device on those systems where provisions are made for chemical injection.

NOTE: The supplier of water may allow protective devices to be installed in the internal supply pipes to a lawn sprinkler or irrigation system, provided that there are no other hazards associated with a residential user as described in the categories "auxiliary water supplies" and "miscellaneous residential water uses" of this document. Containment at the service connection with an approved DCVA or RPZ shall be required in any other case. For options in Subsection **E(2)(a)** or **(b)** above, the device shall be tested in accordance with Section 5-1.31(a)(3) of the State Sanitary Code and maintained in a manner and frequency acceptable to the supplier of water and/or the state or local Health Department.

(3) Automatic rain shut-off, such as Hunter Mini Clik or equal, must be installed as part of pre-installation.
[Amended 8-8-2001 by L.L. No. 10-2001]

(4) An electrical timer shut-off must be installed to control usage of sprinkler system. The timer settings must conform with the rules and regulations for sprinkling as set forth by the town.

F. Cross-connection control.
[Amended 8-8-2001 by L.L. No. 10-2001]

(1) All portions of the water distribution system serving the swimming pool and auxiliary facilities shall be protected against backflow and back-siphonage. Water introduced into the pool, either directly or to the recirculation system, shall be supplied through an air gap or by another method which will prevent backflow and back-siphonage.

(2) Outside water hose bibs shall be protected with a vacuum breaker-backflow preventer such as Watts Series 8 or equal.

G. All existing systems must comply with this local law by May 1, 2004.
[Amended 8-8-2001 by L.L. No. 10-2001]

§ 267-4. Responsibility for maintenance.

A. Consumer responsibility. It shall be the responsibility of each consumer at his own expense to furnish, install and keep in good working order and safe condition any and all protective devices required in this section. The Town shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the improper or negligent installation, operation, use, repair or maintenance of or interfering with any protective device by any consumer or any other person.

B. Conflicts. Whenever two or more conditions exist on any premises for the correction of which different protective devices are required in this chapter, the consumer shall be required only to install the protective device which, in the opinion of the Engineer and County Health Officer, affords the maximum protection to the Town water supply.

§ 267-5. Inspection; records; cost.

[Amended 6-23-2004 by L.L. No. 5-2004]
The consumer on whose premises any protective device is installed shall have each such device inspected annually by an appropriately certified inspector. If successive inspections disclose repeated failures in the operation of any device, the Public Works Coordinator may require more frequent inspections. Each device shall be repaired, overhauled or replaced at the expense of the consumer whenever it is found to be defective. Records of such tests, repairs and overhauls shall be kept and a copy of such records forwarded to the Public Works Coordinator and the Schenectady County Health Department on an annual basis. The Public Works Coordinator shall have the duty of determining that the inspections required herein are performed properly. If following demand, therefore, the consumer fails to have any of the inspections made as required herein or to make the above-described records

available, the Public Works Coordinator shall have the right to inspect the device and the consumer to pay the cost thereof.

§ 267-6. Noncompliance; service to be discontinued; notice; service.

A. No water service connection shall be installed on the premises of any consumer unless the Town water supply is protected as required by this section.

B. Delivery of water to the premises of any consumer may be discontinued by the Engineer if any protective device required by this section has not been installed, inspected, tested and maintained or is defective or has been removed or bypassed.

C. Delivery of water.

(1) Delivery of water shall be discontinued immediately and without notice to the consumer if the Engineer or County Health Officer determined that:

(a) The Town water supply is being contaminated or is in immediate danger of contamination.

(b) A protective device required by this section has not been installed or is defective or has been removed or bypassed.

(c) The consumer cannot immediately be located.

(2) Delivery of water shall not be resumed until any protective device required by this section and approved by the Engineer has been properly installed or until conditions at the consumer's premises causing the contamination or danger of contamination have been abated or corrected to the satisfaction of the Engineer and County Health Officer.

D. Notice.

(1) Except as provided in Subsection **C**, delivery of water shall not be discontinued until written notice thereof has been given to the consumer. The notice shall state:

(a) The conditions or defects which must be corrected.

(b) The manner in which the stated conditions or defects are to be corrected.

(c) The date on or after which delivery of water will be discontinued, and which shall not be less than 15 nor more than 90 days following the date of delivery of mailing of the notice. The Engineer may grant the consumer an extension of an additional period not to exceed 90 days if he determines the consumer has exercised due diligence but has been unable to comply with the notice within the time originally allowed.

(2) The notice shall be given by delivering the same to the consumer, the manager or agent thereof, or to any person in charge of or employed in the place of business of the consumer, or, if the consumer has no place of business, then at the place of residence of the consumer if known or by leaving the notice at either the place of business or the residence of the consumer. If the consumer cannot be found, service of the notice shall be mailed, postage fully prepaid, addressed to the consumer at the place of business or residence set forth in the application of the consumer for water service in the records of the town.

(3) Once discontinued, delivery of water shall not be resumed until any protection device required by this chapter and approved by the Engineer has been properly installed or until the conditions at the consumer's premises creating the need for a protective device have been abated or corrected to the satisfaction of the Engineer.

E. For the purpose of making any inspections or discharging the duties imposed by this chapter, the Engineer shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises of water from the Town water supply, shall be

considered as having stated his consent to the entry upon his premises of the Engineer for the purposes stated herein.

§ 267-7. Presently installed devices.

All presently installed prevention devices which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained shall, except for the inspection and maintenance requirements under § **267-5**, be excluded from the requirements of these rules so long as the Engineer is assured that they will satisfactorily protect the town's water supply. Whenever the existing device is moved from the present location or requires more than minimum maintenance which constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this section.

§ 267-8. Enforcement; penalties for offenses.

[Amended 7-9-2003 by L.L. No. 9-2003]

A. Violations. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any premises in violation of any provision of this chapter or to fail in any manner to comply with a notice, directive or order of the Town Engineer, Chief Operator of Water, the Town Building Inspector/Code Enforcement Officer or the designee of any one of them requiring compliance with this chapter.

B. Penalties. Any person, firm or corporation who shall violate any of the provisions of this chapter or any rule or regulation made pursuant thereto shall, upon conviction thereof, be punished by a fine of no less than $500 nor more than $1,000 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than $1,000 nor more than $1,500 or imprisonment for a period not to exceed 15 days, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than $1,500 nor more than $2,000 or imprisonment for a period not to exceed 15 days, or both. Each day of continued violation shall constitute a separate, additional offense.
[Amended 6-12-2013 by L.L. No. 7-2013]

§ 267-9. Water and sprinkler regulations for consolidated water districts.

[Added 6-26-2013 by L.L. No. 8-2013]

A. Purpose. Rules, regulations and rates adopted and prescribed by the Town Board of the Town of Rotterdam, Schenectady County, New York, in accordance with § 198 of the Town Law shall apply to the territory of the Town of Rotterdam known and designated as "Water District of the Town of Rotterdam, New York."

B. Applicability. The rules and regulations herein contained shall apply to every person or user supplied with water by the Department of Public Works, and each such person or user must agree to comply with said rules and regulations as set forth herein, and the same shall constitute a part of the contract, express or implied, between such person or user and the Department of Public Works.

C. Permits.

(1) Applications for permits to connect service or supply pipes with either the Water District mains or curb connections must be made in writing at the office of the Department of Public Works by the owner of the premises or his agent on blank forms prepared for that purpose. The application shall specify the particular uses for which water is required. The owner or agent

must furnish the Department of Public Works the correct street and lot number as taken from the deed.

(2) Permits will be issued by the Department of Public Works and shall expire 30 days from date of issuance. All work done under the permit shall be performed by the owner or his agent. No work shall be covered up unless same is first inspected by the Department of Public Works. No work will be inspected until a request by the owner or his agent is made in writing to the Department of Public Works and a request for inspection is given at least 24 hours in advance. All defective work or work done not in accordance with the rules contained herein, the New York State Uniform Fire Prevention and Building Code and the Plumbing Code[1] of the Town of Rotterdam will not be approved and shall be redone, modified or reinstalled in accordance with the directions of the Department of Public Works. Failure to comply by the owner or his agent with the directions of the Department of Public Works to correct any defects in work or to carry out any directions of the Department of Public Works in connection with said work as prescribed herein shall constitute good and sufficient reason for revocation of the permit.
[1] *Editor's Note: See Ch. **213**, Plumbing.*

(3) No plumbing or plumbing fixtures shall be installed in any house, building, or structure thereafter to be erected or remodeled unless and until plans for installation thereof shall be first filed and approved by the Department of Public Works and a permit therefor is obtained.

(4) No extension or alteration of service pipes, whether involving new uses of water or not, shall be made without the permission of the Department of Public Works, and for any extension involving new uses of water, an application shall be filed with and approved by the Water Commissioner before such extension is made.

(5) Discontinuance of fixtures. Application must be made for a permit and such permit granted for any desired change in or discontinuance of the use of any fixture on any water service before any such change or discontinuance is made. The charge for the use of water from the fixtures will continue unchanged until the person making such change or discontinuance has notified the office of the Department of Public Works and certified that the change or discontinuance has been made.

D. Connections, construction and maintenance.

(1) Agent or owner. The agent designated and employed by the owner of the premises will be considered the agent of such owner while employed in the execution of the work of introducing water into said premises, and in no case shall the agent of the Department of Public Works or the Town of Rotterdam be responsible for the acts of such agent.

(2) Permit required; excavations. No persons, except the properly authorized employees of the Department of Public Works will be permitted to tap or make any connections with street mains or distributing pipes of the Water District. No person shall make any attachment to or connection with the pipes, or make any additions to or alterations of any tap, pipe, cock or other fixture connected with the pipes supplying water to consumers, unless a permit is first obtained. After inspection of excavations, all excavations on the premises shall be backfilled and shall not be disturbed or uncovered without written permission of the Department of Public Works.

(3) Notice for installation of laterals. After receiving a permit for the installation of any water service, the applicant requesting the work shall notify the Department of Public Works 48 hours in advance of his or her desire to have the lateral installed and shall definitely designate the name of the street and the house or lot number where the lateral is to be installed and the name of the owner or applicant.

(4) Large cut-in connections. If a larger connection than a 1 1/2 inch-tap is required, a cast-iron pipe service not less than two inches in diameter shall be installed by employees of the Department of Public Works only from the main to the property line of the premises, connections with the street main to be made with patented or standard fittings, all material to be furnished by the Department of Public Works. All such services shall have a gate valve placed in the service pipe near the street main, which gate shall be controlled exclusively by the

Department of Public Works. The owner shall be billed for this work at the actual cost of labor, material and pavement out to the Department of Public Works, which amount must be paid to the Receiver of Taxes. No estimate of the cost of installation of any connection, under these rules, shall be binding upon the Department of Public Works or the Town of Rotterdam. Upon failure to pay said charge, the cost of the work performed shall be assessed against said premises and collected as a water charge levied against said premises, in addition to any other remedies provided herein.

(5) Service pipes and fittings. Existing services installed by the Department of Public Works to the property line are to be connected to by the property owner when he makes application for a service to said property. Any changes in the location of the services shall be done at the owner's expense.

(6) Installation. The Department of Public Works shall require an inspection to be made by an inspector from the Department of Public Works of each service pipe and trench before any backfilling is done and may refuse to turn on water where backfilling is done before said inspection is made or where the work does not fulfill the requirements of these rules and regulations in every particular.

(7) Service pipes maintained. The owner of property into which water is introduced by a service pipe will be required to maintain in perfect order, at his own cost and expense, the said service pipe from and including the curb stop to his own premises, including all fixtures therein provided for delivering or supplying water for any purpose, and the curb box must be kept in view and the top thereof even with the sidewalk or street grade at all times, and in a serviceable condition. In case such service and fixtures are not kept in repair, the water may be shut off from the premises until the requirements of this rule are complied with, or the Department of Public Works may make the necessary repairs to conform to this rule and charge the cost thereof to the owner of the property at which this rule is violated and collect such cost from the owner of such property and shut off the water from such property until such charges are paid.

(8) Defective services. In all premises where water from Water District mains is now supplied by a system of pipes and fixtures for water service, and where the service pipes and fixtures are not of the standard or pattern prescribed in the rules and regulations of the Department of Public Works, or where such fixtures and devices for the prevention of damage to the service or of waste of water, as are prescribed in said rules and regulations, are lacking from said system, the owners of said premises shall, at any time when so required by order of the Department of Public Works, make such changes in and additions to said system or fixtures for said water service as shall be necessary in order to comply with such rules and regulations, and at their own cost and expense. In case of failure to comply with this rule at any premises, the water may be shut off from such premises until this rule is complied with.

(9) Discontinuance of service. No deduction shall be made from any bill for water for the discontinuance of the water supply to any premises, unless the owner of such premises shall have given notice to the Department of Public Works, in writing, when and where the water is no longer required and have requested same turned off at the curb stop by the Department of Public Works. All consumers will be charged for the use of water until notice as above is given.

(10) Responsibility for excavations. In the opening of a trench for the introduction of any water service pipe under authority of a permit from the Department of Public Works, the owner and agent will each be held responsible for the trench opened by them. Whenever any trench is opened for making a connection with or laying any water pipe, public safety and convenience shall be duly regarded and conserved by the construction of such bridges across open trenches as may be required to properly insure safety to the public. Red signal lights, barricades, railings and all other necessary means of protection against accident shall be provided by the agent or owner.

(11) Inspectors may enter premises. Employees of the Department of Public Works, upon presentation of proper identification, may enter and must be permitted to enter upon any premises in the Water District where water is being supplied or upon any premises when

application is made for a permit to connect plumbing with the water pipes for the purpose of inspecting the plumbing and fixtures of the water service, and all work in connection with such service.

E. Shutting off.

(1) Water may be shut off by the Department of Public Works from any service or main for the purpose of making or constructing new work, or making repairs in the water system, or of enforcement of payment of moneys or charges due the Department of Public Works for water supply and for other matters in accordance with these rules and regulations. In the case of making or constructing new work or in making repairs, the right is reserved to shut off the water from any consumer without notice for as long a period as may be necessary.

(2) When the water supply has been shut off for a failure to comply with these rules and regulations, it shall not again be turned on except by the Department of Public Works until compliance is made with these rules and regulations in the matter and payment made, by the owner of the premises concerned, to the Receiver of Taxes, of all expenses incurred by the said bureau in so shutting off such water supply. Notice regrading water shutoff shall conform with § **267-6**, Noncompliance; service to be discontinued; notice; service.

F. Change of pressure. The Town of Rotterdam or the Department of Public Works shall not be liable for any damage or loss of any kind, to property or persons, which may arise from any or be caused by any change in or increase of water pressure from any cause whatsoever.

G. In order to maintain sufficient water supply and pressure at all times for fire protection and household use, from May 1 through September 15, lawn sprinkling, garden sprinkling and other use of public water shall be restricted to the following days and times:
[Amended 7-24-2020 by L.L. No. 10-2020]

(1) Automatic lawn sprinkler systems.

(a) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with even-numbered addresses and with automatic lawn sprinkler systems serviced by the municipal supply, may use the public water supply for outside lawn and garden sprinkling on even-numbered calendar days from 1:00 a.m. to 4:00 a.m., regardless of the nature of use of the premises.

(b) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with odd-numbered addresses and with automatic sprinkling systems serviced by the municipal water supply, may use the public water supply for outside lawn and garden sprinkling on odd-numbered calendar days from 1:00 a.m. to 4:00 a.m., regardless of the nature of use of the premises.

(c) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with automatic lawn and garden sprinkling systems serviced by the municipal supply, shall not be permitted to use manually placed and/or handheld lawn sprinklers outside of the times specified in Subsection **G(1)(a)** and **(b)**.

(2) Manually placed lawn sprinklers or handheld watering.

(a) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with even-numbered street addresses and without automatic lawn sprinkling systems serviced by the municipal supply, may use the public water supply for outside lawn and garden sprinkling on even-numbered calendar days from 6:30 a.m. to 8:00 a.m. and 6:30 p.m. to 8:00 p.m., regardless of the nature of use of the premises.

(b) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with odd-numbered street addresses and without automatic lawn sprinkler systems serviced by the municipal supply, may use the public water supply for outside lawn and garden sprinkling on odd-numbered calendar days from 6:30 a.m. to 8:00 a.m. and 6:30 p.m. to 8:00 p.m., regardless of the nature of use of the premises.

(3) The restrictions contained in Subsection **G(2)(a)** and **(b)** above shall not apply to hand-sprinkling of outdoor gardens used for the growing of noncommercial foodstuffs and flower gardens.

(4) In the event of a fire or other water emergency, the Supervisor, upon the recommendations of the Engineer/Director of Public Works, may modify or suspend any or all of the regulations relating to sprinkling for the duration of the emergency. The Engineer/Director of Public Works shall notify the public by publication or other appropriate manner of any modification or suspension of sprinkling as a result of such emergency.

(5) Upon application of any person, the Supervisor, or his/her designee, may vary or modify the restrictions contained herein upon such terms and conditions as he/she deems appropriate. There shall be no appeal from the decision of the Supervisor on an application made under this subsection.

(6) Nothing contained herein shall restrict the use of private wells for outside watering purposes, provided that a sign stating "PRIVATE WELL" must be displayed on the dwelling, readable from the right-of-way. All private wells' water faucets must be permanently labeled. No interconnection of the private well with the public water system shall be permitted.

(7) No person shall fill a swimming pool from the public water supply at any time without the approval of the Superintendent of the Department of Water and Wastewater Management. The Superintendent shall specify the quantity, time and method for filling of swimming pools.

H. Waste of water. Water must not be allowed to run to prevent freezing in the service pipes or their attachments or for the purpose of flushing soil pipes or sewers or for any other purposes on the premises than those paid for or indicated in the application for the same and which are allowed by these rules and regulations. Faucets must be kept properly packed and all other fixtures in repair, so as to prevent leaks.

I. Water meters.

(1) All commercial users shall have water meters. The Department of Public Works reserves the right to order a meter to be placed on any service or to take out a meter and place the consumer on a flat rate whenever in the opinion of the Department of Public Works it is for the best interests of Water District so to do. All water passing through a meter will be charged for, whether used or wasted.

(2) Service in good condition. No meter shall be installed by the Department of Public Works unless the service, service fixtures and plumbing adjacent to the proposed location of the meter are in a good and serviceable condition. The curb box must be readily accessible, the curb cock, stop and waste cock in good working order and any rusty or unsafe pipes next to the proposed location of the meter replaced. The owner, as shown on the latest assessment roll of the Water District, of the premises in which meter is to be installed shall be notified in writing by mail addressed to him at such premises of any required repairs under this rule, and if repairs are not made within 10 days.

(3) Check valves, test tees and bypasses. All meters installed by the Department of Public Works shall have check valves placed next to outlets to prevent hot water from backing through the meter. All services that are metered and require check valves to prevent hot water from backing through the meter shall be supplied, connected and fitted with such check valves up to and including meters of 1 1/2 inches in size by the Department of Public Works. Services requiring a meter over 1 1/2 inches in size and furnished by the property owner may be installed by the Department of Public Works, but if check valves are required, same are to be installed by the property owner. All sizes above 3/5 inch shall have a test tee next to the outlet of meter and the full size of same, then the check and another valve so that meter can be tested at any time in place. If the owner of premises so desires, meters two inches or larger in size may be installed with bypasses so that meters may be removed for testing or repairs made without hindering the supply of water. The expense of such bypasses and additional work shall be borne by the

owner. All such bypasses shall be locked and sealed and under the exclusive control of the Department of Public Works.

(4) Removal. No meter shall be removed or disturbed without the written permission of the Department of Public Works.

(5) Testing. Persons making complaints as to the correctness of meter bills and claiming to be overcharged can, by applying at the Department of Public Works within 10 days after meter bills have become due, have the meter examined and the dial reread. The Department of Public Works is authorized to correct any charge due to a fault in the meter or to incorrect reading of the dial but shall have no power to reduce meter bills for any other reason whatsoever.

(6) Reading of meters. Meters will be read semiannually by regular authorized agents of the Department of Public Works. Bills shall be rendered at such periods of the year as the Water Bureau may direct.

(7) Schedule bills. All bills for water furnished at schedule rates will be payable annually in advance at the office of the Receiver of Taxes on the 15th day of January in each year. For an intermediate period or for a new or additional service, the bill must be paid before the water is turned on.

(8) Meter bills. Bills for metered water will be payable annually, on the 15th day of January of each year, at the office of the Receiver of Taxes.

(9) Special bills. All special bills and charges for services rendered, material sold or expenses incurred by the Department of Public Works in connection with the enforcement of these rules and regulations must be paid at the office of the Receiver of Taxes within 30 days after the bill is rendered. The supply of water may be shut off from the premises with reference to which such charges become due in default of payment of such bills or charges and until bills and charges are paid.

(10) Default in payment of meter bills. In the case of default of payment for the period of 30 days of a meter bill after the same is due, the Department of Public Works may shut off the water supply at the premises to which such bill relates until such bill is paid.

(11) Delinquent water rentals. All delinquent water rents except meter bills which shall remain unpaid at the expiration of 30 days from due date thereof shall carry penalties and interest charges as provided by law.

(12) Nonpayment. Wherever the owner of any premises which are supplied with water shall be charged for water supplied, services rendered, material furnished or expense incurred by the Department of Public Works pursuant to these rules and regulations, and said charges are not paid and the water shall be turned off on account of such nonpayment, no application for water services for such premises need be granted by the Department of Public Works (notwithstanding the said premises may have changed ownership) until such charges shall have been paid in full to the Receiver of Taxes. Further, if water service is not turned off on account of such nonpayment, any such unpaid bills will become a lien against the property and will be added to the Town's assessment rolls for collection.

J. Discontinuance of use of water. Any consumer desiring to discontinue the use of water must notify the Department of Public Works, and an employee of the Department of Public Works will shut the water off at the curb. No rebate will be made for any period of discontinuance of such use less than six months from the time of turning off the water by the Department of Public Works. The fact that different portions of premises can be shut off inside of the same buildings will not entitle the owner to rebate.

K. Partial supply from wells. No rebate shall be made from any water bills under a claim that less water has been used because of a partial use from wells.

L. Failure to make repairs. No rebate for any water bill will be made in cases where the charges result from the failure on the part of the owner or consumer to promptly repair any broken, frozen or defective fixtures or service.

M. Fire hydrants.

(1) All street hydrants are under control of the Department of Public Works. No person shall use a wrench for opening hydrants except a wrench furnished by the Department of Public Works for the purpose. No person except an authorized agent or employee of the Department of Public Works, or of the Fire Department, or a person holding a written permit signed by the Coordinator of the Department of Public Works, shall disturb any hydrant or any part thereof, or take any water therefrom under any circumstances whatever; any person found guilty of violating any provision of this rule shall be guilty of a misdemeanor, and in addition thereto he shall pay to the Water District a penalty in the amount of any damage done to said hydrant and the cost of restoring same to its proper condition.

(2) Obstructions. Any person placing any obstructions that would prevent free access to any fire hydrant shall be guilty of obstruction, and such violation shall be punishable pursuant to the New York State Vehicle and Traffic Law or § **247-8**, Enforcement; penalties for offenses.

N. Operated by employees of Department of Public Works only. No person except an employee of the Department of Public Works shall open, close or in any way interfere with any valve or gate in any water main, conduit or street pipe. Any person who has disturbed or displaced a valve box so that the valve stem cannot be reached by a key, or has covered a valve box or a valve chamber with dirt, paving plank or other material, shall immediately replace the valve box and remove the obstruction. Any person violating this section shall be guilty of a misdemeanor.

O. Commercial use.

(1) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

COMMERCIAL RATE

The prescribed rate as hereinafter set forth for the consumption of water by users other than private consumers and applicable to metered premises where owners or occupants in the course of their occupation or in the conduct of their business use and consume large quantities of water.

COMMERCIAL USER

Any person, firm or corporation consuming a large quantity of water in the course of his or its business or trade carried on the premises.

(2) Sale of water to commercial users.

(a) All commercial users, as defined in this section, are hereby required at their own cost and expense and under the supervision of the Department of Public Works to install on the premises a water meter, which meter shall be the property of Water District and not of the consumer, and may be removed by any authorized employee of Water District for repairs and/or Department of Public Works of supply of water to the premises.

(b) Upon installation of the meters as aforesaid, the water will be supplied in bulk to the metered premises and charged at the following rate:

[1] Basic rate: the rate fixed for private use.

[2] Surcharge is superimposed upon the basic rate.

[3] An amount in addition thereto shall be charged as follows.

[4] Metered water rate:

[a] Minimum charge including first 75,000 gallons: $25.

[b] Next 112,500 gallons at $0.14 per 750 gallons.

[c] Next 187,500 gallons at $0.13 per 750 gallons.

[d] Remainder at $0.12 per 750 gallons.

[5] Collection. Water rents will be collected January 15 of each year. Rates are subject to change without notice. Delinquent water rents shall be levied and collected as prescribed by Section 198 of the Town Law.

P. Should the Department of Public Works determine that water conservation is needed for the health, safety and welfare of the Town, the Town Supervisor may declare the need for water conservation and impose water restrictions, including but not limited to the restriction of water use outside the residence or commercial property.

RESOLUTION NO. 177.23

TO ACCEPT TOWN BOARD MEETING MINUTES OF MAY 10, 2023

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby adopts the minutes of the May 10, 2023 town board meeting as attached.

SECTION 2. This resolution shall become effective May 24, 2023.

DATED: May 24, 2023

NAME	AYES	NOES	ABSTAIN
Christou			
Miller-Herrera			
Dodson			
Mastroianni			
Collins			

'N OF ROTTERDAM

ɔnn F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org

LEGISLATIVE REQUEST FORM

DATE: **May 17, 2023**
TO: Mollie A. Collins, Supervisor

FROM: Diane M. Marco, Town Clerk

TITLE OF LEGISLATIVE REQUEST: To adopt meeting minutes from the **May 10, 2023 Town Board Meeting.**

TO BE PLACED ON TOWN BOARD AGENDA OF: **May 24, 2023.**

TO BE PLACED ON TOWN BOARD MEETING OF: **May 24, 2023.**

Background Information: Attached. To adopt the meeting minutes from the **May 24, 2023 Town Board Meeting.**

Evaluation/Analysis: N/A

Recommendation(s): To place on Town Board agenda and Town Board meeting of **May 24, 2023.**

Attachment/Document(s): Attached

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): N/A

LEGISLATION WAS PREPARED BY: Town Clerk Diane M. Marco

TOWN OF ROTTERDAM

DIANE M. MARCO
Town Clerk

John F. Kirvin Government Center * 1100 Sunrise Boulevard * Rotterdam, NY 12306
Telephone: (518) 355-7575 Ext: 352 * Fax: (518)355-7837* Website: www.rotterdamny.org
Email * dmarco@rotterdamny.org

May 12, 2023

Certified Resolutions: #161.23-176.23 for the year 2023 was duly adopted at the Town Board Meeting held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York 12150 on Wednesday, May 10, 2023 at 7:00 p.m. The Town Board Agenda review meeting began approximately 6:44 p.m. Agenda review was adjourned at approximately 6:59 p.m. All agreed to adjourn agenda review. Motion#12 and Motion #13 were made by Councilmember Dodson and seconded by Councilmember Mastroianni. Motion#14 was made by Councilmember Dodson and seconded by Councilmember Christou. Motion #15 was made by Councilmember Christou and seconded by Councilmember Dodson. The Town Board Meeting started at approximately 7:00 p.m. The Town Board Meeting was adjourned at approximately 8:35 p.m. by Councilmember Christou and seconded by Councilmember Dodson. All agreed to adjourn the Town Board Meeting.

All Councilmembers were present

Diane M. Marco

Diane M. Marco, Town Clerk

The Town of Rotterdam Town Board Meeting will be held in person; however, the public may access
The Town of Rotterdam Town Board Meeting will be held in person; however, the public may access the meeting electronically via Zoom conference call. Members of the public may listen to the board meeting by dialing ***1 (929) 205-6099(*** *followed by the pound symbol) or by logging into Zoom.com, then enter the conference* ***ID NO. 867 0373 0307****. Video of the town board meeting will be posted on the Town of Rotterdam website (www.rotterdamny.org) the following Friday after the meeting.*

MEETING OF THE
ROTTERDAM TOWN BOARD
May 10, 2023
7:00 PM
Agenda Review 6:30 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

SUPERVISOR'S REMARKS: Supervisor Mollie A. Collins

EXECUTIVE SESSION

PROCLAMATIONS/PRESENTATIONS

PUBLIC HEARING

- For receipt of comment on the proposed Introductory Local Law No. __ of 2023; To amend the Town Code of the Town of Rotterdam, for the allowance of micro-breweries, micro-wineries and micro-distilleries in the agriculture (A-1), Main Street/Neighborhood Center (MS/NC) Overlay, Corridor Commercial (CORR) Overlay, Retail Business (B-1), General Business (B-2), and Commercial Planned Unit Development (C-PUD) Zoning Districts as a Special Use Permit.
  PUBLIC HEARING LEFT OPEN

- For receipt of comment on the proposed Introductory Local Law No. __ of 2023; To amend Chapter §267, Water, of the Town Code of the Town of Rotterdam.
  PUBLIC HEARING LEFT OPEN

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR:

Those members of the public wishing to address the Town Board will be asked to sign in before the meeting is called to order on the sign-in sheets being provided. Speakers will be called to the podium in the order of their signing in. Persons recognized by the Chair to speak during privilege of the floor shall direct his/her comments to the Town Supervisor as Chair of the meeting. Persons granted the privilege of the floor shall first clearly state his/her name and address for the record. Persons so addressing the Chair through the use of a prepared written statement shall submit a copy of the same to the Town Clerk for the purpose of maintaining clear and accurate official minutes of the Town Board meeting.

RULES OF PROCEDURE FOR PUBLIC HEARINGS & PRIVILEGE OF THE R:

Any person recognized by the Town Supervisor to speak during privilege of the floor shall direct his/her comments to the Town Supervisor as chair of the meeting. Any person granted the privilege of the floor shall first clearly state his/her name and address for the record. The purpose of privilege of the floor shall be for speakers to express their views, thoughts and speak freely. Each speaker, who wishes to address the town board, shall have an equal and reasonable opportunity to be heard by the town board. Each speaker shall be afforded a maximum of four (4) minutes to address the town board.

INTRODUCTION OF MOTIONS, ORDERS AND RESOLUTIONS
RESOLUTIONS

MOTIONS:

12.23 Motion to table resolution 170.23.

13.23 Motion to amend resolution 173.23.

14.23 Motion to keep Public Hearing #1 open.

15.23 Motion to keep Public Hearing #2 open.

RESOLUTIONS:

161.23 To accept Town Board meeting minutes of April 26, 2023.

162.23 To accept revenue for Town Clerk's office for April 2023.

163.23 To approve budget transfers of gas and diesel to the 2023 budget.

164.23 To amend an agreement with Labella Associates for additional technical engineering services related to the special improvement area for Curry Road sewer improvements.

165.23 Authorize the Supervisor to negotiate and execute a memorandum of understanding with Capital District Transportation Committee.

166.23 To amend the Schedule of Fees.

167.23 To enter into an agreement with Construction Technology for construction materials inspection and testing services for the Salt Storage Facility.

168.23 To accept and award bid for one (1) Grapple Truck.

169.23 To approve budget transfers to the 2023 budget.

170.23 Requesting bids for Workers Compensation Insurance for the Town of Rotterdam. **Tabled**

171.23 To accept and award bid for Senior Center Kitchen Equipment.

23 Authorize remaining payment to Empire Engineering for services rendered in the year 2019.

173.23 Requesting bids for Water and Sewer Fire Hydrants and Accessories.

174.23 Modification to the 2023 budget.

175.23 To accept and award Barton and Logudice P.C. for professional engineering services for the Water System Improvement Project.

176.23 To authorize the Town Supervisor to execute a shared services agreement for I.T. Services between Schenectady County and the Town of Rotterdam.

LIAISON REPORTS
MISCELLANEOUS
EXECUTIVE SESSION
ADJOURNMENT

Mollie A. Collins, Supervisor

MOTION 12.23

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following motion passed:

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **MASTROIANNI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to table Resolution 170.23.

SECTION 2. This motion shall become effective May 10, 2023.

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion passed by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM Office of the Town Clerk Schenectady, County NY

MOTION 13.23

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following motion passed:

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **MASTROIANNI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to amend Resolution 173.23.

SECTION 2. This motion shall become effective May 10, 2023.

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion passed by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM Office of the Town Clerk Schenectady, County N.Y.

MOTION 14.23

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following motion passed:

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **CHRISTOU**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to keep Public Hearing #1 open.

SECTION 2. This motion shall become effective May 10, 2023.

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion passed by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM Office Of The Town Clerk Schenectady, County, N.Y.

MOTION 15.23

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following motion passed:

THEREFORE, UPON MOTION OF Councilmember **CHRISTOU**, seconded by Councilmember **DODSON**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to keep Public Hearing #2 open.

SECTION 2. This motion shall become effective May 10, 2023.

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion passed by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM Office of the Town Clerk Schenectady, County N.Y.

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 161.23

TO ACCEPT TOWN BOARD MEETING MINUTES OF APRIL 26, 2023

THEREFORE, UPON MOTION OF Councilmember **CHRISTOU**, seconded by Councilmember **DODSON**,
BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby adopts the minutes of the April 26, 2023 town board meeting as attached.

SECTION 2. This resolution shall become effective May 10, 2023.

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM Office of the Town Clerk Schenectady, County NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 162.23

TO ACCEPT REVENUE FOR TOWN CLERK'S OFFICE FOR APRIL 2023

THEREFORE, UPON MOTION OF Councilmember **DODSON,** seconded by Councilmember **CHRISTOU,**
BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Clerk's report for the month of April 2023, has been placed on file and the town clerk's check in the amount of Seven thousand six hundred seventeen dollars and 61/100 ($7,617.61) has been submitted to the supervisor for deposit.

SECTION 2. This resolution shall become effective May 10, 2023

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office of the Town Clerk
Schenectady, County N.Y.

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 163.23

TO APPROVE BUDGET TRANSFERS OF GAS AND DIESEL TO THE 2023 BUDGET

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **MASTROIANNI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Pursuant to Section 36 of the General Municipal Law of the State of New York and Sections 102, 112 and 113 of Town Law of the State of New York, regarding the Uniform System of Accounts, the following **GAS** transfers to the various accounts for 2023 are hereby audited and approved:

Fund	*Account No.*		*Title*	*Amount*
General	A3120 4302	FROM:	Patrol Vehicle Gas	-20,097.45
General	A3310 4302	FROM:	Traffic Control Gas	-595.54
General	A3620 4302	FROM:	Safety Insp Gas	-919.68
General	A7110 4302	FROM:	Parks Gas	-1,753.40
General	A1355-4302	FROM:	Assessor	- 67.06
General	A3410 4302	FROM:	Fire Fight Gas	-3,517.11
General	A5132 4304	INTO:	Central Gas Expenditure	+26,950.24
Highway	DA5142 4304	FROM:	Fuel Snow Removal	-2,268.82
Highway	DA5140 4304	FROM:	Fuel Brush & Weed	-1,310.61
General	A5132 4304	INTO:	Central Gas Expenditure	+3,579.43
S2	S28120 4302	FROM:	S2 Gas Oil Lube	-1,577.54
General	A5132 4304	INTO:	Central Gas Expenditure	+1,577.54
W5	W58340 4302	FROM:	W5 Gas Oil Lube	-1,756.20
General	A5132 4304	INTO:	Central Gas Expenditure	+1,756.20

SECTION 2. Pursuant to Section 36 of the General Municipal Law of the State of New York and Sections 102, 112 and 113 of Town Law of the State of New York, regarding the Uniform System of Accounts, the following **DIESEL** transfers to the various accounts for 2023 are hereby audited and approved:

Fund	*Account No.*		*Title*	*Amount*
General	A8189 4302	FROM:	Landfill Gas	-2,386.99
General	A4160-4162	FROM:	Compost Tub Grinder	- 124.80
General	A3410 4302	FROM:	Fire Fight Gas	-2,415.53
Highway	DA5148 4304	INTO:	Central Diesel Expenditure	+4,927.32

Highway	DA5142 4304	FROM:	Fuel Snow Removal	-15,719.14
Highway	DA5140 4304	FROM:	Fuel Brush & Weed	-8,508.62
Highway	A5132 4304	INTO:	Central Diesel Expenditure	+24,227.76
S2	S28120 4302	FROM:	S2 Gas Oil Lube	-369.31
Highway	DA5148 4304	INTO:	Central Diesel Expenditure	+369.31
W5	W58340 4302	FROM:	W5 Gas Oil Lube	-280.27
Highway	DA5148 4304	INTO:	Central Diesel Expenditure	+280.27

SECTION 3. This resolution shall become effective May 10, 2023.

DATED: May,10 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 164.23

TO AMEND AN AGREEMENT WITH LABELLA ASSOCIATES FOR ADDITIONAL ENGINEERING SERVICES RELATED TO THE SPECIAL IMPROVEMENT AREA FOR CURRY ROAD SEWER IMPROVEMENTS

THEREFORE, UPON MOTION of Councilmember **DODSON,** seconded by Supervisor **COLLINS,**
BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an amendment to the engineering agreement with LaBella Associates (formally Chazen), located at 4 British American Boulevard Latham, NY 12110, for additional engineering services for the special improvement area for Curry Road sewer improvements, for a lump sum not to exceed twenty thousand and 00/100 ($20,000.00) dollars.

SECTION 2. This resolution shall become effective May 10, 2023.

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 165.23

AUTHORIZE THE SUPERVISOR TO NEGOTIATE AND EXECUTE A MEMORANDUM OF UNDERSTANDING WITH CAPITAL DISTRICT TRANSPORTATION COMMITTEE

WHEREAS, on March 2, 2023, the Unified Planning Work Program (UPWP) awarded the Town of Rotterdam $75,000 in Federal Transportation Planning Funds to conduct a multi-modal study of portions of Curry Road and Guilderland Avenue.

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **MASTROIANNI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute a memorandum of understanding (MOU) with the Capital District Transportation Committee (CDTC), for the distribution of funds awarded to support the Curry Road and Guilderland Avenue Multi-Modal Study in the Town of Rotterdam.

SECTION 2. This resolution shall become effective May 10, 2023.

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM NY Office of the Town Clerk Schenectady County

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 166.23
TO AMEND THE SCHEDULE OF FEES

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **MASTROIANNI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby adopts the revised schedule of fees in chapter 267 Water, Letter I - Water from a Hydrant, Section 1 - Deposit for Meter as listed below:

Chapter 267, Water.

A. Private well permit and inspection	$25.00 every three yrs.
B. Water service permit	$35.00
Water Department installed	
(1) One inch tap, same side of street	$1,100.00, plus $4.00/ft
(2) One inch tap, opposite side of street	$1,500.00, plus $4.00/ft
(3) Contractor certified installation (greater than 1")	$1,650.00
C. Water District 3 and 4 user rates	
(1) Residential users rent/dwelling unit	1 unit/dwelling unit
(2) Nonmetered commercial users rent/tenant space	1 unit/tenant space

Consumption (gallons)	Rate/Unit
First 75,000 Each additional 75,000 gal. or portion thereof	$650.71

Rates as determined by the adopted Town Board budget for the year.

D. Water District 5 user rates	
(1) Residential users rent/dwelling unit	1 unit/dwelling unit
(2) Nonmetered commercial users rent/tenant space	1 unit/dwelling unit

Consumption (gallons)	Rate/Unit
First 75,000 Each additional 75,000 gal. or portion thereof	$134.85

Rates as determined by the adopted Town Board budget for the year.

E. Advertising and printing notices for sewer district extension	Actual Cost
F. Advertising and printing notices for water district extension	Actual Cost
G. Underground sprinkler system permits	$75.00
H. Fire suppression system	$50.00
I. Water from a Hydrant	
(1) Deposit for meter	~~$1,500.00~~ $4,000.00
(2) Minimum Charge	$250.00

(3) After 15,000 gallons $.25/2 gallons

SECTION 2. This resolution shall become effective May 10, 2023.

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office of the Town Clerk
Schenectady County, NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 167.23

TO ENTER INTO AN AGREEMENT WITH CONSTRUCTION TECHNOLOGY FOR CONSTRUCTION MATERIALS INSPECTION AND TESTING SERVICES FOR THE SALT STORAGE FACILITY

THEREFORE, UPON MOTION OF Councilmember **DODSON,** seconded by Councilmember **CHRISTOU,**

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with Construction Technology, located at 4 William Street, Ballston Lake, New York 12019, for construction materials inspection and testing services for the Salt Storage Facility, in an amount not to exceed seven thousand five hundred ($7,500.00) dollars.

SECTION 2. This resolution shall become effective May 10, 2023.

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 168.23

TO ACCEPT AND AWARD BID FOR ONE (1) GRAPPLE TRUCK

WHEREAS, Pursuant to notice duly published according to Section One Hundred Three of the General Municipal Law of the State of New York, the Town of Rotterdam on Tuesday, May 5, 2023 posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (https://bidnetdirect.com/townofrotterdam). Additionally, the official bid report and all bids were made available in the Office of the Town Clerk for public inspection upon request for the purchase by the Town of Rotterdam of the following:

ONE (1) GRAPPLE TRUCK

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **CHRISTOU**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam does hereby accept and award the bid to purchase and deliver One (1) Grapple Truck for the Town of Rotterdam to Don Baskin Truck Sales, LLC, located at 1870 Highway 51 South Covington, Tennessee 38019, at the mutual consent of both the Town and Don Baskin Truck Sales, LLC, in an amount not to exceed one hundred and forty-five thousand and five hundred ($145,500.00) dollars.

SECTION 2. The Supervisor of the Town of Rotterdam is hereby authorized to execute a contract with said bidder in accordance with the terms of the bid proposal as submitted. Summary of bid prices are on file in the Town Clerk's office.

SECTION 3. This resolution shall become effective May 10, 2023.

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 169.23

TO APPROVE BUDGET TRANSFERS TO THE 2023 BUDGET

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **CHRISTOU**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Pursuant to Section 36 of the General Municipal Law of the State of New York and Sections 102, 112 and 113 of Town Law of the State of New York, regarding the Uniform System of Accounts, the following transfers to the various accounts for 2023 are hereby audited and approved:

Fund	***Account No.***		***Title***	***Amount***
Highway	DA 0909	FROM:	Fund Balance	-145,500.00
Highway	DA5110 2000	INTO:	Highway Equipment	+145,500.00

SECTION 2. This resolution shall become effective May 10, 2023.

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM NY Schenectady County

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following resolution was **tabled**:

RESOLUTION NO. 170.23 TABLED

REQUESTING BIDS FOR WORKERS COMPENSATION INSURANCE FOR THE TOWN OF ROTTERDAM

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **MASTROIANNI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to call for bids for Workers Compensation Insurance for the Town of Rotterdam.

SECTION 2. The Town Clerk of the Town of Rotterdam shall cause the following public notice to be published in the official newspaper of the Town of Rotterdam, and the Supervisor of the Town of Rotterdam shall cause the following public notice be published to the Empire State Purchasing Group on BidNet (http://www.bidnetdirect.com/townofrotterdam) at least five (5) days before the date of reception of bid proposals:

TOWN OF ROTTERDAM
NOTICE TO BIDDERS

PLEASE TAKE NOTICE: That all bids received by the Town Board of the Town of Rotterdam, by Friday, the 2nd day of June 2023, at 10:00 A.M., will be opened electronically and in person at that time. The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet (http://www.bidnetdirect.com/townofrotterdam) by the close of business the next day, of all bid submissions received pursuant to this notice. Additionally, the official bid report and all bids shall be available in the office of the town clerk for public inspection during regular business hours, for the purchase by the Town of Rotterdam of the following:

WORKERS COMPENSATION INSURANCE FOR THE TOWN OF ROTTERDAM

Digital Copies of Specifications may be obtained from the Empire State Purchasing Group on BidNet at http://www.bidnetdirect.com/townofrotterdam. Copies of RFP documents obtained from any other source are not considered official copies. The Town of Rotterdam cannot guarantee the accuracy of any information not obtained from the BidNet Direct website and is not responsible for any errors contained by any information received from an alternate source. Only those vendors who obtain ITB, RFP or RFQ documents from the BidNet system are guaranteed to receive addendum information, if such information is issued. If you obtain the document from a source other than the source indicated, it is recommended that you register on the Empire State Purchasing Group website, http://www.bidnetdirect.com/new-york and obtain an official copy.

ALL BID PROPOSALS MUST BE SUBMITTED PRIOR TO
10:00 A.M., FRIDAY JUNE 2, 2023

The Town Board reserves the right to accept or reject any and all bids or proposals or any specific part of any item of any bid.

BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK

DATED: May 10, 2023
BidNet: Please publish on May 12, 2023
Daily Gazette: Please publish once on May 13, 2023
Town Clerk Post

SECTION 3. This resolution shall become effective May 10, 2023

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

TABLED

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was **Tabled** by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco
Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office of the Town Clerk
Schenectady, County, NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 171.23

TO ACCEPT AND AWARD BID FOR SENIOR CENTER KITCHEN EQUIPMENT

WHEREAS, Pursuant to notice duly published according to Section One Hundred Three of the General Municipal Law of the State of New York, the Town of Rotterdam on Friday, May 5, 2023 posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (http://bidnetdirect.com/townofrotterdam). Additionally, the official bid report and all bids were made available in the Office of the Town Clerk for public inspection upon request, for the purchase by the Town of Rotterdam of the following:

SENIOR CENTER KITCHEN EQUIPMENT

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **CHRISTOU**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam does hereby accept and award the bid for Senior Center Kitchen Equipment to Nino's Equipment Inc. located at 1110 Mitchell Road, Schenectady, New York 12303, for a total lump sum not to exceed twenty-five thousand nine hundred thirteen and 38/100 ($25,913.38) dollars.

SECTION 2. The Supervisor of the Town of Rotterdam is hereby authorized to execute a contract with said bidder in accordance with the terms of the bid proposals as submitted. Summary of bid prices are on file in the Town Clerk's office;

SECTION 3. This resolution shall become effective May 10, 2023.

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni **(Recused)**			
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco Type text here

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office of the Town Clerk
Schenectady, County NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 172.23

AUTHORIZE PAYMENT TO EMPIRE ENGINEERING FOR SERVICES RENDERED FOR WOESTINA PARK IMPROVEMENTS

THEREFORE, UPON MOTION of Councilmember **DODSON**, seconded by Councilmember **MASTROIANNI,**
BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes remaining payment to Empire Engineering PLLC, located at 1900 Duanesburg Road, Duanesburg, New York 12056, for professional engineering services rendered (Task 1) for Park Improvements at Woestina Park, in the amount not to exceed one thousand six hundred and 00/100 ($1,600.00) dollars.

SECTION 2. This resolution shall become effective May 10, 2023.

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM Office of the Town Clerk Schenectady County NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 173.23

REQUESTING BIDS FOR FIRE HYDRANTS, VALVES AND ACCESSORIES

THEREFORE, UPON MOTION OF Councilmember **CHRISTOU**, seconded by Councilmember **DODSON**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to call for bids for water hydrants, valves and accessories for the Town of Rotterdam.

SECTION 2. The Town Clerk of the Town of Rotterdam shall cause the following public notice to be published in the official newspaper of the Town of Rotterdam, and the Supervisor of the Town of Rotterdam shall cause the following public notice be published to the Empire State Purchasing Group on BidNet (http://www.bidnetdirect.com/townofrotterdam) at least five (5) days before the date of reception of bid proposals:

TOWN OF ROTTERDAM
NOTICE TO BIDDERS

PLEASE TAKE NOTICE: That all bids received by the Town Board of the Town of Rotterdam, by Tuesday, the 23rd day of May 2023, at 10:00 A.M., will be opened electronically and in person at that time. The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet (http://www.bidnetdirect.com/townofrotterdam) by the close of business the next day, of all bid submissions received pursuant to this notice. Additionally, the official bid report and all bids shall be available in the office of the town clerk for public inspection during regular business hours, for the purchase by the Town of Rotterdam of the following:

FIRE HYDRANTS, VALVES AND ACCESSORIES

Digital Copies of Specifications may be obtained from the Empire State Purchasing Group on BidNet at http://www.bidnetdirect.com/townofrotterdam. Copies of RFP documents obtained from any other source are not considered official copies. The Town of Rotterdam cannot guarantee the accuracy of any information not obtained from the BidNet Direct website and is not responsible for any errors contained by any information received from an alternate source. Only those vendors who obtain ITB, RFP or RFQ documents from the BidNet system are guaranteed to receive addendum information, if such information is issued. If you obtain the document from a source other than the source indicated, it is recommended that you register on the Empire State Purchasing Group website, http://www.bidnetdirect.com/new-york and obtain an official copy.

ALL BID PROPOSALS MUST BE SUBMITTED PRIOR TO
10:00 A.M., TUESDAY MAY 23, 2023

The Town Board reserves the right to accept or reject any and all bids or proposals or any specific part of any item of any bid.

BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK

DATED: May 10, 2023
BidNet: Please publish on May 12, 2023
Daily Gazette: Please publish once on May 13, 2023
Town Clerk Post

SECTION 3. This resolution shall become effective May 10, 2023

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office of the Town Clerk
Schenectady, County, NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 174.23

MODIFICATION TO THE 2023 BUDGET

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **MASTROIANNI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes a modification to the 2023 Budget to reflect the correct number of units in Water District 5 that was recorded as having 10,068 units, and the correct number of units being 13,970, which will effectively decrease the rate for the June voucher bill for Water District 5, resulting in a new rate of ninety-seven and 18/100 ($97.18) dollars.

SECTION 2. This resolution shall become effective May 10, 2023.

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM OFFICE OF THE TOWN CLERK Schenectady County NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 175.23

TO SELECT BARTON AND LOGUIDICE P.C. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE WATER DISTRICT NO. 5 - WATER SYSTEM IMPROVEMENT PROJECT

WHEREAS, the Town issued a Request for Qualifications (RFQ) for Engineering Services for the Water District No. 5 - Water System Improvements project on March 22, 2023, with responses due on April 24, 2023; and

WHEREAS, the Town received five (5) responses to the RFQ from Barton and Loguidice, CT Male and Associates, MJ Engineering and Surveying, Prime AE and Wright-Pierce; and

WHEREAS, on May 8, 2023 the selection committee reviewed the five proposals and made a selection based upon the criteria included in the RFQ; NOW

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **MASTROIANNI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam does hereby select Barton and Loguidice P.C. as the engineering firm to provide professional engineering services for the Water System Improvement Project.

SECTION 2. This resolution shall become effective May 10, 2023.

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, May 10, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 176.23

TO AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE A SHARED SERVICES AGREEMENT FOR I.T. SERVICES BETWEEN SCHENECTADY COUNTY AND THE TOWN OF ROTTERDAM

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **CHRISTOU**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to execute a shared services agreement for I.T. services between Schenectady County and the Town of Rotterdam.

SECTION 2. This resolution shall become effective May 10, 2023.

DATED: May 10, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on May 10, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 12, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM Office of the Town Clerk Schenectady, County, NY

RESOLUTION NO. 178.23

TO AUTHORIZE THE PURCHASE OF TWO (2) OFFICE PRINTERS

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the purchase of two (2) Sharp BP –70C55 machines, allocated to the Supervisors Office, and the Highway Garage, with compliance under NYS contract number 030321-SEC, in the amount not to exceed sixteen thousand seven hundred fifty-nine and 00/100 ($16,759.00) dollars.

SECTION 2. This resolution shall become effective May 24, 2023.

DATED: May 24, 2023

NAME	AYES	NOES	ABSTAIN
Christou			
Miller-Herrera			
Dodson			
Mastroianni			
Collins			

TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org

LEGISLATIVE REQUEST FORM

DATE: May 16, 2023

TO: Supervisor's Office

FROM: Comptroller's Office

TITLE OF REQUEST: Replace & Upgrade Copier for Supervisor's office and Highway Garage

TOWN BOARD MEETING: May 24, 2023

Background Information: The copiers in the Supervisor's office and Highway Garage will both be replaced with new machines.

Evaluation/Analysis: Upon expiration of the lease agreements for copy machines, we are working to put together a purchasing schedule in lieu of leasing. This will be the first step in that process.

Recommendation(s): Authorize the purchase of two (2) Sharp BP –70C55 machines – includes supply kit, finisher stapler, 500 sheet tray, 2,100 sheet split tandem drawer and fax expansion kit.

Attachment/Document(s): Quote from Metroland Business Machines, Inc. - purchase price for Sharp BP-70C55

Compliance with Purchasing Policy: Yes

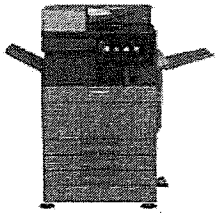
Effect(s) on Existing Law(s): N/A

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

METROLAND
BUSINESS
MACHINES, INC.

Proposed To: Town of Rotterdam ***5/15/2023***
Attn: Paul Sebesta

SHARP BP-70C55



10.1" tablet style color touch screen
Up to 55 digital color copies/prints per minute (letter)
300 sheet duplexing single pass feeder
automatic trayless duplexing
1200dpi image print quality
(1) 550 sheet tray
Maximum original size 11 x 17
100 sheet bypass tray
zoom range 25%-400%
500 GB hard drive
Network print/scan ready
Power requirements -110-127 V AC, 60Hz 20A receptacle
Sourcewell contract#030321-SEC

Proposed Equipment	***Purchase Price***
Sharp BP-70C55 includes initial supply kit	*$6,387.50*
BP-FN11 Inner finisher stapler	*$693.00*
BP-DE15 Stand w/(1) 500 sheet tray +	*$822.00*
(1) 2,100 sheet split tandem drawer	*incl*
Total	***$7,902.50***

Options	
BP-FX11 Fax expansion kit	*$477.00*
BP-FR12UL Data security kit	*$336.00*

Annual Maintenance Agreement -includes parts, labor, travel and supplies(toner/developer)
Excludes paper and staples
Black & White images (copies,prints,faxes) $.007 each.
Color images (copies, prints, faxes) $.0524 each

Readings will be taken on a quarterly basis multiplied times per image cost for black & white and color. Quarterly invoicing.

Please note: The picture shown above may differ from the machine proposed based on configuration needs.

RESOLUTION NO. 179.23

TO ENTER INTO AN AGREEMENT WITH BARTON & LOGUDICE FOR CONSULTING SERVICES FOR THE BABE RUTH BUILDING

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with Barton & Logudice, located at 10 Airline Drive, Albany, New York 12205, for Consulting Services for the Babe Ruth Building, Task 1- Construction Documents, Contract Documents and Bidding Assistance, in an amount not to exceed nine thousand six hundred and 00/100 ($9,600.00) dollars.

SECTION 2. This resolution shall become effective May 24, 2023.

DATED: May 24, 2023

NAME	AYES	NOES	ABSTAIN
Christou			
Miller-Herrera			
Dodson			
Mastroianni			
Collins			

TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org

LEGISLATIVE REQUEST FORM

DATE: May 16, 2023

TO: Town Board

FROM: Fred Mastroianni, P.E., Town Consultant Engineer

TITLE OF REQUEST: To authorize the Town Board to enter an Agreement with Barton & Loguidice to provide design services for the demolition of the Babe Ruth Building.

TOWN BOARD MEETING: May 24, 2023

Background Information: The existing building was struck by an errant automobile. Funding through an insurance agency was received to remove asbestos where the damage occurred and also temporarily shore up the building and this work has been completed. The Town also received funding through an insurance agency to perform the final repairs and the estimated construction cost is approximately $80,000. The Town is considering demolishing the building since it no longer has a useful purpose. A conceptual cost estimate was provided by Barton & Loguidice and the cost ranges between $71,000 and $91,000. Since the demolition cost is within the ballpark of the final repairs, it is recommended that the building be demolished. The Town would like to hire the services of Barton & Loguidice to prepare the construction bid documents for this work.

Evaluation/Analysis: I have reviewed the proposed scope of services for the preparation of the construction bid documents and bidding assistance and find it to be reasonable based upon the amount of work involved.

Recommendation(s): I recommend that the Town Board approve the cost and enter into an agreement with Barton & Loguidice in the amount of $9,600.00.

Attachment/Document(s): Supporting documents are included with this request.

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): N/A

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

Barton & Loguidice

May 10, 2023

Mollie Collins, Town Supervisor
Town of Rotterdam
1100 Sunrise Boulevard
Rotterdam, New York 12306

Re: Proposal for Consulting Services - Babe Ruth Building
Design, Bidding and Construction Monitoring Services
File: P708.6420

Dear Supervisor Collins,

Barton & Loguidice, D.P.C. (B&L) is pleased to provide this scope of services and fee agreement for the above referenced project.

Background

In accordance with our understanding of the scope of work, we are providing this scope and fee proposal to the Town of Rotterdam (Town) for preparing contract documents for demolition of the structure, bidding assistance, and construction phase environmental monitoring services for the Babe Ruth Building located at 912 Poutre Ave, Rotterdam, New York. It is our understanding that the Town intends to demolish the unoccupied two-story building. It is B&L's intent to provide contract documents with plans, front-end contractual requirements and technical abatement and demolition specifications, bidding assistance, and asbestos project monitoring services during demolition for this work.

An overview of our proposed services, schedule and associated fees is presented below.

Scope of Services

Task 1 – Construction Documents, Contract Documents and Bidding Assistance: Our effort for this portion of the project will include preparation of technical specifications, drawings, and bidding documents to be provided to the Town for bidding purposes. A description of each deliverable is provided below:

- Project technical specifications to address asbestos impacting the project will be developed that will identify the scope of removal in the project areas and cite regulations and standards applicable to the project. Performance criteria as they relate to the removal and disposal of materials will be defined. Levels of personal protection, acceptable equipment/materials, and execution of material removal and specific coordination items between trades will be identified in the specification.
- B&L will provide standard contract documents for the project to include:
    - Bid form
    - General Conditions
    - Supplementary Conditions (Insurance requirements, bonding, as applicable to be provided by the Town's legal counsel).

- Project drawings for abatement will be developed depicting the scope of work, material quantities and information pertinent to the performance of the scope of work. The documents will be developed under the supervision of a certified EPA/NYSDOL asbestos project designer.
- B&L will provide demolition design services, to include:
  - preparation and provision of technical specification sections including Summary of Work, Temporary Facilities, Selective Demolition, Building/Selective Demolition, Universal Waste removal, Backfill, Grading, and Seeding, as applicable.
  - A site drawing will also be developed illustrating the scope of work and depict conditions and requirements specific to the project.
- A complete set of stamped drawings and specifications will be provided to the Town for bidding purposes. A single bid package will be prepared for bid submission, distribution, and award of all affected structures. Project advertisement will be on BidNet, and they will distribute the bid documents.

Task 2 – Asbestos Monitoring Services:

B&L will provide air sampling, project monitoring as required. This will include background sampling prior to the start of the project, daily perimeter sampling and project monitoring during asbestos removal as required, and post-abatement clearance sampling. The work will be conducted by an experienced industrial hygiene technician accredited as both a project monitor and air sampling technician. Project monitoring services will include observation, to the extent feasible, of the asbestos removal by the contractor, general visual inspections, and coordination with Town representatives for Town observation of the demolition activities.

A report summarizing our services will be issued at the completion of the project. The report will include pertinent data including, but not limited to, site logs, air monitoring data sheets, laboratory reports and chain of custody forms.

It is assumed the Town will handle construction observation and administration services of the contractor's contract.

Schedule

B&L will begin our efforts on the project upon execution of this fee and services agreement.

Fee for Services

Our fees for the provision of the services defined above is estimated at $14,600 and is provided below. The lump sum fees below include all labor, expenses, materials, equipment, travel, administration, copying, communication, overnight packaging, and out-of-pocket expenses to complete the work.

Tasks	Description	Fee
1	Construction Documents, Contract Documents and Bidding Assistance	$9,600
2	Asbestos Project Monitoring	$675/day
	Estimated Asbestos Air Monitoring & Sampling Cost is Based on 6-Days Onsite	$5,000
Sample Analysis for Task 3 (Reimbursable)		**Unit Price**
PCM Analysis (24-Hour)		$11
PCM Analysis (Rush)		$16
TEM AHERA Clearance (Rush)		$85

Please see the revised cost estimate attached, which includes the additional services requested. The total estimated project fee is between $76,000 and $96,000.

Assumptions

1. Any existing building information and drawings shall be made available for B&L, either as copies, electronic files, or reports that can be scanned by B&L for our use and records.

2. Our design fee does not include preparation and submittal for project specific variances for the completion of the asbestos work.

3. Sampling and analysis shall be reimbursed at the unit rates listed above. **We will adjust our final fee based on the actual number of each type of analyses. We will only invoice for the actual number of analyses required.**

4. The per shift cost for asbestos project monitoring/air sampling includes provision of services for an eight-hour work shift, on site for labor, equipment, materials, cassettes, overnight shipping of samples, and travel required to complete the scope of work. Should the extent of work require the provision of more than one shift per day to cover the abatement contractor's work, shifts extending beyond eight hours will be billed as an additional fraction of a full shift. Laboratory air sample analysis shall be reimbursable at the rates indicated above. Project Manager effort in support of the construction services shall be provided at an hourly rate of $160 per hour.

5. B&L cannot be responsible for review or approval of any aspects of the asbestos or demolition contractor's insurance or bonding for the project due to insurance constraints.

6. Any additional services provided, including, but not limited to, attendance at additional meetings beyond that stated above, design work, or any other service not described herein, shall be provided following negotiation of additional compensation.

7. It is understood that power and sewer utility service shutoff and disconnect will be the responsibility of the selected contractor.

8. The Town will only be invoiced for services completed through a specified date as a percentage of the lump sum fee with reimbursable laboratory and monitoring portions listed separately.

Please review this agreement and should you have any questions, you may contact our office at 518.218.1801.

Sincerely,

BARTON & LOGUIDICE, D. P.C.

Sebastian L. Reeves
Senior Project Industrial Hygienist

John E. Rigge
Vice President

SLR/JER/DAF

Authorization

Barton & Loguidice, D.P.C., is hereby authorized by the Town of Rotterdam ("Owner") to proceed with the services described herein in accordance with the attached Terms and Conditions.

_____ _____

Mollie Collins
Town of Rotterdam

Date

PROJECT ESTIMATE

PROJECT TITLE: Babe Ruth Building
PROJECT LOCATION: 912 Poutre Ave, Rotterdam, NY
ARCHITECT: TBD
CONSULTANT: Barton & Loguidice, D.P.C.

Date 9-May-23
Client Project No. -
B&L Proj. No. 904.057.001

PHASES (CHECK CURRENT PHASE)
Pre-Preliminary / X / Schematic Design / / Design Development / / Final Design / /
Current Phase % Complet 10%

Building Name & Number Babe Ruth House, Rotterdam, NY
Overall Project % Completion 0%

IN SCOPE - ESTIMATE

Section	Description	Quantity	Unit	Unit Cost of Labor	Total Cost of Labor	Unit Cost of Labor	Total Cost of Labor	Total Cost: Materials and Labor
Division #: Title								
	B&L Proposal for Contract Documents							
	Construction and Contract Documents and Bidding Assisstance				$9,600.00			$9,600.00
028200	Removal & Disposal of Asbestos							
	Notification				$1,000.00			$1,000.00
	Mobilization				$2,500.00			$2,500.00
	Cement Board	800	SF	$10.00	$8,000.00			$8,000.00
	Floor Tile and Mastic	1,000	SF	$10.00	$10,000.00			$10,000.00
	Duct Adhesive	600	SF	$7.00	$4,200.00			$4,200.00
	Roof Cement	2	SF	$350.00	$700.00			$700.00
	Air Monitoring Subcontractor							
	Project/Air Monitoring/Inspection (Estimated 6-8-Days onsite)				$5,000.00			$5,000.00

Subtotal			$41,000.00
024000	Demoltion & Removal	Between $35,000 and $55,000 depending upon the amount of ancillary exterior work	
		(foundation removal, site grading, removal of exterior concrete steps, sidewalk, etc.)	
Total			$ 76,000 - $ 96,000

STANDARD TERMS AND CONDITIONS
for
PROFESSIONAL ENGINEERING SERVICES
provided by
BARTON & LOGUIDICE, D.P.C. ("ENGINEER")

The OWNER and the ENGINEER, for themselves, their successors and assigns, have mutually agreed and do agree with each other as follows:

1.0 Basic Agreement
Engineer shall provide, or cause to be provided, the services set forth in the proposal to which these terms and conditions are attached (PROPOSAL), and Owner shall pay Engineer for such Services as set forth in PROPOSAL. The PROPOSAL, in conjunction with these terms and conditions, is referred to herein as "Agreement".

2.0 Payment Procedures
Engineer will prepare a monthly invoice in accordance with Engineer's standard invoicing practices and submit the invoice to Owner. Invoices are due and payable within 30 days of the date of the invoice. If Owner fails to make any payment due Engineer for services and expenses within 30 days after the date of Engineer's invoice, the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, without liability, after giving seven days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges.

3.0 Additional Services
If mutually agreed by Owner and Engineer, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth in the PROPOSAL if requested by the Owner. Owner shall pay Engineer for such additional services as follows: (1) as mutually agreed by Owner and Engineer, or (2) an amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class; plus reimbursable expenses and Engineer's consultants' charges, if any.

4.0 Termination
If Engineer's services related to the project are terminated for any reason, Engineer shall be compensated for time plus reasonable expenses associated with demobilizing personnel and equipment, and, if requested in writing by the OWNER, for completion of tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

5.0 Controlling Law
This Agreement is to be governed by the law of the state in which the Project is located.

6.0 Successors, Assigns, and Beneficiaries
Owner and Engineer each is hereby bound and the partners, successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted herein the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

7.0 General Considerations
A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Engineer and its consultants may use or rely upon the design services of others, including, but not limited to, contractors, manufacturers, and suppliers.

B. Engineer shall not at any time supervise, direct, or have control over any contractor's work, nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, for safety precautions and programs incident to a contractor's work progress, nor for any failure of any contractor to comply with laws and regulations applicable to contractor's work.

C. Engineer neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the contract between Owner and such contractor.

D. Engineer shall not be responsible for the acts or omissions of any Contractor, Subcontractor, or Supplier, or of any of their agents or employees or of any other persons (except Engineer's own agents, employees, and Consultants) at the Site or otherwise furnishing or performing any Work; or for any decision made regarding the Contract Documents, or any application, interpretation, or clarification, of the Contract Documents, other than those made by Engineer.

E. All design documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed.

F. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to $50,000 or the total amount of compensation received by Engineer pursuant to the PROPOSAL, whichever is greater.

G. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste, and radioactive materials) except as may be specifically defined in the Scope of Services. If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (i) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (ii) warrants that the Site is in full compliance with applicable Laws and Regulations.

H. The services to be provided by Barton & Loguidice under this Agreement DO NOT INCLUDE advice or recommendations with respect to the issuance, structure, timing, terms or any other aspect of municipal securities, municipal derivatives, guaranteed investment contracts or investment strategies. Any opinions, advice, information or recommendations provided by Barton & Loguidice are understood by the parties to this Agreement to be strictly *engineering* opinions, advice, information or recommendations. Barton & Loguidice is not a "municipal advisor" as defined by 15 U.S.C. 78o-4 or the related rules of the Securities and Exchange Commission. The other parties to this Agreement should determine independently whether they require the services of a municipal advisor.

8.0 Dispute Resolution
Owner and Engineer agree to negotiate all disputes between them in good faith for a period of 30 days from the date of notice by either party of the existence of the dispute. If the parties fail to resolve a dispute through negotiation then Owner and Engineer agree that they shall first submit any and all unsettled claims, counterclaims, disputes, and other matters in question between them arising out of or relating to this Agreement or the breach thereof ("Disputes") to mediation by a mutually acceptable mediator. Owner and Engineer agree to participate in the mediation process in good faith and to share the cost of the mediation equally. The process shall be conducted on a confidential basis, and shall be completed within 120 days. If such mediation is unsuccessful in resolving a Dispute, then (1) the parties may mutually agree to a dispute resolution of their choice, or (2) either party may seek to have the Dispute resolved by a court of competent jurisdiction.

9.0 Accrual of Claims
All causes of action between the parties to this Agreement including those pertaining to acts, failures to act, failures to perform in accordance with the obligations of the Agreement or failures to perform in accordance with the standard of care shall be deemed to have accrued and the applicable statutes of limitations shall commence to run not later than either the date of Substantial Completion for acts, failures to act or failures to perform occurring prior to Substantial Completion, or the date of issuance of the Notice of Acceptability of Work for acts, failures to act or failures to perform occurring after Substantial Completion.

10.0 Total Agreement
This Agreement constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. In the event of a conflict with contractual provisions in a Purchase Order authorization related to this Agreement, the provisions of this Agreement shall control. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

The experience to
listen
The power to
solve℠

Barton
&Loguidice
www.bartonandloguidice.com

RESOLUTION NO. 180.23

TO EXTEND THE BID CONTRACT FOR GRINDING & REMOVAL OF BRUSH, YARD WASTE, & WOOD WITH TROY SAND & GRAVEL CO. INC.

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes to extend the awarded bid contract for Grinding & Removal of Brush, Yard Waste, & Wood with Troy Sand & Gravel Co. Inc., located at P.O. Box 171, Watervliet, NY 12189-0171 through July 13, 2024, in the amount(s) not to exceed the original agreed unit price ($7.75/ cubic yard) set forth in Certified Resolution #209.22 dated July 13, 2022.

SECTION 2. The Supervisor of the Town of Rotterdam is hereby authorized to execute the extended contract with said bidder in accordance with the terms of the bid proposal as submitted. Summary of the bid process is on file in the Town Clerk's office.

SECTION 3. This resolution shall become effective May 24, 2023.

DATED: May 24, 2023

NAME	AYES	NOES	ABSTAIN
Christou			
Miller-Herrera			
Dodson			
Mastroianni			
Collins			

TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org

LEGISLATIVE REQUEST FORM

DATE:	May 16, 2023
TO:	Mollie Collins, Town Supervisor
FROM:	Larry LaMora, Highway Superintendent
TITLE OF REQUEST:	Agreement to Extend Awarded Contract for Grinding & Removal of Brush, Yard Waste & Wood
TOWN BOARD MEETING:	May 24, 2023
Background Information:	Last year Troy Sand & Gravel Co. Inc., was awarded the Grinding & Removal of Brush, Yard Waste & Wood bid, Cert. Res. #209.22.
Evaluation/Analysis:	In the bid packet, page 13 paragraph #11, it offers the extension of a contract for a 2nd or 3rd year based on the mutual agreement of the Town and awarded Contractor.
Recommendation(s):	To extend the 2022 Grinding & Removal of Brush, Yard Waste & Wood Contract with Troy Sand & Gravel Co. Inc., P.O. Box 171 Watervliet, NY 12189-0171, for a second year, until July 13, 2024.
Attachment/Document(s):	Troy Sand & Gravel Co. Inc. 2022 bid packet, Certified Resolution #209.22, & Agreement to extend contract.
Compliance with Purchasing Policy:	Yes
Effect(s) on Existing Law(s):	N/A
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

Town of Rotterdam

Highway Department

54 Duanesburg Road, Rotterdam, New York 12306

May 10, 2023

Agreement to extend the 2022 Awarded Contract for Grinding & Removal of Brush Yard Waste & Wood

The Town of Rotterdam awarded the bid for Grinding & Removal of Brush, Yard Waste & Wood to Troy Sand & Gravel Co., Inc., on July 13,2022, Certified Resolution #209.22. Both parties agree to extend the awarded contract for an additional 12 months per mutual agreement abiding by the original awarded contract continuing with a unit price of $7.75 per cubic yard. The continuation of the awarded contract may be eligible for extension beyond July 13, 2024, at the mutual agreement of the Town of Rotterdam and Troy Sand & Gravel Co., Inc.

Daniel Clemente Pres.
Troy Sand & Gravel Co., Inc., Representative (Print Name)

Pres. 5/15/23
Troy Sand & Gravel Co., Inc. Representative (Signature) Date

Mollie Collins, Town Supervisor Date

COPY

TOWN OF ROTTERDAM
REQUEST FOR PROPOSAL

Grinding and Removal of Brush, Yard Waste and Wood at the Town of Rotterdam Compost Transfer Facility
23 West Campbell Road
Rotterdam, NY 12306

SCOPE OF THE WORK

The Town of Rotterdam is seeking bids from qualified bidder to grind, remove and dispose of leaves, brush, tree limbs and parts, wood, clippings and other yard waste which will be stockpiled at the Town of Rotterdam Compost Transfer Facility, located at 23 West Campbell Road, Rotterdam, NY 12306. Transfer facility operations start April 15 weather dependent and continue until November 30 weather dependent. Estimated yearly amount collected is approximately 30,000 yards of loose yard waste consisting of grass clippings, leaves, tree limbs, and brush. Some of the said material stored on the site may be contained in biodegradable paper bags. All material on the site is to be ground on site, removed from the site and properly disposed of by the bidder. The successful bidder will be notified each time the material arrives on site, in intervals of approximately 2,000 yards. Once notified the contractor has ten (10) calendar days to respond and start the grinding and removal process. The successful bidder is responsible to provide all equipment and tools necessary to accomplish the work including, but not limited to, suitable grinding apparatus and trucks. The bidder is solely responsible for transporting all equipment required to perform the work to and from the place at which the work is to be performed. No additional transportation charges, set up or breakdown fees will be allowed. All equipment used by the bidder must be in good operating condition and in full compliance with all federal, state and local laws, rules and regulations in effect at the time of the contract. All equipment used by the bidder in performance of the work under this contract must be equipped with all devices, safety or otherwise, as may be required by law. The bidder has complete responsibility to furnish all fuel, maintenance and repairs for all of the equipment furnished and used by the bidder to perform the work. In no event shall the town be responsible for any mechanical breakdown of or damage to the bidder's equipment. The bidder is solely responsible for on-site safety during all operations under this contract and will furnish bidder's personnel with required safety equipment.

The bidder shall furnish all labor necessary to perform all aspects of the work not performed by town employees. The bidder is responsible to fully comply with all New York State Prevailing Wage Laws as more fully provided herein.

The ground waste shall be removed by the bidder and disposed of in a manner allowed by all federal, state, and local laws, rules and regulations. The town shall not be responsible for the payment of any disposal or dumping fees.

PROPOSALS RECEIVED

All bid proposals must be submitted electronically or in person prior to 10:00 A.M. EST., June 20, 2022 at http://www.bidnetdirect.com/townofrotterdam. The town board reserves the right to accept or reject any and all bids or proposals or any specific part of any item in any bid.

PREPARATION OF PROPOSALS

Digital Copies of Specifications may be obtained from the Empire State Purchasing Group on BidNet at http://www.bidnetdirect.com/townofrotterdam. Copies of RFP documents obtained from any other source are not considered official copies. The Town of Rotterdam cannot guarantee the accuracy of any information not obtained from the BidNet Direct website and is not responsible for any errors contained by any information received from an alternate source. Only those vendors who obtain ITB, RFP or RFQ documents from the BidNet system are guaranteed to receive addendum information, if such is issued. If you obtain the document from a source other than the source indicated, it is recommended that you register on the Empire State Purchasing Group website, http://www.bidnetdirect.com/new-york and obtain an official copy.

Corrections and/or modifications to a submitted bid received after the closing time specified above will not be accepted.

FAMILIARITY WITH THE WORK

All bidders are required to physically inspect the site at which the work is to be performed prior to submitting a bid. The actual bid form which shall be used to submit a bid will require the bidder to certify that he has done so. Such inspection shall be arranged through the Office of the Town Superintendent of Highways, by contacting the office at (518) 355-7722, during the hours of 8:00 A.M. through 3:00 P.M., Monday through Friday.

Each bidder is considered and shall be deemed to have examined the worksite to fully acquaint itself with the exact existing conditions relating to the work and has fully informed itself as to the work involved and the difficulties and restrictions attendant upon the performance of the work encompassed in this bid solicitation. Failure to do so will not relieve a bidder of its obligation to furnish all materials, labor and equipment necessary to fully perform all of the work for the price set forth in its bid. The submission of a bid will be considered as conclusive evidence that the bidder has made such examination.

The town assumes no responsibility whatsoever with respect to ascertaining for the bidder such facts concerning physical characteristics relating to the work contemplated in this bid solicitation. The bidder agrees that he shall make no claim for and has no right to additional payment or extension of time for completion of the work, or any other concession, because of any misinterpretation or misunderstanding on his part of this work contemplated in this bid solicitation, or because of any failure on its part to fully acquaint itself with all conditions relating to the work.

QUALIFICATION OF BIDDER

All bidders shall submit a statement of bidder qualifications, articles of incorporation, an affidavit of non-collusion and acknowledgement of the town's harassment policy, in addition to the official bid form document.

In determining the qualifications of a bidder, the town may consider its record in the performance of any contracts for similar work into which it may have previously entered, and the town expressly reserves the right to reject the proposal of such bidder if such record discloses that such bidder, in the opinion of the town, has not properly performed such contracts or has habitually, and without just cause, neglected the payment of bills or has otherwise disregarded its obligations to subcontractors, or employees of subcontractors.

The town may make such investigation as it deems necessary to determine the ability of the bidder to perform the work and the bidder shall furnish to the town all such information and data for this purpose as the town may request. The town reserves the right to reject any proposal if the evidence submitted by or the investigation of such bidder fails to satisfy the town that such bidder is properly qualified, or that such bidder misrepresented material facts in the documents.

CARE AND PROTECTION OF PROPERTY

The successful bidder shall take particular care to avoid damage to all private and public property and to private or public improvements located on town property, within the town's right of way, or on property which the town is authorized to use. The successful bidder shall make good any damages to the satisfaction of the town. There shall be no additional compensation to the bidder for the repair or restoration of private or public property improvements which are damaged by the bidder.

COMPLIANCE WITH FEDERAL, STATE AND LOCAL CODES

The successful bidder shall be responsible for full compliance with any federal, state and local laws, rules, regulations, standards and policies, as applicable.

AWARD

The successful bid will be accepted and the contract awarded at a Regular or Special Meeting of the Rotterdam Town Board.

The Town of Rotterdam reserves the right to accept or reject any and all bids, in whole or in part, to best serve its interests, and to hold and consider all bids open for thirty (30) days after the same are opened.

The town reserves the right to reject any and all bids (or any part thereof), to waive defects in bids, and to accept any bid it deems to be in its best interests.

NOTICE TO PROCEED

Following the acceptance of the successful bid and award of the contact by the town board, the execution of the agreement contained in the bid documents, and compliance by the successful bidder with all insurance requirements herein set forth, the town highway superintendent shall issue a notice to proceed to the successful bidder. Said bidder shall commence work under the contract within ten (10) calendar days of the date indicated in the notice to proceed. All work under the contract shall be completed and ready for final acceptance and approval by the town highway superintendent within ten (10) days of the date indicated in the notice to proceed, unless required to do so sooner to comply with all federal and state laws, rules, and regulations.

PAYMENT

Payment shall be made to the successful bidder by the total cubic yards of material processed, ground and removed from site as per daily signed haul out tickets showing the time, date, and amount removed from site.

Payment shall be made to the successful bidder within forty-five (45) days after submission of daily signed haul out tickets with request for payment and a voucher has been received by the town and approval by the town highway superintendent.

INSURANCE

The successful bidder shall be required to provide for itself and maintain at its own cost and expense until the completion of the work the following forms of insurance:

A. Commercial General Liability: The successful bidder shall have coverage with limits of liability not less than one million dollars ($1,000,000.00) per occurrence and not less than three million dollars ($3,000,000.00) annual aggregate.

B. Comprehensive Automobile Liability: the successful bidder shall have coverage on owned, hired, leased, or non-owned autos with limits not less than $1,000,000 combined for each accident because of bodily injury sickness or disease, sustained by any person, caused by accident, and arising out of the ownership, maintenance or use of any automobile for damage because of injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of any automobile.

C. Workers' Compensation Insurance: The successful bidder shall provide adequate Workers' Compensation Insurance for all employees engaged in work on this project who may come within the protection of the protection of the Worker's Compensation Law, and where practicable, employer's general liability insurance for employees not so protected.

D. Errors and Omissions Insurance: The successful bidder shall have a policy or policies of errors and omissions insurance. Said insurance must be issued by an insurer licensed to do business in the State of New York and must have an A.M. Best rating of not less than "A".

The Town of Rotterdam shall be named as an additional insured on the policies required by subparagraphs (A) and (B) above. The successful bidder shall furnish certificates of insurance to the Town of Rotterdam and corresponding policy endorsement setting forth the required coverage hereunder prior to commencing any work, and such policies shall contain an endorsement requiring the carrier to give at least ten days' prior notice of cancellation to the Town of Rotterdam. All insurance required shall be primary and non-contributing to any insurance maintained by the Town of Rotterdam. The successful bidder shall ensure that any subcontractors hired carry insurance with the same limits and provisions provided herein. The successful bidder agrees to cause each subcontractor to furnish the Town of Rotterdam with copies of certificates of insurance and the corresponding policy endorsements setting forth the required coverage hereunder prior to any such subcontractor commencing any work.

No work under this contract shall commence until the successful bidder has fully complied with the provisions of this section.

HOURS OF WORK:

Unless otherwise approved in writing by the town highway superintendent, all work under this bid and contract shall be accomplished between the hours of 7:00 a.m. and 3:30 p.m. on weekdays, and no work shall be performed on weekends and legal holidays.

FIRE PROTECTION:

The bidder shall perform all work in a fire-safe manner.

INDEMNIFICATION

The bidder shall defend, indemnify and save harmless the Town of Rotterdam, its employees and agents, from and against all claims, damages, losses and expenses (including, without limitation, reasonable attorneys' fees) arising out of, or in consequence of, any negligent or intentional act or omission of the bidder, its employees or agents, to the extent of its or their responsibility for such claims, damages, losses and expenses.

NON-COLLUSION CERTIFICATION

All bids or proposals submitted to the town must include a fully executed non-collusion affidavit contained in the bid documents.

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his knowledge and belief:

- The prices in its bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor; and
- Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
- No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a proposal for the purpose of restricting competition.

NON-DISCRIMINATION AND HARASSMENT POLICY

In accordance with Article 15 of N.Y. Executive Law (also known as the Human Rights Law), the New York State Labor Law, all other federal and state statutory and constitutional non-discrimination provisions, and the town's non-discrimination and harassment policy, all bidders agree that neither it nor any of its subcontractors shall, by reason of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics or marital status refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, and agree they shall not harass, whether sexual or otherwise, any person(s) in violation of the applicable laws, rules, regulations, and policy.

NEW YORK STATE LABOR LAW; PREVAILING WAGE AND SUPPLEMENTS:

1. The attention of each and all bidders is directed to Articles 8 of the New York State Labor Law in general, but also specifically with regard to Prevailing Wage and Supplements. The Town of Rotterdam does, in good faith, identify those projects/services it believes to be Prevailing Wage and Supplements projects/services. The failure of the Town of Rotterdam to accurately assess the wage status of a particular project/service shall not relieve the bidder of its responsibility to perform in accordance with the above referenced articles. Interested parties are directed to contact the NYS Department of Labor. See attached information.

2. All interested parties (including, but not limited to, bidder and subcontractors) shall note, understand and comply with the following: In the event the New York State Department of Labor amends the Prevailing Wage Rate Schedule applicable to contracts entered into as a result of an award of this bid solicitation document, said interested party(ies) that are

required to pay Prevailing Wages and Supplements shall be required to pay said Prevailing Wages and Supplements in accordance with the most current, applicable Prevailing Wage Rate Schedule in effect at the time the work is performed.

3. The General Provisions of Laws Covering Workers; NYS-DOL requires as follows: "Every contractor and subcontractor shall submit to the Department of Jurisdiction (i.e., The Town of Rotterdam), within thirty (30) days after issuance of its first payroll and every thirty (30) days thereafter, a transcript of the original payrolls, subscribed and affirmed as true under penalty of perjury. The Department of Jurisdiction (i.e. The Town of Rotterdam) shall receive and maintain such payrolls." As provided for, by the above referenced provisions, The Town of Rotterdam is authorized to withhold payments to contractors who are not in compliance with all NYS Department of Labor Law(s); with specific attention to Articles 8 and 9. Therefore, the Town of Rotterdam shall withhold payments to contractors who have not submitted the initial Certified Payroll and the periodic Certified Payroll(s) as required herein.

4. The bidder shall be required to pay prevailing wage and supplements in accordance with NYS Labor Law Articles 8.

General Provisions of Laws Covering Workers on Article 8 Public Work Contracts

Introduction

The Labor Law requires public work contractors and subcontractors to pay laborers, workers, or mechanics employed in the performance of a public work contract not less than the prevailing rate of wage and supplements (fringe benefits) in the locality where the work is performed.

Responsibilities of the Department of Jurisdiction

A Department of Jurisdiction (Contracting Agency) includes a state department, agency, board or commission: a county, city, town or village; a school district, board of education or board of cooperative educational services; a sewer, water, fire, improvement and other district corporation; a public benefit corporation; and a public authority awarding a public work contract.

The Department of Jurisdiction (Contracting Agency) awarding a public work contract MUST obtain a Prevailing Rate Schedule listing the hourly rates of wages and supplements due the workers to be employed on a public work project. This schedule may be obtained by completing and forwarding a "Request for wage and Supplement Information" form (PW 39) to the Bureau of Public Work. The Prevailing Rate Schedule MUST be included in the specifications for the contract to be awarded and is deemed part of the public work contract.

Upon the awarding of the contract, the law requires that the Department of Jurisdiction (Contracting Agency) furnish the following information to the Bureau: the name and address of the contractor, the date the contract was let and the approximate dollar value of the contract. To facilitate compliance with this provision of the Labor Law, a copy of the Department's "Notice of Contract Award" form (PW 16) is provided with the original Prevailing Rate Schedule.

The Department of Jurisdiction (Contracting Agency) is required to notify the Bureau of the completion or cancellation of any public work project. The Department's PW 200 form is provided for that purpose.

Both the PW 16 and PW 200 forms are available for completion online.

Hours

No laborer, worker, or mechanic in the employ of a contractor or subcontractor engaged in the performance of any public work project shall be permitted to work more than eight hours in any day or more than five days in any week, except in cases of extraordinary emergency. The contractor and the Department of Jurisdiction (Contracting Agency) may apply to the Bureau of Public Work for a dispensation permitting workers to work additional hours or days per week on a particular public work project.

There are very few exceptions to this rule. Complete information regarding these exceptions is available on the "4 Day / 10 Hour Work Schedule" form (PW 30R).

Wages and Supplements

The wages and supplements to be paid and/or provided to laborers, workers, and mechanics employed on a public work project shall be not less than those listed in the current Prevailing Rate Schedule for the locality where the work is performed. If a prime contractor on a public work project has not been provided with a Prevailing Rate Schedule, the contractor must notify the Department of Jurisdiction (Contracting Agency) who in turn must request an original Prevailing Rate Schedule form the Bureau of Public Work. Requests may be submitted by: mail to NYSDOL, Bureau of Public Work, State Office Bldg. Campus, Bldg. 12, Rm. 130, Albany, NY 12240; Fax to Bureau of Public Work (518) 485-1870; or electronically at the NYSDOL website www.labor.state.ny.us.

Upon receiving the original schedule, the Department of Jurisdiction (Contracting Agency) is REQUIRED to provide complete copies to all prime contractors who in turn MUST, by law, provide copies of all applicable county schedules to each subcontractor and obtain from each subcontractor, an affidavit certifying such schedules were received. If the original schedule expired, the contractor may obtain a copy of the new annual determination from the NYSDOL website www.labor.state.ny.us.

The Commissioner of Labor makes an annual determination of the prevailing rates. This determination is in effect from July 1st through June 30th of the following year. The annual determination is available on the NYSDOL website www.labor.state.ny.us.

Payrolls and Payroll Records

Every contractor and subcontractor MUST keep original payrolls or transcripts subscribed and affirmed as true under penalty of perjury. Payrolls must be maintained for at least three (3) years from the project's date of completion. At a minimum, payrolls must show the following information for each person employed on a public work project: Name, Address, Last 4 Digits of Social Security Number, Classification(s) in which the worker was employed, Hourly wage rate(s) paid, Supplements paid or provided, and Daily and weekly number of hours worked in each classification.

Every contractor and subcontractor shall submit to the Department of Jurisdiction (Contracting Agency), within thirty (30) days after issuance of its first payroll and every thirty (30) days thereafter, a transcript of the original payrolls, subscribed and affirmed as true under penalty of perjury. The Department of Jurisdiction (Contracting Agency) shall collect, review for facial validity, and maintain such payrolls.

In addition, the Commissioner of Labor may require contractors to furnish, with ten (10) days of a request, payroll records sworn to as their validity and accuracy for public work and private work. Payroll records include, by are not limited to time cards, work description sheets, proof that supplements were provided, cancelled payroll checks and payrolls. Failure to provide the requested information within the allotted ten (10) days will result in the withholding of up to 25% of the contract, not to exceed $100,000.00. If the contractor or subcontractor does not maintain a place of business in New York State and the amount of the contract exceeds $25,000.00, payroll records and certifications must be kept on the project worksite.

The prime contractor is responsible for any underpayments of prevailing wages or supplements by any subcontractor.

All contractors or their subcontractors shall provide to their subcontractors a copy of the Prevailing Rate Schedule specified in the public work contract as well as any subsequently issued schedules. A failure to provide these schedules by a contractor or subcontractor is a violation of Article 8, Section 220-a of the Labor Law.

All subcontractors engaged by a public work project contractor or its subcontractor, upon receipt of the original schedule and any subsequently issued schedules, shall provide to such contractor a verified statement attesting that the subcontractor has received the Prevailing Rate Schedule and will pay or provide the applicable rates of wages and supplements specified therein. (See NYS Labor Laws, Article 8 . Section 220-a).

Determination of Prevailing Wage and Supplement Rate Updates Applicable to All Counties

The wages and supplements contained in the annual determination become effective July 1st whether or not the new determination has been received by a given contractor. Care should be taken to review the rates for obvious errors. Any corrections should be brought to the Department's attention immediately. It is the responsibility of the public work contractor to use the proper rates. If there is a question on the proper classification to be used, please call the district office located nearest the project. Any errors in the annual determination will be corrected and posted to the NYSDOL website on the first business day of each month. Contractors are responsible for paying these updated rates as well, retroactive to July 1st.

When you review the schedule for a particular occupation, your attention should be directed to the dates above the column of rates. These are the dates for which a given set of rates is effective. To the extent possible, the Department posts rates in its possession that cover periods of time beyond the July 1st to June 30th time frame covered by a particular annual determination. Rates that extend beyond that instant time period are informational ONLY and may be updated in future annual determinations that actually cover the then appropriate July 1st to June 30th time period.

Withholding of Payments

When a complaint is filed with the Commissioner of Labor alleging the failure of a contractor or subcontractor to pay or provide the prevailing wages or supplements, or when the Commissioner of Labor believes that unpaid wages or supplements may be due, payments on the public work contract shall be withheld from the prime contractor in a sufficient amount to satisfy the alleged unpaid wages and supplements, including interest and civil penalty, pending a final determination.

When the Bureau of Public Work finds that a contractor or subcontractor on a public work project failed to pay or provide the requisite prevailing wages or supplements, the Bureau is authorized by Sections 220-b and 235.2 of the Labor Law to so notify the financial officer of the Department of Jurisdiction (Contracting Agency) that awarded the public work contract. Such officer MUST then withhold or cause to be withheld from any payment due the prime contractor on account of such contract the amount indicated by the Bureau as sufficient to satisfy the unpaid wages and supplements, including interest and any civil penalty that may be assessed by the Commissioner of Labor. The withholding continues until there is a final determination of the underpayment by the Commissioner of Labor or by the court in the event a legal proceeding is instituted for review of the determination of the Commissioner of Labor.

The Department of Jurisdiction (Contracting Agency) shall comply with this order of the Commissioner of Labor or of the court with respect to the release of the funds so withheld.

Summary of Notice Posting Requirements

The current Prevailing Rate Schedule must be posted in a prominent and accessible place on the site of the public work project. The prevailing wage schedule must be encased in, or constructed of, materials capable of withstanding adverse weather conditions and be titled "PREVAILING RATE OF WAGES" in letters no smaller than two (2) inches by two (2) inches.

The "Public Work Project" notice must be posted at the beginning of the performance of every public work contract, on each job site.

Every employer providing workers. compensation insurance and disability benefits must post notices of such coverage in the format prescribed by the Workers. Compensation Board in a conspicuous place on the jobsite.

Every employer subject to the NYS Human Rights Law must conspicuously post at its offices, places of employment, or employment training centers, notices furnished by the State Division of Human Rights.

Employers liable for contributions under the Unemployment Insurance Law must conspicuously post on the jobsite notices furnished by the NYS Department of Labor.

Apprentices

Employees cannot be paid apprentice rates unless they are individually registered in a program registered with the NYS Commissioner of Labor. The allowable ratio of apprentices to journeyworkers in any craft classification can be no greater than the statewide building trade ratios promulgated by the Department of Labor and included with the Prevailing Rate Schedule. An employee listed on a payroll as an apprentice who is not registered as above or is performing work outside the classification of work for which the apprentice is indentured, must be paid the prevailing journeyworker's wage rate for the classification of work the employee is actually performing.

NYSDOL Labor Law, Article 8, Section 220-3, require that only apprentices individually registered with the NYS Department of Labor may be paid apprenticeship rates on a public work project. No other Federal or State Agency of office registers apprentices in New York State.

Persons wishing to verify the apprentice registration of any person must do so in writing by mail, to the NYSDOL Office of Employability Development / Apprenticeship Training, State Office Bldg. Campus, Bldg. 12, Albany, NY 12240 or by Fax to NYSDOL Apprenticeship Training (518) 457-7154. All requests for verification must include the name and social security number of the person for whom the information is requested.

The only conclusive proof of individual apprentice registration is written verification from the NYSDOL Apprenticeship Training Albany Central office. Neither Federal nor State Apprenticeship Training offices outside of Albany can provide conclusive registration information.

It should be noted that the existence of a registered apprenticeship program is not conclusive proof that any person is registered in that program. Furthermore, the existence or possession of wallet cards, identification cards, or copies of state forms is not conclusive proof of the registration of any person as an apprentice.

Interest and Penalties

In the event that an underpayment of wages and/or supplements is found:

- Interest shall be assessed at the rate then in effect as prescribed by the Superintendent of Banks pursuant to section 14-a of the Banking Law, per annum from the date of underpayment to the date restitution is made.
- A Civil Penalty may also be assessed, not to exceed 25% of the total of wages, supplements, and interest due.

Debarment

Any contractor or subcontractor and/or its successor shall be ineligible to submit a bid on or be awarded any public work contract or subcontract with any state, municipal corporation or public body for a period of five (5) years when:

- Two (2) willful determinations have been rendered against that contractor or subcontractor and/or its successor within any consecutive six (6) year period.
- There is any willful determination that involves the falsification of payroll records or the kickback of wages or supplements.

Criminal Sanctions

Willful violations of the Prevailing Wage Law (Article 8 of the Labor Law) may be a felony punishable by fine or imprisonment of up to 15 years, or both.

Discrimination

No employee or applicant for employment may be discriminated against on account of age, race, creed, color, national origin, sex, disability or marital status.

No contractor, subcontractor nor any person acting on its behalf, shall by reason of race, creed, color, disability, sex or national origin discriminate against any citizen of the State of New York who is qualified and available to perform the work to which the employment relates (NYS Labor Law, Article 8, Section 220-e(a)).

No contractor, subcontractor, nor any person acting on its behalf, shall in any manner, discriminate against or intimidate any employee on account of race, creed, color, disability, sex, or national origin (NYS Labor Law, Article 8, Section 220-e(b)).

The Human Rights Law also prohibits discrimination in employment because of age, marital status, or religion.

There may be deducted from the amount payable to the contractor under the contract a penalty of $50.00 for each calendar day during which such person was discriminated against or intimidated in violation of the provision of the contract (NYS Labor Law, Article 8, Section 220-e(c)).

The contract may be cancelled or terminated by the State or municipality. All monies due or to become due thereunder may be forfeited for a second or any subsequent violation of the terms or conditions of the anti-discrimination sections of the contract (NYS Labor Law, Article 8, Section 220-e(d)).

Every employer subject to the New York State Human Rights Law must conspicuously post at its offices, places of employment, or employment training centers notices furnished by the State Division of Human Rights.

Workers' Compensation

In accordance with Section 142 of the State Finance Law, the contractor shall maintain coverage during the life of the contract for the benefit of such employees as required by the provisions of the New York State Workers' Compensation Law.

A contractor who is awarded a public work contract must provide proof of workers' compensation coverage prior to being allowed to begin work.

The insurance policy must be issued by a company authorized to provide workers' compensation coverage in New York State. Proof of coverage must be on form C-105.2 (Certificate of Workers' Compensation Insurance) and must name this agency as a certificate holder.

If New York State coverage is added to an existing out-of-state policy, it can only be added to a policy from a company authorized to write workers' compensation coverage in this state. The coverage must be listed under item 3A of the information page.

The contractor must maintain proof that subcontractors doing work covered under this contract secured and maintained a workers' compensation policy for all employees working in New York State.

Every employer providing worker's compensation insurance and disability benefits must post notices of such coverage in the format prescribed by the Workers' Compensation Board in a conspicuous place on the jobsite.

Unemployment Insurance

Employers liable for contributions under the Unemployment Insurance Law must conspicuously post on the jobsite notices furnished by the New York State Department of Labor.

GRINDING AND REMOVAL OF BRUSH, YARD WASTE AND WOOD
TOWN OF ROTTERDAM COMPOST TRANSFER FACILITY

This bid proposal is submitted to the Empire State Purchasing Group on BidNet Direct for the Town of Rotterdam at: http://www.bidnetdirect.com/townofrotterdam.

By: Troy Sand & Gravel Co. Inc.
(Name of Bidder)

The undersigned, as bidder, agrees to furnish labor, equipment and materials as specified in the bid/contract documents, and declares that no person or persons, other than those named herein, are interested in this bid; that this bid is made without collusion with any person, firm, or corporation; that he has carefully examined the location of the proposed work; that no person or persons acting in any official capacity for the town is directly or indirectly interested therein or in any portion of the profit thereof; and that he proposes and agrees, if this Bid is accepted, to provide all necessary equipment, tools, labor and deliver and to do all work and furnish all materials specified in the manner and time therein prescribed, and according to the requirements of the town as therein set forth, and that he will take in full payment therefor, the lump sum price as hereinafter set forth, and further states as follows, to wit:

1. The undersigned bidder proposes and agrees, if this bid is accepted, to enter upon demand into an agreement with the town in the form included in the bid and contract documents for the contract price and within the contract time indicated in accordance with the other terms and conditions of the bid and contract documents.

2. The bidder accepts all of the terms and conditions stated in the town's standard bid forms and documents. This bid shall remain subject and open to acceptance by the town for the specified number of calendar days after the day of bid opening.

3. In submitting this bid, the bidder represents, as more fully set forth in the agreement, that bidder has examined copies of all the bid and contract documents and receipt of the town's standard bid forms and documents are hereby acknowledged.

4. The bidder acknowledges that it has familiarized itself with the nature and extent of the bid forms and documents, work, sites, locality, all local conditions, and laws, rules, and regulations that in any manner may affect cost, progress, performance or furnishing of the work.

5. The bidder agrees that the work shall be completed in accordance with the bid and contract documents.

6. Communications concerning this bid shall be addressed to the bidder at the following address:

PO Box 171 Watervliet , NY 12189-0171
Nicholas M DiNova Sales Manager Cell No. 518)858-7222
Troy Sand & Gravel Co. Inc.

7. The bidder agrees to commence work within ten (10) calendar days from the date indicated in the Notice to Proceed.

8. The bidder agrees that work completed for approval will be material processed, ground and hauled off site by the total amount of cubic yards. Payment shall be made within forty-five (45) days after the submission of billing.

9. The bidder certifies that it has physically inspected the site at located at 23 W. Campbell Road, Rotterdam, NY 12306.

10. The lump sum bid price for processed ground yard waste hauled off site per cubic yard shall include all of the bidder's costs including but not limited to the cost of material, labor, delivery, installation, loading, unloading, overhead, profit, insurance, permit fees, dumping fees, disposal fees, and all else incidental and necessary to complete the work.

11. The bidder shall honor bid price for one (1) year from the date of the bid opening at the mutual consent of both the Town and the Contractor. At the mutual consent of both the Town and the Contractor, the term of the contract and/or bid price may be extended to a second and third year.

12. The bidder certifies that it will dispose of all of the material ground at 23 West Campbell Road, shall be disposed of in a manner that complies with the federal and state laws, rules and regulations. The bidder certifies it shall dispose of the material in the following manner and shall specify name and street address of any applicable disposal facility and attach a copy of permit(s) to utilize said facility):

Baily Farm Sand & Gravel Mine Yard Waste Composting Facility
Halfmoon NY DEC Permit No. 5-4138-00062/00005

The bidder hereby agrees, if its bid is accepted and it is awarded the contract, to complete the on-site grinding, and removal and disposal of all of the of leaves, brush, tree limbs and parts, wood, clippings and other yard waste which is stockpiled at the Town of Rotterdam Compost Transfer

Facility, located at 23 West Campbell Road, Rotterdam, NY 12306, in full accordance with the bid and contract documents, for processed yard waste hauled off site per cubic yard.

$7.75 Per. Yard

Seven Dollars and Seventy Five Cents Per Yard

(In Words)

Date: *06/17/2022*

By: Troy Sand & Gravel Co. Inc. (Corporate Seal)
(Individual's or Bidder's Name)

Doing Business As:

Business Address: Po Box 171 Watervliet ,NY 12189-0171

Telephone Number: (518) 273-5800 Ex -131 Cell No. (518) 858-7222

Email Address: ndinova@bondedconcrete.com

PARTNERSHIP:

By: _____ (Seal)
(Firm Name)

By: _____
(General Partner)

Doing Business As:

Business Address:

Telephone Number:

Email Address:

New York
(State of Corporation)

By: Nicholas M DiNova Jr.
(Name of Person Authorized to Sign)

Attestation: Tory Clemente
(Secretary)
Business Address: Po Box 171 Watervliet ,NY 12189-0171

Telephone Number: (518) 273-5800 Ex 131 Cell No. (518) 858-7222

Email Address: ndinova@bondedconcrete.com

JOINT VENTURE:

By: _____
(Name)

_____
(Address)

By: _____
(Name)

_____
(Address)

(Each joint venture participant must sign. The manner of signing for each individual, partnership and corporation that is party to the joint venture should be in the manner indicated above)

LIMITED LIABILITY COMPANY:

By: _____
(Name)

_____
(Address)

Business Address:

Telephone Number:

Email Address:

AGREEMENT

THIS AGREEMENT, made this 17 day of June, 2022 by and between Town of Rotterdam, having its principal office and place of business located at Town of Rotterdam, 1100 Sunrise Blvd., Rotterdam, NY 12306, hereinafter referred to as the TOWN, and

Troy Sand & Gravel Co. Inc.

having its principal place of business at Po Box 171 Watervliet ,NY 12189-0171 ,

hereinafter referred to as the CONTRACTOR:

WITNESS, that for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the TOWN, the CONTRACTOR hereby agrees with the TOWN to complete the grinding, removal and disposal of all of the leaves, brush, tree limbs and parts, wood, clippings and other yard waste which will be stockpiled at The Town of Rotterdam Compost Transfer Facility, located at 23 West Campbell Road, Rotterdam, NY 12306, hereinafter referred to as the "Project", for the sum of $7.75 Per Yard ($00.00) dollars per cubic yard processed and removed from site and all extra work in connection therewith, under the terms as stated in the general conditions of the bid and contract documents; and at its own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and other accessories and services necessary to complete the work in accordance with the conditions and prices stated in the bid form and all other bid and contract documents, and printed or written explanatory matter thereof, the matters required of the CONTRACTOR, the scope of work, insurance requirements, and all terms and conditions of the invitation to bid and other bid and contract, all of which are made a part hereof and collectively evidence and constitute the contract.

CONTRACTOR hereby agrees to complete the work under this contract within thirty (30) calendar days after the date shown in the notices to proceed issued by the TOWN.

TOWN agrees to pay the CONTRACTOR in current funds for the performance of the Contract, subject to additions and deductions, as provided in the Contract, and to make payments on account thereof within forty-five (45) days after submitting payment request following the acceptance and approval of the work by the town highway superintendent or the town supervisor.

This AGREEMENT shall be construed and enforced in accordance with the laws of the State of New York.

LAWS AND REGULATIONS

The CONTRACTOR shall keep himself fully informed of all federal, state, and local laws, rules, regulations, policies, and municipal ordinances and regulations in any manner affecting the conduct of the work, and of all orders and decrees of bodies or tribunals having any jurisdiction or authority over same. It shall at all times observe and comply with, and shall cause all his agents and employees to observe and comply with, all such existing and future laws, ordinance, regulations, orders and decrees; and shall protect and indemnify the TOWN, its officers and agents against any claim or liability arising from or based on the violation of any such law, ordinance, regulation, order or decree, whether by himself or by his employees.

LIABILITY OF CONTRACTOR, INDEMNITY, ETC.

The CONTRACTOR shall take all responsibility of the work, and take all precautions for preventing injuries to persons and property in or about the work; it shall bear all losses resulting to it on account of the amount or character of the work, or because the nature of the land in or on which the work is done is different from what was estimated or expected, on account of the weather, elements, riots, civil disorders or other causes; and it shall assume the defense of, and indemnify and save harmless the TOWN and its officers and agents, from all claims relating to labor or materials furnished for the work, and to inventions, payments and patent rights used in doing the work, and to injuries or damages to persons, corporations or property received or sustained by or from the CONTRACTOR and his employees in doing the work, or in consequence of any improper materials, implements or labor used therein, and to any act, omission or neglect of the CONTRACTOR and its employees.

LAST PAYMENT TO TERMINATE OWNER LIABILITY

Neither the TOWN, nor any officer or agent thereof, shall be liable for, or be held to pay, any money to the CONTRACTOR, except as herein provided; and the acceptance by the CONTRACTOR of the final payment aforesaid shall operate as and shall be a release to the TOWN and every member and agent thereof, from all claims of and liability to the CONTRACTOR for anything done or furnished for or relating to or affecting the work.

CONTRACTOR agrees as follows:

1. Hereby voluntarily and irrevocably submits itself to the jurisdiction and venue of any court of competent jurisdiction over the subject matter of this contract located within the State of New York in which any litigation is brought based on or arising out of the contract.

2. Any litigation brought by the CONTRACTOR based on or arising out of this contract shall be brought only in accordance with the applicable laws governing municipal litigation in the Supreme Court of the State of New York in Schenectady County. Any trial shall be a bench trial, without a jury.

3. Any legal process or notice connected with any litigation may be served on the CONTRACTOR by U.S. registered mail, postage prepaid, addressed to the CONTRACTOR at his address stated in this contract or at the address stated in this Contract for the furnishing of notices to the CONTRACTOR or at the CONTRACTOR'S last known address, and that service is such manner shall constitute good and valid service of process upon the CONTRACTOR.

4. The CONTRACTOR hereby waives any defense which might be available to it in any such litigation based on or alleging lack of jurisdiction or venue, or, if process is served in the manner provided in subparagraph 3 immediately above, invalid service of process, and that they will duly enter their appearance in any such action.

5. This agreement shall/may be presented in court as conclusive evidence of the foregoing agreement.

6. The bidder shall honor bid price for one (1) year from the date of the bid opening at the mutual consent of both the Town and the Contractor. At the mutual consent of both the Town and the Contractor, the term of the contract and/or bid price may be extended to a second and third year.

IN WITNESS WHEREOF, the parties to these presents have executed this agreement in two (2) counterparts, each of which shall be deemed an original, in the year and day first above mentioned.

BY: Nicholas M DiMora Jr

Troy Sand & Gravel Co. Inc
(Contractor)

(Seal)

BY: _____
Mollie Collins, Town Supervisor

(Seal)

Town of Rotterdam
Addendum No. 1
6/14/2022

Re: Town of Rotterdam, Grinding of Brush, Yard Waste and Wood

From: Town of Rotterdam

To: Prospective Bidders

This addendum forms a part of the documents and modifies the original Bidding Documents dated June 10, 2022 as noted below. ACKNOWLEDGE the receipt of this addendum in the space provided and attach it to the bid forms. Failure to do so may subject the bidder to disqualification.

Changes to Bid Due Date:

The bid due date for the Town of Rotterdam Grinding and Removal of Brush, Yard Waste and Wood will be extended from 6/20/2022 @ 10:00 am to June 21, 2022 at 10:00 am for the following reason:

The offices at Rotterdam Town Hall will be closed on June 20, 2022 in observance of Juneteenth.

Town of Rotterdam

Addendum No. 1

6/14/2022

Signature Company Date 6/21/2022

ORIGINAL

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, July 13, 2022, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 209.22

TO ACCEPT AND AWARD CONTRACT FOR GRINDING & REMOVAL OF BRUSH, YARD WASTE & WOOD

WHEREAS, Pursuant to notice duly published according to Section One Hundred Three of the General Municipal Law of the State of New York, the Town of Rotterdam on Tuesday, June 21, 2022 posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (https://bidnetdirect.com/townofrotterdam). Additionally, the official bid report and all bids were made available in the Office of the Town Clerk for public inspection upon request for the purchase by the Town of Rotterdam of the following:

GRINDING AND REMOVAL OF BRUSH, YARD WASTE, & WOOD

THEREFORE, UPON MOTION OF Councilmember **CHRISTOU,** seconded by Councilmember **DODSON,**

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam does hereby accept and award the bid for Grinding & Removal of Brush, Yard Waste, & Wood for the Town of Rotterdam to Troy Sand & Gravel Co. Inc., P.O. Box 171 Watervliet, N.Y. 12189-0171, at a unit price of $7.75 per cubic yard; at the mutual consent of both the Town and the Contractor, the term of the contract and/or bid price may be extended to a second or third year.

SECTION 2. The Supervisor of the Town of Rotterdam is hereby authorized to execute a contract with said bidder in accordance with the terms of the bid proposal as submitted. Summary of bid prices are on file in the Town Clerk's office.

SECTION 3. This resolution shall become effective July 13, 2022.

DATED: July 13, 2022

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on July 13, 2022, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 15, 2022.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Schenectady, County, NY

3. Any legal process or notice connected with any litigation may be served on the CONTRACTOR by U.S. registered mail, postage prepaid, addressed to the CONTRACTOR at his address stated in this contract or at the address stated in this Contract for the furnishing of notices to the CONTRACTOR or at the CONTRACTOR'S last known address, and that service is such manner shall constitute good and valid service of process upon the CONTRACTOR.

4. The CONTRACTOR hereby waives any defense which might be available to it in any such litigation based on or alleging lack of jurisdiction or venue, or, if process is served in the manner provided in subparagraph 3 immediately above, invalid service of process, and that they will duly enter their appearance in any such action.

5. This agreement shall/may be presented in court as conclusive evidence of the foregoing agreement.

6. The bidder shall honor bid price for one (1) year from the date of the bid opening at the mutual consent of both the Town and the Contractor. At the mutual consent of both the Town and the Contractor, the term of the contract and/or bid price may be extended to a second and third year.

IN WITNESS WHEREOF, the parties to these presents have executed this agreement in two (2) counterparts, each of which shall be deemed an original, in the year and day first above mentioned.

BY: Nicholas M DiMarco Jr

Troy Sand & Gravel Co. Inc
(Contractor)

(Seal)

BY: Mollie A. Collins

Mollie Collins, Town Supervisor

(Seal)

ACORD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 3/31/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Haylor, Freyer & Coon, Inc.
PO Box 4743
Syracuse NY 13221

CONTACT NAME: Bob Howe
PHONE (A/C, No, Ext): 315-451-1500 FAX (A/C, No):
E-MAIL ADDRESS: certificates@haylor.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: Technology Insurance Co.	42376
INSURER B: Wesco Insurance Company	25011
INSURER C: Federal Insurance Company	20281
INSURER D: Philadelphia Indemnity Insurance Co.	18058
INSURER E:	
INSURER F:	

INSURED BONDEDCONR
Troy Sand & Gravel Co., Inc.
PO Box 171
Watervliet, NY 12189

COVERAGES **CERTIFICATE NUMBER:** 1841891274 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY	Y		TPP1057922	3/31/2023	3/31/2024	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE [X] OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 300,000
	X 1,000 Ded						MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	POLICY [X] PRO-JECT [X] LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
B	AUTOMOBILE LIABILITY	Y		WPP1825320	3/31/2023	3/31/2024	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	X ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
B	X UMBRELLA LIAB X OCCUR			WUM1562256	3/31/2023	3/31/2024	EACH OCCURRENCE	$ 10,000,000
D	X EXCESS LIAB CLAIMS-MADE			PHUB857527	3/31/2023	3/31/2024	AGGREGATE	$ 10,000,000
	DED X RETENTION $ 10,000							$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N		—	TWC4252812	3/31/2023	3/31/2024	X PER STATUTE OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? N	N/A					E.L. EACH ACCIDENT	$ 1,000,000
	(Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000
C	Leased/Rented Equipment			06716761IOG	3/31/2023	3/31/2024	$1,000,000 Limit	Special Form

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Forms Enclosed:
CG 20 38 (04/13) Additional Insured - Owners, Lessees or Contractors - Automatic Status For Other Parties When Required in Written Construction Agreement
CG 20 37 (04/13) Additional Insured - Owners, Lessees or Contractors - Completed Operations
CG 20 34 (04/13) Additional Insured - Lessor of Leased Equipment - Automatic Status When Required in Lease Agreement With You
GL9900078 (11/12) Refer to M. Waiver of Subrogation
CG 20 01 (04/13) Primary and Noncontributory - Other Insurance Condition
CA990187NY (10/13) Business Auto Coverage Expansion Endorsement-New York
Grinding and Removal of Brush, Yard Waste and Wood at the Town of Rotterdam

CERTIFICATE HOLDER

Town of Rotterdam
1100 Sunrise Boulevard
Rotterdam NY 12306

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – AUTOMATIC STATUS FOR OTHER PARTIES WHEN REQUIRED IN WRITTEN CONSTRUCTION AGREEMENT

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

A. **Section II – Who Is An Insured** is amended to include as an additional insured:

1. Any person or organization for whom you are performing operations when you and such person or organization have agreed in writing in a contract or agreement that such person or organization be added as an additional insured on your policy; and
2. Any other person or organization you are required to add as an additional insured under the contract or agreement described in Paragraph 1. above.

Such person(s) or organization(s) is an additional insured only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

a. Your acts or omissions; or

b. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured.

However, the insurance afforded to such additional insured described above:

a. Only applies to the extent permitted by law; and

b. Will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

A person's or organization's status as an additional insured under this endorsement ends when your operations for the person or organization described in Paragraph 1. above are completed.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to:

1. "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:

a. The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or

b. Supervisory, inspection, architectural or engineering activities.

This exclusion applies even if the claims against any insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage", or the offense which caused the "personal and advertising injury", involved the rendering of, or the failure to render, any professional architectural, engineering or surveying services.

2. "Bodily injury" or "property damage" occurring after:

a. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or

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b. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

C. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

The most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement described in Paragraph A.1.; or

2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – COMPLETED OPERATIONS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location And Description Of Completed Operations
Blanket as required by written contract.	**Blanket as required by written contract.**
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. **Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the Schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

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COMMERCIAL GENERAL LIABILITY

CG 20 34 04 13

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – LESSOR OF LEASED EQUIPMENT – AUTOMATIC STATUS WHEN REQUIRED IN LEASE AGREEMENT WITH YOU

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

A. **Section II – Who Is An Insured** is amended to include as an additional insured any person(s) or organization(s) from whom you lease equipment when you and such person(s) or organization(s) have agreed in writing in a contract or agreement that such person(s) or organization(s) be added as an additional insured on your policy. Such person(s) or organization(s) is an insured only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your maintenance, operation or use of equipment leased to you by such person(s) or organization(s).

   However, the insurance afforded to such additional insured:

   1. Only applies to the extent permitted by law; and
   2. Will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

   A person's or organization's status as an additional insured under this endorsement ends when their contract or agreement with you for such leased equipment ends.

B. With respect to the insurance afforded to these additional insureds, this insurance does not apply to any "occurrence" which takes place after the equipment lease expires.

C. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

   The most we will pay on behalf of the additional insured is the amount of insurance:

   1. Required by the contract or agreement you have entered into with the additional insured; or
   2. Available under the applicable Limits of Insurance shown in the Declarations;

   whichever is less.

   This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

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K. UNINTENTIONAL FAILURE TO DISCLOSE HAZARDS

The following is added to paragraph **6. Representations** of **SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS:**

Based on our reliance on your representations as to existing hazards, if you unintentionally fail to disclose any such hazards prior to the beginning of the policy period of this coverage part, we shall not deny coverage under this coverage part because of such failure. However, the provision does not affect our right to collect additional premium or to exercise our right of cancellation or nonrenewal in accordance with applicable state insurance laws, codes or regulations.

L. BROADENED NOTICE OF OCCURRENCE

The following is added to paragraph **2 Duties in the Event of Occurrence, Offense, Claim or Suit** of **SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS:**

a. Notice of an "occurrence" or of an offense which may result in a claim covered by this policy, the failure to report such "occurrence" to us at the time of the "occurrence shall not be deemed a violation of this condition unless such "occurrence" or offense becomes known to. you, or one of the following if designated by you to give such notice: your "executive officers" (if you are a corporation), one of your partners who is an individual (if you are a partnership), one of your managers (if you are a limited liability company), or an "employee" (such as an insurance, loss control or risk manager or administrator)., However, you or your designated representative must give us notice as soon as practicable after being made aware that the particular claim.

b. Knowledge by any other "employee" of an "occurrence" or offense does not imply that you also have such knowledge.

c. This provision does not apply as respects the specific number of days within which you are required to notify us in writing of the abrupt commencement of a discharge, release or escape of "pollutants" that causes "bodily injury" or "property damage" which may otherwise be covered under this policy.

M. WAIVER OF SUBROGATION

The following is added to paragraph **8. Transfer of Rights of Recovery Against Others to Us** of **SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS:**

We waive any right of recovery we may have against any person or organization because of payments we make for injury or damage arising out of: premises owned or occupied by or rented or loaned to you; ongoing operations performed by you or on your behalf, done under contract with that person or organization; "your work"; or "your products". We waive this right where you have agreed to do so as part of a written contract, executed by you before the "bodily injury" or "property damage" occurs or the "personal and advertising injury" offense is committed.

N. BROADENED CONTRACTUAL LIABILITY – WORK WITHIN 50' OF RAILROAD PROPERTY

Paragraph **9.c.** of the definition "Insured Contract" under **SECTION V – DEFINITIONS** is deleted and replaced with the following:

"Insured contract" means any easement or license agreement in connection with construction or demolition operations on or within 50 feet of a railroad.

Paragraph **f.(1)** of **9.** "Insured contract" under **SECTION V – DEFINITIONS** is deleted.

COMMERCIAL GENERAL LIABILITY
CG 20 01 04 13

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

PRIMARY AND NONCONTRIBUTORY – OTHER INSURANCE CONDITION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

The following is added to the **Other Insurance** Condition and supersedes any provision to the contrary:

Primary And Noncontributory Insurance

This insurance is primary to and will not seek contribution from any other insurance available to an additional insured under your policy provided that:

(1) The additional insured is a Named Insured under such other insurance; and

(2) You have agreed in writing in a contract or agreement that this insurance would be primary and would not seek contribution from any other insurance available to the additional insured.

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This Endorsement Changes The Policy. Please Read It Carefully

BUSINESS AUTO COVERAGE EXPANSION ENDORSEMENT – NEW YORK

This endorsement modifies insurance provided by the following:

BUSINESS AUTO COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the COVERAGE FORM apply unless modified by the endorsement.

A. Newly Acquired or Formed Organizations, Employee Hired Car Liability and Blanket Additional Named Insured Status for Certain Entities.

Item **1. Who is an Insured** of Paragraph **A. Coverage** under **SECTION II – COVERED AUTOS LIABILITY COVERAGE** is amended to add:

d. Any organization you newly acquire or form, other than a partnership, joint venture or limited liability com-any, and over which you maintain ownership of a majority interest (greater than 50%), will qualify as a Named Insured; however,

(1) coverage under this provision is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier;

(2) coverage does not apply to "bodily injury", "property damage" or "covered pollution cost or expense" that results from an "accident" which occurred before you acquired or formed the organization; and

(3) coverage does not apply if there is other similar insurance available to that organization, or if similar insurance would have been available but for its termination or the exhaustion of its limits of insurance.

This insurance does not apply if coverage for the newly acquired or formed organization is excluded either by the provisions of this coverage form or by endorsement.

e. An "employee" of yours is an "insured" while operating an "auto" hired or rented under a contract or agreement in that "employee's" name, with your permission, while performing duties related to the conduct of your business.

f. Any person or organization you are required by written contract or agreement to name as an additional "insured", but only with respects to liability created in whole or in part by such agreement.

B. Increase Of Loss Earnings Payment

Subpart **(4)** of **a. Supplementary Payments** of Item **2. Coverage Extensions** of Paragraph **A. Coverage** under **SECTION II – COVERED AUTOS LIABILITY COVERAGE** is amended to read:

(4) We will pay reasonable expenses incurred by the "insured" at our request, including actual loss of earnings up to $1,000 per day because of time off from work.

C. Limited Automatic Towing Coverage

Item **2. Towing**, of Paragraph **A. Coverage**, under **SECTION III – PHYSICAL DAMAGE COVERAGE** is amended to read:

2. Towing

We will pay for towing and labor costs each time that a covered "auto" is disabled. All labor must be performed at the place of disablement of the covered "auto".

a. The limit for "autos" other than private passenger types is $250;

b. The limit for "autos" of the private passenger type is as shown in the Declarations;

c. No deductible applies to this coverage.

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D. Item 3. Glass Breakage – Hitting A Bird Or Animal – Falling Objects or Missiles of Paragraph A. Coverage under SECTION III – PHYSICAL DAMAGE COVERAGE, is amended to add:

Glass Repair Coverage

We will waive the Comprehensive deductible for Glass, if one is indicated on your covered "auto", for glass repairs. We will repair at no cost to you, any glass that can be repaired without replacement, provided the "loss" arises from a covered Comprehensive "loss" to your "auto".

E. **Increase Of Transportation Expense Coverage**

Subpart a. Transportation Expenses of Item 4. Coverage Extensions of Paragraph A. Coverage under SECTION III – PHYSICAL DAMAGE COVERAGE is amended to read:

a. **Transportation Expenses**

We will pay up to $50 per day to a maximum of $1,000 for temporary transportation expense incurred by you because of the total theft of a covered "auto" of the private passenger type. We will pay only for those covered "autos" for which you carry either Comprehensive or Specified Causes of Loss Coverage or Theft Coverage. We will pay for temporary transportation expenses incurred during the period beginning 48 hours after the theft and ending, regardless of the policy's expiration, when the covered "auto" is returned to use or we pay for its "loss".

F. **"Personal Effects" Coverage**

Item 4. Coverage Extensions of Paragraph A. Coverage, under SECTION III - PHYSICAL DAMAGE COVERAGE, is amended to add:

"Personal Effects" Coverage

We will pay actual cash value for "loss" to "personal effects" of the "insured" while in a covered "auto" subject to a maximum limit of $2,500 per "loss", for that covered "auto" caused by the same "accident". No deductible will apply to this coverage.

G. **"Downtime Loss" and Rental Reimbursement Coverage**

Item 4. Coverage Extensions, of Paragraph A. Coverage, under SECTION III. PHYSICAL DAMAGE COVERAGE, is amended to add:

"Downtime Loss" and Rental Reimbursement Coverage

We will pay any resulting "downtime loss" and rental reimbursement expenses you sustain as a result of a covered physical damage "loss" to a covered "auto" up to a combined maximum of $100 per day, for a maximum of 30 days for the same physical damage "loss", subject to the following conditions:

a. We will provide "downtime loss" and rental reimbursement beginning on the 6th day after:

(1) We have given you our agreement to pay for repairs to a covered "auto" and you have given the repair facility your authorization to make repairs; or

(2) Coverage for "downtime loss" and rental reimbursement expenses will end when any of the following occur:

(a) You have a spare or reserve "auto" available to you to continue our operations.

(b) You purchase a replacement "auto".

(c) Repairs to your covered "auto" have been completed by the repair facility and they determine the covered "auto" is road-worthy.

(d) You reach the 30 day maximum coverage.

H. **"Personal Effects" Exclusion**

Paragraph B. Exclusions under SECTION III – PHYSICAL DAMAGE COVERAGE, is amended to add:

"Personal Effects" Exclusion

We will not pay for "loss" to "personal effects" of any of the following:

a. Accounts, bills, currency, deeds, evidence of debt, money, notes, securities or commercial paper or other documents of value.

b. Bullion, gold, silver, platinum, or other precious alloys or metals; furs or fur garments; jewelry; watches; precious or semi-precious stones.

c. Paintings, statuary and other works of art.

d. Contraband or property in the course of illegal transportation or trade.

e. "Loss" caused by theft, unless there is evidence of forced entry into the covered "auto" and a police report is filed.

I. **Accidental Airbag Discharge Coverage**

Item **3.a.** of Paragraph **B. Exclusions** under **SECTION III – PHYSICAL DAMAGE COVERAGE** is amended to read:

a. Wear and tear, freezing, mechanical or electrical breakdown. The exclusion relating to mechanical break-down does not apply to the accidental discharge of an air bag.

J. **Aggregate Deductible**

Paragraph **D. Deductible** under **SECTION III – PHYSICAL DAMAGE COVERAGE** is amended to add:

Regardless of the number of covered "autos" involved in the same "loss", only one deductible will apply to that "loss". If the deductible amounts vary by "autos", then only the highest applicable deductible will apply to that "loss".

K. **Diminishing Deductible**

Paragraph **D. Deductible** under **SECTION III – PHYSICAL DAMAGE COVERAGE** is amended to add:

Any deductible will be reduced by the percentage indicated below on the first "loss" reported during the corresponding policy period:

Loss Free Policy Periods With the Expansion Endorsement	Deductible Reduction on the first "loss"
1	0%
2	25%
3	50%
4	75%

If we pay a Physical Damage "loss" during the policy period under any BUSINESS AUTO COVERAGE FORM you have with us, your deductible stated in the Declaration's page of each such COVERAGE FORM will not be reduced on any subsequent claims during the remainder of your policy period and your deductible reduction will revert back to 0% for each such COVERAGE FORM if coverage is renewed. However at no time shall the deductible be less than $50 on Comprehensive and $100 on Collision, if these coverages are provided.

L. **Knowledge of Loss and Notice To Us**

Subsection a. of Item **2. Duties In the Event of Accident, Claim, Suit or Loss** of Paragraph **A. Loss Conditions** under **SECTION IV -- BUSINESS AUTO CONDITIONS** is amended to add:

However, as soon as reasonably possible notice of the "accident", claim, "suit" or "loss" to us or our authorized representative only applies after the "accident", claim, "suit" or "loss" is known to:

(1) You, if you are an individual;

(2) A partner, if you are a partner-ship;

(3) An "executive officer" or director, if you are a corporation;

(4) A manager or member, if you are a limited liability company;

(5) Your insurance manager; or

(6) Your legal representative.

M. **Waiver Of Subrogation For Auto Liability Losses Assumed Under Insured Contract**

Item **5. Transfer Of Rights Of Recovery Against Others To Us** of Paragraph **A. Loss Conditions** under **SECTION IV – BUSINESS AUTO CONDITIONS** is amended to read:

5. Transfer of Rights of Recovery Against Others To Us

If any person or organization to or for whom we make payments under this Coverage From has rights to recover damages from another, those right are transferred to us. That person or organization must do everything necessary to secure our rights and must do nothing after an "accident" or "loss" to impair them. However, if the insured has waived those rights to recover through a written contract, we will waive any right to recovery we may have under this Coverage Form.

N. **Insurance is Primary and Noncontributory**

Subpart a. of Item **5. Other Insurance** of Paragraph **B. General Conditions** under **SECTION IV – BUSINESS AUTO CONDITIONS** is amended to read:

a. This insurance is primary and noncontributory, as respects any other insurance.

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name & Address of Insured (use street address only) Troy Sand & Gravel Co., Inc. PO Box 171 Watervliet, NY 12189 Work Location of Insured (Only required if coverage is specifically limited to *certain locations in New York State, i.e., a Wrap-Up Policy)*	1b. Business Telephone Number of Insured 518-273-5800 1c. NYS Unemployment Insurance Employer Registration Number of Insured 1d. Federal Employer Identification Number of Insured or Social Security Number [redacted]
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Rotterdam 1100 Sunrise Boulevard Rotterdam NY 12306	3a. Name of Insurance Carrier Technology Insurance Co. 3b. Policy Number of Entity Listed in Box "1a" TWC4252812 3c. Policy effective period 3/31/2023 to 3/31/2024 3d. The Proprietor, Partners or Executive Officers are ☒ included. (Only check box if all partners/officers included) ☐ all excluded or certain partners/officers excluded.

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. (To use this form, New York (NY) must be listed under Item 3A **on the INFORMATION PAGE of the workers' compensation insurance policy). The Insurance Carrier or its licensed agent will send** this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

Will the carrier notify the certificate holder within 10 days of a policy being cancelled for non-payment of premium or within 30 days if cancelled for any other reason or if the insured is otherwise eliminated from the coverage indicated on this certificate prior to the end of the policy effective period? ☐YES ☒NO

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: James D. Freyer, Jr
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by: [signature] 3/31/2023
(Signature) (Date)

Title: CEO

Telephone Number of authorized representative or licensed agent of insurance carrier: [redacted]

Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.

Workers' Compensation Law

Section 57. Restriction on issue of permits and the entering into contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subs cribed by an insurance carrier is produced in a form satisfactory to the chair, that com pensation for all employees has been secured as provided by this chapter.

RESOLUTION NO. 181.23

TO APPOINT SEASONAL LABORERS TO THE HIGHWAY DEPARTMENT

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The following individuals are hereby appointed to the seasonal position of Laborer at the Highway Department on an as needed basis, with no employee benefits, at the hourly rate $17.00 for the periods indicated.

Name	Title	Period
Nicholas DeLucia	Laborer	6/5/2023-8/25/2023
Jon Grant	Laborer	6/5/2023-9/1/2023
Kristopher Myers	Laborer	6/12/2023-8/24/2023
Jared Hawkins	Laborer	6/5/2023-8/4/2023
Patrick Reedy	Laborer	6/12/2023-9/1/2023

SECTION 2. These appointments are contingent upon completion of a DCJS background check and compliance with New York State Correction Law Article 23-A.

SECTION 3. The Town Board of the Town of Rotterdam hereby agrees to reimburse the costs incurred from the DCJS background check for the individuals referenced above upon approval of the Highway Superintendent at the completion of employment.

SECTION 4. This resolution shall become effective May 24, 2023.

DATED: May 24, 2023

NAME	AYES	NOES	ABSTAIN
Christou			
Miller-Herrera			
Dodson			
Mastroianni			
Collins			

TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org

LEGISLATIVE REQUEST FORM

DATE:	May 16, 2023
TO:	Town Board
FROM:	Larry Lamora, Highway Superintendent
TITLE OF REQUEST:	Appoint Seasonal Laborers: Highway Department
TOWN BOARD MEETING:	May 24, 2023
Background Information:	Highway dept. to employ students during the summer season to assist the highway department crews.
Evaluation/Analysis:	See attached employment applications.
Recommendation(s):	To appoint 5 part-time summer employees; Kristopher Myers, Nicholas DeLucia, Jon Grant, Patrick Reedy, & Jared Hawkins, providing the completion of a DCJS Background check in the amount of $88.50 & that upon completion of summer employment, employees will be refunded $88.50 upon approval of Highway Superintendent.
Attachment/Document(s):	Employment Applications
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	None
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

Schenectady County is an Equal Opportunity Employer. Schenectady County does not unlawfully discriminate in employment because of age, race, creed, color, national origin, sex, sexual orientation, disability, marital status, arrest and/or criminal conviction record unless based on a bona fide occupational qualification or other exception, genetic predisposition, or domestic violence victim status.

Schenectady County

Human Resources & Civil Service
620 State Street
Schenectady, NY 12305-2114

APPLICATION FOR EXAMINATION OR EMPLOYMENT

FOR COUNTY OFFICES, TOWNS, VILLAGES, SCHOOL DISTRICTS LIBRARIES AND SPECIAL DISTRICTS

Date Received _____ Approved _____

Conditional _____ Disapproved _____

CIVIL SERVICE DEPT. USE ONLY

1. _____ (POSITION TITLE) _____ (EXAM NUMBER)

This application is part of your examination. Answer all questions fully. A resume, if submitted, cannot substitute for the application. You are encouraged to read the General Conditions and Instructions for more information.

2. Name and Legal Residence

DeLucia Nicholas J
Last Name First Name Middle Initial

[redacted]
Street Address or Road R.D. # or P.O. Box #

Schenectady Rotterdam NY 12306
County City, Town, Village State Zip

Home Phone Numb[redacted] Cell Phone: [redacted]

Email Address [redacted]

If mailing address is different:

Street Address or Road R.D. # or P.O. Box #

County City, Town, Village State Zip

Social Security Number [redacted]

3. Police Officer & Firefighter Candidates Only:

Date of Birth (MM/DD/YYYY) ____/____/____

4. Residency Requirements: Candidates must meet the Residency Requirements as stated on the examination announcement. You must complete the following to determine if you meet these residency requirements. Indicate how long this has been your legal residence, up to the date of this application, showing that you meet the residency requirements as announced.

	Name
State of:	New York
County of:	Schenectady
Village of:	———
Town of:	Rotterdam
City of:	Schenectady
School District	Schalmont

[redacted]

5. Citizenship

A. Are you currently a U.S. Citizen? YES ☒ NO ☐

B. If not, do you have the legal right to accept Employment in the United States? YES ☐ NO ☐
Please give alien registration number: _____

C. Are you a retiree from New York State or any civil division thereof? YES ☐ NO ☒

6. Special Testing Arrangements (Refer to General Conditions and Instructions). If you need Special Accommodations to take the examination, contact the Civil Service Office at (518) 388-4233.

Religious ☐ **Military** ☐ **Disability** ☐

7. Crossfiler - If you have filed or are filing SEPARATE applications for Civil Service Examinations being held on the same date, attach the CROSSFILER APPLICATION. Call to make arrangements no later than two weeks before the test date.

8. Driver's License: Complete the following if a license to operate a motor vehicle is required for the position that you are applying.

License #:	[redacted]
Restrictions:	
Expiration Date:	
Endorsements:	
Class of License:	
Is this License Currently Valid	

ALL STATEMENTS ARE SUBJECT TO VERIFICATION

9. Veterans Credits: If you wish to apply for Veterans Credits, complete the following questions and complete the Application for Veterans Credits (Refer to General Conditions and Instructions).

	YES	NO
Have you ever served in the Armed Forces of the United States? *(The Armed Forces means the Army, Navy, Marine Corps, Air Force, and Coast Guard, including all components thereof and the National Guard when in the service of the US pursuant to call as provided by Law on a full-time active duty basis other than active duty for training purposes).*		X
Have you ever used additional credits as a disabled or non-disabled veteran for appointment to any position in the public employment of New York State or any of its civil divisions?		X
Do you have a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs? This disability must have been incurred during a Time of War period listed above.		X
After you were permanently appointed using non-disabled veteran credits, were you subsequently certified as having a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs?		X
Are you currently a resident of New York State?	X	

10. Additional Questions: Check the appropriate box to the right of each question.

	YES	NO
Were you dismissed or discharged from any employment for reasons other than lack of work or funds?		X
Did you ever resign from any employment rather than face dismissal?		X
Did you ever receive a discharge from the Armed Forces of the United States which was other than "Honorable" or which was issued under the other than honorable circumstances?		X
Have you ever been convicted of any crime (felony or misdemeanor)?		X
Are you now under charges for any crime?		X
Have you ever forfeited bail bond posted to guarantee your appearance in court to answer any criminal charge?		X

If you answered yes to any of the above questions, you may give specifics below. If you elect not to provide specifics, or if such explanation is insufficient, you may be required to submit further information. None of the above circumstances represents an automatic bar to employment. Each case is considered and evaluated on individual merits in relation to the position (s) for which you are applying.

REMARKS:_____

11. Licenses: If a license, certificate or other authorization to practice a trade or profession is listed as a requirement on the announcement of the examination (s) for which you are applying.

Name of Trade or Profession:			Specialty:		
License Number:					
Granted by (Licensing Agency):			City/State		
Date License First Issued:		Registered From:		Registered To:	

ALL STATEMENTS ARE SUBJECT TO VERIFICATION

12. Education: If credit is claimed for a partially completed college curriculum or correspondence course, attach a list of courses and credit or semester hours completed. Indicate how many credit hours or courses are required for graduation. If required to indicate specific course work, do so on an attached sheet.

High School		
Have you ever graduated from High School or do you have possession of a High School Equivalency Diploma?	YES ☒	NO ☐
If Yes, Name and Location of High School or Issuing Government Authority:	Schalmont 1 Sabre Drive	
Equivalency Diploma Number:		

College, University, Professional or Technical School

Name of School	Number of College Credits	Degree Earned	Major Subject/ Courses	Did You Graduate? Yes	No
Utica	64	—	Phys Education/ Health		X

[redacted]

13. Experience: All sections must be filled out completely even if you attach a resume. Begin with the most recent employment. List all employment or military service that shows that you meet the minimum qualifications for the examination. Omissions or vagueness will not be interpreted in your favor. Under *Description of Duties*, clearly describe the nature of work which you personally performed. Part-time experience will be prorated unless otherwise stated on the examination announcement. Verified and documented volunteer experience will only be credited when specifically stated on the examination announcement. *If you move to a different position within the same organization, indicate so in a separate employment box.* You may attach additional sheets if you need more space.

Length of Employment	Firm Name:	
From: / Month/Year (mm/yyyy)	Firm Address:	
To: / Month/Year (mm/yyyy)	**Description of Duties:**	
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

Length of Employment	Firm Name:	
From: Month/Year (mm/yyyy)	Firm Address:	
To: Month/Year (mm/yyyy)	**Description of Duties:**	
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

ALL STATEMENTS ARE SUBJECT TO VERIFICATION

Length of Employment	Firm Name:	
From:	Firm Address:	
Month/Year (mm/yyyy) To:	Description of Duties:	
Month/Year (mm/yyyy)		
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

Length of Employment	Firm Name:	
From:	Firm Address:	
Month/Year (mm/yyyy) To:	Description of Duties:	
Month/Year (mm/yyyy)		
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

THIS AFFIRMATION MUST BE COMPLETED

I affirm, subject to the penalties of perjury, that the statements made in this application, including statements made in any accompanying papers, are true. I understand that all statements made by me in connection with this application are subject to investigation and verification and that a material misstatement or fraud may disqualify me from appointment and/or lead to revocation of my appointment. I give the employer the right to investigate all references and to secure additional job related information about me. I hereby release from liability the employer and its representatives for seeking such information and all other persons, corporations or organizations for furnishing such information. If the position I am applying for is covered by the employer's drug testing policy, I understand that as a condition of appointment to this position, I will be required to take and successfully pass a pre-employment drug test.

Nicholas DeLucia — Signature of Applicant

Nicholas DeLucia — Print Name

05/14/2023 — Date

(State below any other name by which you have been known)

Schenectady County is an Equal Opportunity Employer. Schenectady County does not unlawfully discriminate in employment because of age, race, creed, color, national origin, sex, sexual orientation, disability, marital status, arrest and/or criminal conviction record unless based on a bona fide occupational qualification or other exception, genetic predisposition, or domestic violence victim status.

Schenectady County

Human Resources & Civil Service
620 State Street
Schenectady, NY 12305-2114

APPLICATION FOR EXAMINATION OR EMPLOYMENT

FOR COUNTY OFFICES, TOWNS, VILLAGES, SCHOOL DISTRICTS LIBRARIES AND SPECIAL DISTRICTS

Date Received _____ Approved _____

Conditional _____ Disapproved _____

CIVIL SERVICE DEPT. USE ONLY

1. _____ (POSITION TITLE) _____ (EXAM NUMBER)

This application is part of your examination. Answer all questions fully. A resume, if submitted, cannot substitute for the application. You are encouraged to read the General Conditions and Instructions for more information.

2. **Name and Legal Residence**

Grant (Last Name) John (First Name) (Middle Initial)

[redacted] (Street Address or Road) (R.D. # or P.O. Box #)

Schdy (County) Duanesburg (City, Town, Village) NY (State) 12056 (Zip)

Home Phone Number [redacted] Ce[redacted]

Email Address: [redacted]

If mailing address is different:

_____ (Street Address or Road) (R.D. # or P.O. Box #)

_____ (County) (City, Town, Village) (State) (Zip)

Social Security Number [redacted]

3. Police Officer & Firefighter Candidates Only:

Date of Birth (MM/DD/YYYY) ____/____/____

4. **Residency Requirements:** Candidates must meet the Residency Requirements as stated on the examination announcement. You must complete the following to determine if you meet these residency requirements. Indicate how long this has been your legal residence, up to the date of this application, showing that you meet the residency requirements as announced.

	Name
State of:	NY
County of:	Schenectady
Village of:	
Town of:	Duanesburg
City of:	
School District	Duanesburg

[redacted]

5. **Citizenship**

A. Are you currently a U.S. Citizen? YES ☒ NO ☐

B. If not, do you have the legal right to accept Employment in the United States? YES ☐ NO ☐
Please give alien registration number: _____

C. Are you a retiree from New York State or any civil division thereof? YES ☐ NO ☒

6. **Special Testing Arrangements** (Refer to General Conditions and Instructions). If you need Special Accommodations to take the examination, contact the Civil Service Office at (518) 388-4233.

Religious ☐ **Military** ☐ **Disability** ☐

7. **Crossfiler** - If you have filed or are filing SEPARATE applications for Civil Service Examinations being held on the same date, attach the CROSSFILER APPLICATION. Call to make arrangements no later than two weeks before the test date.

8. **Driver's License:** Complete the following if a license to operate a motor vehicle is required for the position that you are applying.

License #:	[redacted]	
Restrictions:		
Expiration Date:		
Endorsements:		
Class of License:		
Is this License Currently Valid		

ALL STATEMENTS ARE SUBJECT TO VERIFICATION

9. Veterans Credits: If you wish to apply for Veterans Credits, complete the following questions and complete the Application for Veterans Credits (Refer to General Conditions and Instructions).

	YES	NO
Have you ever served in the Armed Forces of the United States? *(The Armed Forces means the Army, Navy, Marine Corps, Air Force, and Coast Guard, including all components thereof and the National Guard when in the service of the US pursuant to call as provided by Law on a full-time active duty basis other than active duty for training purposes).*		X
Have you ever used additional credits as a disabled or non-disabled veteran for appointment to any position in the public employment of New York State or any of its civil divisions?		X
Do you have a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs? This disability must have been incurred during a Time of War period listed above.		X
After you were permanently appointed using non-disabled veteran credits, were you subsequently certified as having a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs?		X
Are you currently a resident of New York State?	X	

10. Additional Questions: Check the appropriate box to the right of each question.

	YES	NO
Were you dismissed or discharged from any employment for reasons other than lack of work or funds?		X
Did you ever resign from any employment rather than face dismissal?		X
Did you ever receive a discharge from the Armed Forces of the United States which was other than "Honorable" or which was issued under the other than honorable circumstances?		X
Have you ever been convicted of any crime (felony or misdemeanor)?		X
Are you now under charges for any crime?		X
Have you ever forfeited bail bond posted to guarantee your appearance in court to answer any criminal charge?		X

If you answered yes to any of the above questions, you may give specifics below. If you elect not to provide specifics, or if such explanation is insufficient, you may be required to submit further information. None of the above circumstances represents an automatic bar to employment. Each case is considered and evaluated on individual merits in relation to the position (s) for which you are applying.

REMARKS:_____

11. Licenses: If a license, certificate or other authorization to practice a trade or profession is listed as a requirement on the announcement of the examination (s) for which you are applying.

Name of Trade or Profession:			Specialty:		
License Number:					
Granted by (Licensing Agency):			City/State		
Date License First Issued:		Registered From:		Registered To:	

ALL STATEMENTS ARE SUBJECT TO VERIFICATION

12. Education: If credit is claimed for a partially completed college curriculum or correspondence course, attach a list of courses and credit or semester hours completed. Indicate how many credit hours or courses are required for graduation. If required to indicate specific course work, do so on an attached sheet.

High School		
Have you ever graduated from High School or do you have possession of a High School Equivalency Diploma?	YES ☒	NO ☐
If Yes, Name and Location of High School or Issuing Government Authority:	Duanesburg Central School	
Equivalency Diploma Number:		

College, University, Professional or Technical School

Name of School	Number of College Credits	Degree Earned	Major Subject/ Courses	Did You Graduate? Yes	Did You Graduate? No	Date Degree Expected or Received
College of St Rose	10	NO	Business		X	

13. Experience: All sections must be filled out completely even if you attach a resume. Begin with the most recent employment. List all employment or military service that shows that you meet the minimum qualifications for the examination. Omissions or vagueness will not be interpreted in your favor. Under *Description of Duties*, clearly describe the nature of work which you personally performed. Part-time experience will be prorated unless otherwise stated on the examination announcement. Verified and documented volunteer experience will only be credited when specifically stated on the examination announcement. *If you move to a different position within the same organization, indicate so in a separate employment box.* You may attach additional sheets if you need more space.

Length of Employment	Firm Name:	
From: / Month/Year (mm/yyyy)	Firm Address:	
To: / Month/Year (mm/yyyy)	**Description of Duties:**	
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

Length of Employment	Firm Name:	
From:	Firm Address:	
To: Month/Year (mm/yyyy)	**Description of Duties:**	
Month/Year (mm/yyyy)		
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

ALL STATEMENTS ARE SUBJECT TO VERIFICATION

Length of Employment	Firm Name:	
From:	Firm Address:	
Month/Year (mm/yyyy) To: Month/Year (mm/yyyy)	**Description of Duties:**	
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

Length of Employment	Firm Name:	
From:	Firm Address:	
Month/Year (mm/yyyy) To: Month/Year (mm/yyyy)	**Description of Duties:**	
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

THIS AFFIRMATION MUST BE COMPLETED

I affirm, subject to the penalties of perjury, that the statements made in this application, including statements made in any accompanying papers, are true. I understand that all statements made by me in connection with this application are subject to investigation and verification and that a material misstatement or fraud may disqualify me from appointment and/or lead to revocation of my appointment. I give the employer the right to investigate all references and to secure additional job related information about me. I hereby release from liability the employer and its representatives for seeking such information and all other persons, corporations or organizations for furnishing such information. If the position I am applying for is covered by the employer's drug testing policy, I understand that as a condition of appointment to this position, I will be required to take and successfully pass a pre-employment drug test.

Signature of Applicant

John Grant
Print Name

5/15/23
Date

(State below any other name by which you have been known)

Schenectady County is an Equal Opportunity Employer. Schenectady County does not unlawfully discriminate in employment because of age, race, creed, color, national origin, sex, sexual orientation, disability, marital status, arrest and/or criminal conviction record unless based on a bona fide occupational qualification or other exception, genetic predisposition, or domestic violence victim status.

Schenectady County

Human Resources & Civil Service
620 State Street
Schenectady, NY 12305-2114

APPLICATION FOR EXAMINATION OR EMPLOYMENT

FOR COUNTY OFFICES, TOWNS, VILLAGES, SCHOOL DISTRICTS LIBRARIES AND SPECIAL DISTRICTS

Date Received _____ Approved _____

Conditional _____ Disapproved _____

CIVIL SERVICE DEPT. USE ONLY

1. Seasonal Laborer (POSITION TITLE) _____ (EXAM NUMBER)

This application is part of your examination. Answer all questions fully. A resume, if submitted, cannot substitute for the application. You are encouraged to read the General Conditions and Instructions for more information.

2. **Name and Legal Residence**

Myers (Last Name) Kristopher (First Name) J (Middle Initial)

[redacted] (Street Address or Road) (R.D. # or P.O. Box #)

Schenectady (County) Rotterdam (City, Town, Village) NY (State) 12306 (Zip)

Home Phone Numbe[redacted] Cell Phone: [redacted]

Email Addres[redacted]

If mailing address is different:

_____ (Street Address or Road) (R.D. # or P.O. Box #)

_____ (County) (City, Town, Village) (State) (Zip)

Social Security Number [redacted]

3. Police Officer & Firefighter Candidates Only:

Date of Birth (MM/DD/YYYY) ___/___/___

4. **Residency Requirements:** Candidates must meet the Residency Requirements as stated on the examination announcement. You must complete the following to determine if you meet these residency requirements. Indicate how long this has been your legal residence, up to the date of this application, showing that you meet the residency requirements as announced.

	Name
State of:	New York
County of:	Schenectady
Village of:	
Town of:	Rotterdam
City of:	
School District	Schalmont CSD

5. **Citizenship**

A. Are you currently a U.S. Citizen? YES ☒ NO ☐

B. If not, do you have the legal right to accept Employment in the United States? YES ☐ NO ☐
Please give alien registration number: _____

C. Are you a retiree from New York State or any civil division thereof? YES ☐ NO ☒

6. **Special Testing Arrangements** (Refer to General Conditions and Instructions). If you need Special Accommodations to take the examination, contact the Civil Service Office at (518) 388-4233.

Religious ☐ **Military** ☐ **Disability** ☐

7. **Crossfiler** - If you have filed or are filing SEPARATE applications for Civil Service Examinations being held on the same date, attach the CROSSFILER APPLICATION. Call to make arrangements no later than two weeks before the test date.

8. **Driver's License:** Complete the following if a license to operate a motor vehicle is required for the position that you are applying.

License #:	[redacted]
Restrictions:	
Expiration Date:	
Endorsements:	
Class of License:	
Is this License Currently Valid	

ALL STATEMENTS ARE SUBJECT TO VERIFICATION

9. Veterans Credits: If you wish to apply for Veterans Credits, complete the following questions and complete the Application for Veterans Credits (Refer to General Conditions and Instructions).

	YES	NO
Have you ever served in the Armed Forces of the United States? *(The Armed Forces means the Army, Navy, Marine Corps, Air Force, and Coast Guard, including all components thereof and the National Guard when in the service of the US pursuant to call as provided by Law on a full-time active duty basis other than active duty for training purposes).*		✓
Have you ever used additional credits as a disabled or non-disabled veteran for appointment to any position in the public employment of New York State or any of its civil divisions?		✓
Do you have a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs? This disability must have been incurred during a Time of War period listed above.		✓
After you were permanently appointed using non-disabled veteran credits, were you subsequently certified as having a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs?		✓
Are you currently a resident of New York State?	✓	

10. Additional Questions: Check the appropriate box to the right of each question.

	YES	NO
Were you dismissed or discharged from any employment for reasons other than lack of work or funds?		✓
Did you ever resign from any employment rather than face dismissal?		✓
Did you ever receive a discharge from the Armed Forces of the United States which was other than "Honorable" or which was issued under the other than honorable circumstances?		✓
Have you ever been convicted of any crime (felony or misdemeanor)?		✓
Are you now under charges for any crime?		✓
Have you ever forfeited bail bond posted to guarantee your appearance in court to answer any criminal charge?		✓

If you answered yes to any of the above questions, you may give specifics below. If you elect not to provide specifics, or if such explanation is insufficient, you may be required to submit further information. None of the above circumstances represents an automatic bar to employment. Each case is considered and evaluated on individual merits in relation to the position (s) for which you are applying.

REMARKS:_____

11. Licenses: If a license, certificate or other authorization to practice a trade or profession is listed as a requirement on the announcement of the examination (s) for which you are applying.

Name of Trade or Profession:			Specialty:		
License Number:					
Granted by (Licensing Agency):			City/State		
Date License First Issued:		Registered From:		Registered To:	

ALL STATEMENTS ARE SUBJECT TO VERIFICATION

12. Education: If credit is claimed for a partially completed college curriculum or correspondence course, attach a list of courses and credit or semester hours completed. Indicate how many credit hours or courses are required for graduation. If required to indicate specific course work, do so on an attached sheet.

High School		
Have you ever graduated from High School or do you have possession of a High School Equivalency Diploma?	YES ☒	NO ☐
If Yes, Name and Location of High School or Issuing Government Authority:	Schalmont CSD, Rotterdam, NY	
Equivalency Diploma Number:		

College, University, Professional or Technical School

Name of School	Number of College Credits	Degree Earned	Major Subject/ Courses	Did You Graduate? Yes	Did You Graduate? No	Date Degree Expected or Received

13. Experience: All sections must be filled out completely even if you attach a resume. Begin with the most recent employment. List all employment or military service that shows that you meet the minimum qualifications for the examination. Omissions or vagueness will not be interpreted in your favor. Under *Description of Duties*, clearly describe the nature of work which you personally performed. Part-time experience will be prorated unless otherwise stated on the examination announcement. Verified and documented volunteer experience will only be credited when specifically stated on the examination announcement. *If you move to a different position within the same organization, indicate so in a separate employment box.* You may attach additional sheets if you need more space.

Length of Employment	
From:	[redacted]
To:	[redacted]
Month/Year (mm/yyyy)	
Employment Details	
Your Exact Title	Line cook
Name of Your Supervisor	Ryan
Supervisor's Title	
Hours worked / wk. (exclusive of overtime)	15-25
Reason for Leaving	N/A,

Firm Name:	Dairy circus
Firm Address:	178 saccandaga Rd
Description of Duties:	

Length of Employment	
From:	[redacted]
To:	[redacted]
Employment Details	
Your Exact Title	Pizza cook
Name of Your Supervisor	Don Masick
Supervisor's Title	owner
Hours worked / wk. (exclusive of overtime)	10-15
Reason for Leaving	

Firm Name:	Roman pizzeria and Deli
Firm Address:	1222 duanesburg Rd.
Description of Duties:	
Make and cook pizzas.	

ALL STATEMENTS ARE SUBJECT TO VERIFICATION

Length of Employment	Firm Name:	River Road House
From: [redacted]	Firm Address:	989 River Rd
To:	Description of Duties:	Wash dishes Stock pizza kits and sauces
Employment Details		
Your Exact Title: dishwasher		
Name of Your Supervisor: Peter		
Supervisor's Title: manager		
Hours worked / wk. (exclusive of overtime): 15-20		
Reason for Leaving: Promoted		

Length of Employment	Firm Name:	River Road House
From: [redacted]	Firm Address:	989 River Rd
To:	Description of Duties:	
Employment Details		
Your Exact Title: Line cook		
Name of Your Supervisor: William Tuck		
Supervisor's Title: manager		
Hours worked / wk. (exclusive of overtime): 20-25		
Reason for Leaving: Lack of work		

THIS AFFIRMATION MUST BE COMPLETED

I affirm, subject to the penalties of perjury, that the statements made in this application, including statements made in any accompanying papers, are true. I understand that all statements made by me in connection with this application are subject to investigation and verification and that a material misstatement or fraud may disqualify me from appointment and/or lead to revocation of my appointment. I give the employer the right to investigate all references and to secure additional job related information about me. I hereby release from liability the employer and its representatives for seeking such information and all other persons, corporations or organizations for furnishing such information. If the position I am applying for is covered by the employer's drug testing policy, I understand that as a condition of appointment to this position, I will be required to take and successfully pass a pre-employment drug test.

KJMyers — Signature of Applicant

Kristopher J. Myers — Print Name

5/19/2023 — Date

(State below any other name by which you have been known)

ALL STATEMENTS ARE SUBJECT TO VERIFICATION

Schenectady County is an Equal Opportunity Employer. Schenectady County does not unlawfully discriminate in employment because of age, race, creed, color, national origin, sex, sexual orientation, disability, marital status, arrest and/or criminal conviction record unless based on a bona fide occupational qualification or other exception, genetic predisposition, or domestic violence victim status.

Schenectady County

Human Resources & Civil Service
620 State Street
Schenectady, NY 12305-2114

APPLICATION FOR EXAMINATION OR EMPLOYMENT

FOR COUNTY OFFICES, TOWNS, VILLAGES, SCHOOL DISTRICTS LIBRARIES AND SPECIAL DISTRICTS

Date Received _____ Approved _____

Conditional _____ Disapproved _____

CIVIL SERVICE DEPT. USE ONLY

1. _____ (POSITION TITLE) _____ (EXAM NUMBER)

This application is part of your examination. Answer all questions fully. A resume, if submitted, cannot substitute for the application. You are encouraged to read the General Conditions and Instructions for more information.

2. Name and Legal Residence

Last Name	First Name	Middle Initial
Hawkins	Jared	A

[redacted]

Street Address or Road | R.D. # or P.O. Box #

County	City, Town, Village	State	Zip
Schenectady	Schenectady	NY	12303

Home Phone Number _____ Cell Phon[redacted]

Email Address [redacted]

If mailing address is different:

Street Address or Road | R.D. # or P.O. Box #

County | City, Town, Village | State | Zip

Social Security Number _____ - _____ - _____

3. Police Officer & Firefighter Candidates Only:

Date of Birth (MM/DD/YYYY) ____/____/_____

4. Residency Requirements: Candidates must meet the Residency Requirements as stated on the examination announcement. You must complete the following to determine if you meet these residency requirements. Indicate how long this has been your legal residence, up to the date of this application, showing that you meet the residency requirements as announced.

	Name
State of:	New York
County of:	Schenectady
Village of:	
Town of:	Rotterdam
City of:	Schenectady
School District	Mohonasen

[redacted]

5. Citizenship

A. Are you currently a U.S. Citizen? YES [X] NO [ ]

B. If not, do you have the legal right to accept Employment in the United States? YES [ ] NO [ ]
Please give alien registration number: _____

C. Are you a retiree from New York State or any civil division thereof? YES [ ] NO [ ]

6. Special Testing Arrangements (Refer to General Conditions and Instructions). If you need Special Accommodations to take the examination, contact the Civil Service Office at (518) 388-4233.

Religious [ ] Military [ ] Disability [ ]

7. Crossfiler - If you have filed or are filing SEPARATE applications for Civil Service Examinations being held on the same date, attach the CROSSFILER APPLICATION. Call to make arrangements no later than two weeks before the test date.

8. Driver's License: Complete the following if a license to operate a motor vehicle is required for the position that you are applying.

License #:	[redacted]
Restrictions:	
Expiration Date:	
Endorsements:	
Class of License:	
Is this License Currently Valid	

9. **Veterans Credits:** If you wish to apply for Veterans Credits, complete the following questions and complete the Application for Veterans Credits (Refer to General Conditions and Instructions).

	YES	NO
Have you ever served in the Armed Forces of the United States? *(The Armed Forces means the Army, Navy, Marine Corps, Air Force, and Coast Guard, including all components thereof and the National Guard when in the service of the US pursuant to call as provided by Law on a full-time active duty basis other than active duty for training purposes).*		
Did you serve in the Armed Forces during any of the following periods:		
February 28, 1961 – May 7, 1975		
August 2, 1990 – end of hostilities		
*Lebanon: June 1, 1983 – December 1, 1987		
*Granada: October 23, 1983 – November 21, 1983		
*Panama: December 20, 1989 – January 31, 1990		
**Credit for Lebanon, Grenada and Panama is limited to those who received the Armed Forces Expeditionary Medal, the Navy Expeditionary Medal, or the Marine Corps Expeditionary Medal.*		
Have you ever used additional credits as a disabled or non-disabled veteran for appointment to any position in the public employment of New York State or any of its civil divisions?		
Do you have a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs? This disability must have been incurred during a Time of War period listed above.		
After you were permanently appointed using non-disabled veteran credits, were you subsequently certified as having a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs?		
Are you currently a resident of New York State?		

10. **Additional Questions:** Check the appropriate box to the right of each question.

	YES	NO
Were you dismissed or discharged from any employment for reasons other than lack of work or funds?		X
Did you ever resign from any employment rather than face dismissal?		X
Did you ever receive a discharge from the Armed Forces of the United States which was other than "Honorable" or which was issued under the other than honorable circumstances?		X
Have you ever been convicted of any crime (felony or misdemeanor)?		X
Are you now under charges for any crime?		X
Have you ever forfeited bail bond posted to guarantee your appearance in court to answer any criminal charge?		X

If you answered yes to any of the above questions, you may give specifics below. If you elect not to provide specifics, or if such explanation is insufficient, you may be required to submit further information. None of the above circumstances represents an automatic bar to employment. Each case is considered and evaluated on individual merits in relation to the position (s) for which you are applying.

REMARKS:_____

11. **Licenses:** If a license, certificate or other authorization to practice a trade or profession is listed as a requirement on the announcement of the examination (s) for which you are applying.

Name of Trade or Profession:			Specialty:		
License Number:					
Granted by (Licensing Agency):			City/State		
Date License First Issued:		Registered From:		Registered To:	

12. Education: If credit is claimed for a partially completed college curriculum or correspondence course, attach a list of courses and credit or semester hours completed. Indicate how many credit hours or courses are required for graduation. If required to indicate specific course work, do so on an attached sheet.

High School		
Have you ever graduated from High School or do you have possession of a High School Equivalency Diploma?	YES [X]	NO [ ]
If Yes, Name and Location of High School or Issuing Government Authority:	Mohonasen Senior High School Rotterdam,Ny	
Equivalency Diploma Number:		

College, University, Professional or Technical School

Name of School	Number of College Credits	Degree Earned	Major Subject/ Courses	Did You Graduate? Yes	Did You Graduate? No	Date Degree Expected or Received
Hartwick College			Sociology		X	[redacted]

13. Experience: All sections must be filled out completely even if you attach a resume. Begin with the most recent employment. List all employment or military service that shows that you meet the minimum qualifications for the examination. Omissions or vagueness will not be interpreted in your favor. Under *Description of Duties*, clearly describe the nature of work which you personally performed. Part-time experience will be prorated unless otherwise stated on the examination announcement. Verified and documented volunteer experience will only be credited when specifically stated on the examination announcement. *If you move to a different position within the same organization, indicate so in a separate employment box.* You may attach additional sheets if you need more space.

Length of Employment	Firm Name:	The Waters Edge Lighthouse
From: [redacted]	Firm Address:	2 Freemans Bridge Rd, Glenville, NY 12302
To:	Description of Duties:	Wash dishes and take out trash
Employment Details		
Your Exact Title: Dishwasher		
Name of Your Supervisor: Nate		
Supervisor's Title: Chef		
Hours worked / wk. (exclusive of overtime): 30		
Reason for Leaving: School		

Length of Employment	Firm Name:	
From: Month/Year (mm/yyyy)	Firm Address:	
To: Month/Year (mm/yyyy)	Description of Duties:	
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

Length of Employment	Firm Name:	
From:	Firm Address:	
Month/Year (mm/yyyy) To:	Description of Duties:	
Month/Year (mm/yyyy) **Employment Details**		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

Length of Employment	Firm Name:	
From:	Firm Address:	
Month/Year (mm/yyyy) To:	Description of Duties:	
Month/Year (mm/yyyy) **Employment Details**		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

THIS AFFIRMATION MUST BE COMPLETED

I affirm, subject to the penalties of perjury, that the statements made in this application, including statements made in any accompanying papers, are true. I understand that all statements made by me in connection with this application are subject to investigation and verification and that a material misstatement or fraud may disqualify me from appointment and/or lead to revocation of my appointment. I give the employer the right to investigate all references and to secure additional job related information about me. I hereby release from liability the employer and its representatives for seeking such information and all other persons, corporations or organizations for furnishing such information. If the position I am applying for is covered by the employer's drug testing policy, I understand that as a condition of appointment to this position, I will be required to take and successfully pass a pre-employment drug test.

Signature of Applicant

Jared Hawkins
Print Name

5/16/2023
Date

(State below any other name by which you have been known)

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Schenectady County

Human Resources & Civil Service
620 State Street
Schenectady, NY 12305-2114

APPLICATION FOR EXAMINATION OR EMPLOYMENT

FOR COUNTY OFFICES, TOWNS, VILLAGES, SCHOOL DISTRICTS LIBRARIES AND SPECIAL DISTRICTS

1. Seasonal labor (POSITION TITLE) _____ (EXAM NUMBER)

Date Received _____ Approved _____

Conditional _____ Disapproved _____

CIVIL SERVICE DEPT. USE ONLY

This application is part of your examination. Answer all questions fully. A resume, if submitted, cannot substitute for the application. You are encouraged to read the General Conditions and Instructions for more information.

2. **Name and Legal Residence**

Reedy (Last Name) Patrick (First Name) TM (Middle Initial)

[redacted] (Street Address or Road) (R.D. # or P.O. Box #)

Schenectady (County) Rotterdam (City, Town, Village) NY (State) 12306 (Zip)

Home Phone Number [redacted]

Email Address [redacted]

If mailing address is different:

Street Address or Road R.D. # or P.O. Box #

County City, Town, Village State Zip

Social Security Number [redacted]

3. Police Officer & Firefighter Candidates Only:

Date of Birth (MM/DD/YYYY) ____/____/____

4. **Residency Requirements:** Candidates must meet the Residency Requirements as stated on the examination announcement. You must complete the following to determine if you meet these residency requirements. Indicate how long this has been your legal residence, up to the date of this application, showing that you meet the residency requirements as announced.

	Name	Months
State of:	New York	
County of:	Schenectady	
Village of:		
Town of:	Rotterdam	
City of:		
School District	Mohonasen	

5. **Citizenship**

A. Are you currently a U.S. Citizen? YES ☑ NO ☐

B. If not, do you have the legal right to accept Employment in the United States? YES ☐ NO ☐
Please give alien registration number: _____

C. Are you a retiree from New York State or any civil division thereof? YES ☐ NO ☑

6. **Special Testing Arrangements** (Refer to General Conditions and Instructions). If you need Special Accommodations to take the examination, contact the Civil Service Office at (518) 388-4233.

Religious ☐ **Military** ☐ **Disability** ☐

7. **Crossfiler** - If you have filed or are filing SEPARATE applications for Civil Service Examinations being held on the same date, attach the CROSSFILER APPLICATION. Call to make arrangements no later than two weeks before the test date.

8. **Driver's License:** Complete the following if a license to operate a motor vehicle is required for the position that you are applying.

License #:	[redacted]
Restrictions:	
Expiration Date:	
Endorsements:	
Class of License:	
Is this License Currently Valid	

ALL STATEMENTS ARE SUBJECT TO VERIFICATION

9. Veterans Credits: If you wish to apply for Veterans Credits, complete the following questions and complete the Application for Veterans Credits (Refer to General Conditions and Instructions).

	YES	NO
Have you ever served in the Armed Forces of the United States? *(The Armed Forces means the Army, Navy, Marine Corps, Air Force, and Coast Guard, including all components thereof and the National Guard when in the service of the US pursuant to call as provided by Law on a full-time active duty basis other than active duty for training purposes).*		X
Have you ever used additional credits as a disabled or non-disabled veteran for appointment to any position in the public employment of New York State or any of its civil divisions?		
Do you have a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs? This disability must have been incurred during a Time of War period listed above.		
After you were permanently appointed using non-disabled veteran credits, were you subsequently certified as having a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs?		
Are you currently a resident of New York State?		

10. Additional Questions: Check the appropriate box to the right of each question.

	YES	NO
Were you dismissed or discharged from any employment for reasons other than lack of work or funds?		✓
Did you ever resign from any employment rather than face dismissal?		✓
Did you ever receive a discharge from the Armed Forces of the United States which was other than "Honorable" or which was issued under the other than honorable circumstances?		✓
Have you ever been convicted of any crime (felony or misdemeanor)?		✓
Are you now under charges for any crime?		✓
Have you ever forfeited bail bond posted to guarantee your appearance in court to answer any criminal charge?		✓

If you answered yes to any of the above questions, you may give specifics below. If you elect not to provide specifics, or if such explanation is insufficient, you may be required to submit further information. None of the above circumstances represents an automatic bar to employment. Each case is considered and evaluated on individual merits in relation to the position (s) for which you are applying.

REMARKS:_____

_____

_____

_____

11. Licenses: If a license, certificate or other authorization to practice a trade or profession is listed as a requirement on the announcement of the examination (s) for which you are applying.

Name of Trade or Profession:			Specialty:		
License Number:					
Granted by (Licensing Agency):			City/State		
Date License First Issued:		Registered From:		Registered To:	

ALL STATEMENTS ARE SUBJECT TO VERIFICATION

12. Education: If credit is claimed for a partially completed college curriculum or correspondence course, attach a list of courses and credit or semester hours completed. Indicate how many credit hours or courses are required for graduation. If required to indicate specific course work, do so on an attached sheet.

High School		
Have you ever graduated from High School or do you have possession of a High School Equivalency Diploma?	YES ☑	NO ☐
If Yes, Name and Location of High School or Issuing Government Authority:	Mohonasen High School	
Equivalency Diploma Number:		

College, University, Professional or Technical School

Name of School	Number of College Credits	Degree Earned	Major Subject/ Courses	Did You Graduate? Yes	Did You Graduate? No	Date Degree Expected or Received

13. Experience: All sections must be filled out completely even if you attach a resume. Begin with the most recent employment. List all employment or military service that shows that you meet the minimum qualifications for the examination. Omissions or vagueness will not be interpreted in your favor. Under *Description of Duties,* clearly describe the nature of work which you personally performed. Part-time experience will be prorated unless otherwise stated on the examination announcement. Verified and documented volunteer experience will only be credited when specifically stated on the examination announcement. *If you move to a different position within the same organization, indicate so in a separate employment box.* You may attach additional sheets if you need more space.

Length of Employment	Firm Name: Price chopper
From: [redacted]	Firm Address: Curr road
To:	**Description of Duties:** Cashier, reshops, cust assistance
Employment Details	
Your Exact Title: Front end/cashier	
Name of Your Supervisor: Taylor	
Supervisor's Title:	
Hours worked / wk. (exclusive of overtime): 20	
Reason for Leaving: Sports	

Length of Employment	Firm Name: Downtown Custom Printwear
From: [redacted]	Firm Address: 1335 a/b Street
To: Month/Year (mm/yyyy)	**Description of Duties:** Printer, tester, orders, clean screens.
Employment Details	
Your Exact Title: warehouse	
Name of Your Supervisor: Ben	
Supervisor's Title: Owner	
Hours worked / wk. (exclusive of overtime): 45	
Reason for Leaving: School	

Length of Employment	Firm Name:	Lowes
From: [redacted]	Firm Address:	422 Baltimore Road
To:	Description of Duties:	unload trucks, move boxes, re shop, restock
Employment Details		
Your Exact Title: warehouse		
Name of Your Supervisor: Adam		
Supervisor's Title: Manager		
Hours worked / wk. (exclusive of overtime): 25-30		
Reason for Leaving		

Length of Employment	Firm Name:	
From: Month/Year (mm/yyyy)	Firm Address:	
To: Month/Year (mm/yyyy)	Description of Duties:	
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

THIS AFFIRMATION MUST BE COMPLETED

I affirm, subject to the penalties of perjury, that the statements made in this application, including statements made in any accompanying papers, are true. I understand that all statements made by me in connection with this application are subject to investigation and verification and that a material misstatement or fraud may disqualify me from appointment and/or lead to revocation of my appointment. I give the employer the right to investigate all references and to secure additional job related information about me. I hereby release from liability the employer and its representatives for seeking such information and all other persons, corporations or organizations for furnishing such information. If the position I am applying for is covered by the employer's drug testing policy, I understand that as a condition of appointment to this position, I will be required to take and successfully pass a pre-employment drug test.

Patrick Reedy — Signature of Applicant

Patrick Reedy — Print Name

5/16/23 — Date

(State below any other name by which you have been known)

RESOLUTION NO. 182.23

TO APPOINT SEASONAL PARK ATTENDANTS TO THE PARKS DEPARTMENT

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The following individuals are hereby appointed to the seasonal position of Park Attendent in the Parks Department on an as needed basis, with no employee benefits, at the hourly rate of $17.00 for the periods indicated.

Name	Title	Period
Cole Contompasis	Park Attendent	5/30/23-8/18/23
Ethan Coom	Park Attendent	5/30/23-8/21/23
Michael Romano	Park Attendent	5/30/23-8/25/23
Gabriel Romano	Park Attendent	5/30/23-8/18/23

SECTION 2. These appointments are contingent upon completion of a DCJS background check and compliance with New York State Correction Law Article 23-A.

SECTION 3. The Town Board of the Town of Rotterdam hereby agrees to reimburse the costs incurred from the DCJS background check for the individuals referenced above upon approval of the Coordinator of Parks and Senior Programs at the completion of employment.

SECTION 4. This resolution shall become effective May 24, 2023.

DATED: May 24, 2023

NAME	AYES	NOES	ABSTAIN
Christou			
Miller-Herrera			
Dodson			
Mastroianni			
Collins			

TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org

LEGISLATIVE REQUEST FORM

DATE:	May 17, 2023
TO:	Mollie Collins, Town Supervisor
FROM:	Morgan Coryer, Coordinator of Parks and Senior Programs
TITLE OF REQUEST:	To appoint summer seasonal park attendants to the Parks Department.
TOWN BOARD MEETING:	May 24, 2023
Background Information:	Parks dept. to employ students during the summer season to assist the parks department crews.
Evaluation/Analysis:	See attached employment applications.
Recommendation(s):	To appoint four summer employees; *Cole Contompasis: 5/30/23-8/18/23* *Ethan Coom: 5/30/23-8/21/23* *Michael Romano: 5/30/23-8/25/23* *Gabriel Romano: 5/30/23-8/18/23* providing the completion of a DCJS Background check in the amount of $88.50, and that upon completion of summer help, employees will be refunded $88.50 upon approval of the Coordinator of Parks and Senior Programs.
Attachment/Document(s):	Employment Applications
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	None

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

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Schenectady County

Human Resources & Civil Service
620 State Street
Schenectady, NY 12305-2114

APPLICATION FOR EXAMINATION OR EMPLOYMENT

FOR COUNTY OFFICES, TOWNS, VILLAGES, SCHOOL DISTRICTS LIBRARIES AND SPECIAL DISTRICTS

Date Received _____ Approved _____

Conditional _____ Disapproved _____

CIVIL SERVICE DEPT. USE ONLY

1. _____ (POSITION TITLE) _____ (EXAM NUMBER)

This application is part of your examination. Answer all questions fully. A resume, if submitted, cannot substitute for the application. You are encouraged to read the General Conditions and Instructions for more information.

2. Name and Legal Residence

Contompasis (Last Name) Cole (First Name) Phillip (Middle Initial)

[redacted] (Street Address or Road) R.D. # or P.O. Box #

Schenectady (County) Rotterdam (City, Town, Village) Ny (State) 12306 (Zip)

Home Phone Numbe [redacted] Cell Phone: [redacted]

Email Address: [redacted]

If mailing address is different:

Street Address or Road R.D. # or P.O. Box #

County City, Town, Village State Zip

Social Security Number [redacted]

3. Police Officer & Firefighter Candidates Only:

Date of Birth (MM/DD/YYYY) ____/____/_____

4. Residency Requirements: Candidates must meet the Residency Requirements as stated on the examination announcement. You must complete the following to determine if you meet these residency requirements. Indicate how long this has been your legal residence, up to the date of this application, showing that you meet the residency requirements as announced.

	Name
State of:	New York
County of:	Schenectady
Village of:	
Town of:	Rotterdam
City of:	
School District	Schalmont

5. Citizenship

A. Are you currently a U.S. Citizen? YES [✓] NO [ ]

B. If not, do you have the legal right to accept Employment in the United States? YES [ ] NO [ ]
Please give alien registration number: _____

C. Are you a retiree from New York State or any civil division thereof? YES [ ] NO [✓]

6. Special Testing Arrangements (Refer to General Conditions and Instructions). If you need Special Accommodations to take the examination, contact the Civil Service Office at (518) 388-4233.

Religious [ ] **Military** [ ] **Disability** [ ]

7. Crossfiler - If you have filed or are filing SEPARATE applications for Civil Service Examinations being held on the same date, attach the CROSSFILER APPLICATION. Call to make arrangements no later than two weeks before the test date.

8. Driver's License: Complete the following if a license to operate a motor vehicle is required for the position that you are applying.

License #:	
Restrictions:	
Expiration Date:	
Endorsements:	
Class of License:	
Is this License Currently Valid	YES [ ] NO [ ]

ALL STATEMENTS ARE SUBJECT TO VERIFICATION

9. Veterans Credits: If you wish to apply for Veterans Credits, complete the following questions and complete the Application for Veterans Credits (Refer to General Conditions and Instructions).

	YES	NO
Have you ever served in the Armed Forces of the United States? *(The Armed Forces means the Army, Navy, Marine Corps, Air Force, and Coast Guard, including all components thereof and the National Guard when in the service of the US pursuant to call as provided by Law on a full-time active duty basis other than active duty for training purposes).*		X
Have you ever used additional credits as a disabled or non-disabled veteran for appointment to any position in the public employment of New York State or any of its civil divisions?		X
Do you have a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs? This disability must have been incurred during a Time of War period listed above.		X
After you were permanently appointed using non-disabled veteran credits, were you subsequently certified as having a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs?	N/A	X
Are you currently a resident of New York State?	X	

10. Additional Questions: Check the appropriate box to the right of each question.

	YES	NO
Were you dismissed or discharged from any employment for reasons other than lack of work or funds?		X
Did you ever resign from any employment rather than face dismissal?	X	
Did you ever receive a discharge from the Armed Forces of the United States which was other than "Honorable" or which was issued under the other than honorable circumstances?		X
Have you ever been convicted of any crime (felony or misdemeanor)?,		X
Are you now under charges for any crime?		X
Have you ever forfeited bail bond posted to guarantee your appearance in court to answer any criminal charge?		X

If you answered yes to any of the above questions, you may give specifics below. If you elect not to provide specifics, or if such explanation is insufficient, you may be required to submit further information. None of the above circumstances represents an automatic bar to employment. Each case is considered and evaluated on individual merits in relation to the position (s) for which you are applying.

REMARKS: Resigned from school job to focus on end of year tests

11. Licenses: If a license, certificate or other authorization to practice a trade or profession is listed as a requirement on the announcement of the examination (s) for which you are applying.

Name of Trade or Profession:			Specialty:		
License Number:					
Granted by (Licensing Agency):			City/State		
Date License First Issued:		Registered From:		Registered To:	

12. Education: If credit is claimed for a partially completed college curriculum or correspondence course, attach a list of courses and credit or semester hours completed. Indicate how many credit hours or courses are required for graduation. If required to indicate specific course work, do so on an attached sheet.

High School		
Have you ever graduated from High School or do you have possession of a High School Equivalency Diploma?	YES ☑	NO ☐
If Yes, Name and Location of High School or Issuing Government Authority:	Schalmont, 2 Sabie Dr Schenectady NY	
Equivalency Diploma Number:		

College, University, Professional or Technical School

Name of School	Number of College Credits	Degree Earned	Major Subject/ Courses	Did You Graduate? Yes	Did You Graduate? No	Date Degree Expected or Received
Rochstr Institute of Technology	34	Bachlor	Comptr Engineering		X	[redacted]

13. Experience: All sections must be filled out completely even if you attach a resume. Begin with the most recent employment. List all employment or military service that shows that you meet the minimum qualifications for the examination. Omissions or vagueness will not be interpreted in your favor. Under *Description of Duties*, clearly describe the nature of work which you personally performed. Part-time experience will be prorated unless otherwise stated on the examination announcement. Verified and documented volunteer experience will only be credited when specifically stated on the examination announcement. *If you move to a different position within the same organization, indicate so in a separate employment box.* You may attach additional sheets if you need more space.

Length of Employment	Firm Name:	Rochstr Institute of Technology
From: [redacted]	Firm Address:	1 lomb Memorial Dr, Rochstr, NY 14623
To:	**Description of Duties:**	- Worked for RIT Dining as Mostly a cashier - Took payment and checked people out, answering questions about products
Employment Details		
Your Exact Title: Dining		
Name of Your Supervisor: Thomas Bailey		
Supervisor's Title: Dining Manager		
Hours worked / wk. (exclusive of overtime): 15		
Reason for Leaving: left due to final exams/ School ending		

Length of Employment	Firm Name:	
From:	Firm Address:	
Month/Year (mm/yyyy) To: Month/Year (mm/yyyy)	**Description of Duties:**	
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

ALL STATEMENTS ARE SUBJECT TO VERIFICATION

Length of Employment	Firm Name:	
From:	Firm Address:	
Month/Year (mm/yyyy) To: Month/Year (mm/yyyy)	**Description of Duties:**	
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

Length of Employment	Firm Name:	
From:	Firm Address:	
Month/Year (mm/yyyy) To: Month/Year (mm/yyyy)	**Description of Duties:**	
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

THIS AFFIRMATION MUST BE COMPLETED

I affirm, subject to the penalties of perjury, that the statements made in this application, including statements made in any accompanying papers, are true. I understand that all statements made by me in connection with this application are subject to investigation and verification and that a material misstatement or fraud may disqualify me from appointment and/or lead to revocation of my appointment. I give the employer the right to investigate all references and to secure additional job related information about me. I hereby release from liability the employer and its representatives for seeking such information and all other persons, corporations or organizations for furnishing such information. If the position I am applying for is covered by the employer's drug testing policy, I understand that as a condition of appointment to this position, I will be required to take and successfully pass a pre-employment drug test.

Signature of Applicant	Print Name	Date
	Jose Contompasis	5/16/2022

(State below any other name by which you have been known)

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Schenectady County

Human Resources & Civil Service
620 State Street
Schenectady, NY 12305-2114

APPLICATION FOR EXAMINATION OR EMPLOYMENT

FOR COUNTY OFFICES, TOWNS, VILLAGES, SCHOOL DISTRICTS LIBRARIES AND SPECIAL DISTRICTS

Date Received _____ Approved _____

Conditional _____ Disapproved _____

CIVIL SERVICE DEPT. USE ONLY

1. _____ (POSITION TITLE) _____ (EXAM NUMBER)

This application is part of your examination. Answer all questions fully. A resume, if submitted, cannot substitute for the application. You are encouraged to read the General Conditions and Instructions for more information.

2. Name and Legal Residence

Coom (Last Name) Ethan (First Name) M (Middle Initial)

[redacted] (Street Address or Road) (R.D. # or P.O. Box #)

Schenectady (County) Rotterdam (City, Town, Village) NY (State) 12306 (Zip)

Home Phone Numbe[redacted] Cell Phone[redacted]

Email Address:[redacted]

If mailing address is different:

Street Address or Road R.D. # or P.O. Box #

County City, Town, Village State Zip

Social Security Number [redacted]

3. Police Officer & Firefighter Candidates Only:

Date of Birth (MM/DD/YYYY) ____/____/_____

4. Residency Requirements: Candidates must meet the Residency Requirements as stated on the examination announcement. You must complete the following to determine if you meet these residency requirements. Indicate how long this has been your legal residence, up to the date of this application, showing that you meet the residency requirements as announced.

	Name
State of:	New York
County of:	
Village of:	
Town of:	Rotterdam
City of:	Schenectady
School District	[redacted]

5.Citizenship

A. Are you currently a U.S. Citizen? YES ☑ NO ☐

B. If not, do you have the legal right to accept Employment in the United States? YES ☐ NO ☐
Please give alien registration number:
_____

C. Are you a retiree from New York State or any civil division thereof? YES ☐ NO ☐

6. Special Testing Arrangements (Refer to General Conditions and Instructions). If you need Special Accommodations to take the examination, contact the Civil Service Office at (518) 388-4233.

Religious ☐ **Military** ☐ **Disability** ☐

7. Crossfiler - If you have filed or are filing SEPARATE applications for Civil Service Examinations being held on the same date, attach the CROSSFILER APPLICATION. Call to make arrangements no later than two weeks before the test date.

8. Driver's License: Complete the following if a license to operate a motor vehicle is required for the position that you are applying.

License #:	[redacted]
Restrictions:	
Expiration Date:	
Endorsements:	
Class of License:	
Is this License Currently Valid	

9. Veterans Credits: If you wish to apply for Veterans Credits, complete the following questions and complete the Application for Veterans Credits (Refer to General Conditions and Instructions).

	YES	NO
Have you ever served in the Armed Forces of the United States? *(The Armed Forces means the Army, Navy, Marine Corps, Air Force, and Coast Guard, including all components thereof and the National Guard when in the service of the US pursuant to call as provided by Law on a full-time active duty basis other than active duty for training purposes).*		✓
Have you ever used additional credits as a disabled or non-disabled veteran for appointment to any position in the public employment of New York State or any of its civil divisions?		✓
Do you have a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs? This disability must have been incurred during a Time of War period listed above.		✓
After you were permanently appointed using non-disabled veteran credits, were you subsequently certified as having a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs?		✓
Are you currently a resident of New York State?	✓	

10. Additional Questions: Check the appropriate box to the right of each question.

	YES	NO
Were you dismissed or discharged from any employment for reasons other than lack of work or funds?		✓
Did you ever resign from any employment rather than face dismissal?		✓
Did you ever receive a discharge from the Armed Forces of the United States which was other than "Honorable" or which was issued under the other than honorable circumstances?		✓
Have you ever been convicted of any crime (felony or misdemeanor)?		✓
Are you now under charges for any crime?		✓
Have you ever forfeited bail bond posted to guarantee your appearance in court to answer any criminal charge?		✓

If you answered yes to any of the above questions, you may give specifics below. If you elect not to provide specifics, or if such explanation is insufficient, you may be required to submit further information. None of the above circumstances represents an automatic bar to employment. Each case is considered and evaluated on individual merits in relation to the position (s) for which you are applying.

REMARKS:_____

11. Licenses: If a license, certificate or other authorization to practice a trade or profession is listed as a requirement on the announcement of the examination (s) for which you are applying.

Name of Trade or Profession:			Specialty:		
License Number:					
Granted by (Licensing Agency):			City/State		
Date License First Issued:		Registered From:		Registered To:	

12. Education: If credit is claimed for a partially completed college curriculum or correspondence course, attach a list of courses and credit or semester hours completed. Indicate how many credit hours or courses are required for graduation. If required to indicate specific course work, do so on an attached sheet.

High School		
Have you ever graduated from High School or do you have possession of a High School Equivalency Diploma?	YES ☑	NO ☐
If Yes, Name and Location of High School or Issuing Government Authority:	Schalmont High School	
Equivalency Diploma Number:	?	

College, University, Professional or Technical School

Name of School	Number of College Credits	Degree Earned	Major Subject/ Courses	Did You Graduate? Yes	Did You Graduate? No	Date Degree Expected or Received
Rochester Institute Tech.	?	?	Exercise Science		✓	[redacted]

13. Experience: All sections must be filled out completely even if you attach a resume. Begin with the most recent employment. List all employment or military service that shows that you meet the minimum qualifications for the examination. Omissions or vagueness will not be interpreted in your favor. Under *Description of Duties*, clearly describe the nature of work which you personally performed. Part-time experience will be prorated unless otherwise stated on the examination announcement. Verified and documented volunteer experience will only be credited when specifically stated on the examination announcement. *If you move to a different position within the same organization, indicate so in a separate employment box.* You may attach additional sheets if you need more space.

Length of Employment	
From:	[redacted]
To:	[redacted]
Month/Year (mm/yyyy)	
Employment Details	
Your Exact Title	Delivery Driver
Name of Your Supervisor	Sharlene Masick
Supervisor's Title	Owner
Hours worked / wk. (exclusive of overtime)	Varied
Reason for Leaving	School

Firm Name:	Romans Pizzaria & Deli
Firm Address:	1222 Duanesburg RD
Description of Duties:	-Delivered orders -Cleaned -Did dishes

Length of Employment	
From:	
To:	
Month/Year (mm/yyyy)	
Month/Year (mm/yyyy)	
Employment Details	
Your Exact Title	
Name of Your Supervisor	
Supervisor's Title	
Hours worked / wk. (exclusive of overtime)	
Reason for Leaving	

Firm Name:	
Firm Address:	
Description of Duties:	

Length of Employment	Firm Name:	
From:	Firm Address:	
Month/Year (mm/yyyy) To: Month/Year (mm/yyyy)	**Description of Duties:**	
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

Length of Employment	Firm Name:	
From:	Firm Address:	
Month/Year (mm/yyyy) To: Month/Year (mm/yyyy)	**Description of Duties:**	
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

THIS AFFIRMATION MUST BE COMPLETED

I affirm, subject to the penalties of perjury, that the statements made in this application, including statements made in any accompanying papers, are true. I understand that all statements made by me in connection with this application are subject to investigation and verification and that a material misstatement or fraud may disqualify me from appointment and/or lead to revocation of my appointment. I give the employer the right to investigate all references and to secure additional job related information about me. I hereby release from liability the employer and its representatives for seeking such information and all other persons, corporations or organizations for furnishing such information. If the position I am applying for is covered by the employer's drug testing policy, I understand that as a condition of appointment to this position, I will be required to take and successfully pass a pre-employment drug test.

Ethan Coom — Signature of Applicant

Ethan Coom — Print Name

05/16/2023 — Date

(State below any other name by which you have been known)

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Schenectady County

Human Resources & Civil Service
620 State Street
Schenectady, NY 12305-2114

APPLICATION FOR EXAMINATION OR EMPLOYMENT

FOR COUNTY OFFICES, TOWNS, VILLAGES, SCHOOL DISTRICTS LIBRARIES AND SPECIAL DISTRICTS

Date Received _____ Approved _____

Conditional _____ Disapproved _____

CIVIL SERVICE DEPT. USE ONLY

1. _____ (POSITION TITLE) _____ (EXAM NUMBER)

This application is part of your examination. Answer all questions fully. A resume, if submitted, cannot substitute for the application. You are encouraged to read the General Conditions and Instructions for more information.

2. Name and Legal Residence

Romano (Last Name) Michael (First Name) V (Middle Initial)

[redacted] (Street Address or Road) R.D. # or P.O. Box #

Schenectady (County) Rotterdam (City, Town, Village) NY (State) 12303 (Zip)

Home Phone Number [redacted] Cell Phone [redacted]

Email Address [redacted]

If mailing address is different:

Street Address or Road R.D. # or P.O. Box #

County City, Town, Village State Zip

Social Security Number [redacted]

3. Police Officer & Firefighter Candidates Only:

Date of Birth (MM/DD/YYYY) ____/____/____

4. Residency Requirements: Candidates must meet the Residency Requirements as stated on the examination announcement. You must complete the following to determine if you meet these residency requirements. Indicate how long this has been your legal residence, up to the date of this application, showing that you meet the residency requirements as announced.

	Name	[redacted]	Months
State of:	New York		
County of:	Schenectady		
Village of:			
Town of:	Rotterdam		
City of:	Schenectady		
School District	Mohonasen		

5. Citizenship

A. Are you currently a U.S. Citizen? YES [X] NO [ ]

B. If not, do you have the legal right to accept Employment in the United States? YES [ ] NO [ ]
Please give alien registration number: _____

C. Are you a retiree from New York State or any civil division thereof? YES [ ] NO [X]

6. Special Testing Arrangements (Refer to General Conditions and Instructions). If you need Special Accommodations to take the examination, contact the Civil Service Office at (518) 388-4233.

Religious [ ] **Military** [ ] **Disability** [ ]

7. Crossfiler - If you have filed or are filing SEPARATE applications for Civil Service Examinations being held on the same date, attach the CROSSFILER APPLICATION. Call to make arrangements no later than two weeks before the test date.

8. Driver's License: Complete the following if a license to operate a motor vehicle is required for the position that you are applying.

	[redacted]
License #:	
Restrictions:	
Expiration Date:	
Endorsements:	
Class of License:	
Is this License Currently Valid	

ALL STATEMENTS ARE SUBJECT TO VERIFICATION

9. Veterans Credits: If you wish to apply for Veterans Credits, complete the following questions and complete the Application for Veterans Credits (Refer to General Conditions and Instructions).

	YES	NO
Have you ever served in the Armed Forces of the United States? *(The Armed Forces means the Army, Navy, Marine Corps, Air Force, and Coast Guard, including all components thereof and the National Guard when in the service of the US pursuant to call as provided by Law on a full-time active duty basis other than active duty for training purposes).*		X
Have you ever used additional credits as a disabled or non-disabled veteran for appointment to any position in the public employment of New York State or any of its civil divisions?		X
Do you have a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs? This disability must have been incurred during a Time of War period listed above.		X
After you were permanently appointed using non-disabled veteran credits, were you subsequently certified as having a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs?		X
Are you currently a resident of New York State?	X	

10. Additional Questions: Check the appropriate box to the right of each question.

	YES	NO
Were you dismissed or discharged from any employment for reasons other than lack of work or funds?		X
Did you ever resign from any employment rather than face dismissal?		X
Did you ever receive a discharge from the Armed Forces of the United States which was other than "Honorable" or which was issued under the other than honorable circumstances?		X
Have you ever been convicted of any crime (felony or misdemeanor)?		X
Are you now under charges for any crime?		X
Have you ever forfeited bail bond posted to guarantee your appearance in court to answer any criminal charge?		X

If you answered yes to any of the above questions, you may give specifics below. If you elect not to provide specifics, or if such explanation is insufficient, you may be required to submit further information. None of the above circumstances represents an automatic bar to employment. Each case is considered and evaluated on individual merits in relation to the position (s) for which you are applying.

REMARKS:_____

11. Licenses: If a license, certificate or other authorization to practice a trade or profession is listed as a requirement on the announcement of the examination (s) for which you are applying.

Name of Trade or Profession:			Specialty:		
License Number:					
Granted by (Licensing Agency):			City/State		
Date License First Issued:		Registered From:		Registered To:	

12. Education: If credit is claimed for a partially completed college curriculum or correspondence course, attach a list of courses and credit or semester hours completed. Indicate how many credit hours or courses are required for graduation. If required to indicate specific course work, do so on an attached sheet.

High School		
Have you ever graduated from High School or do you have possession of a High School Equivalency Diploma?	YES ☒	NO ☐
If Yes, Name and Location of High School or Issuing Government Authority:	Mohonasen High School. 2072 Curry Rd Schenectady, NY 12303	
Equivalency Diploma Number:		

College, University, Professional or Technical School						
Name of School	Number of College Credits	Degree Earned	Major Subject/ Courses	Did You Graduate? Yes	Did You Graduate? No	Date Degree Expected or Received
SUNY Polytechnic Institute		N/A	Computer Engineering		X	[redacted]

13. Experience: All sections must be filled out completely even if you attach a resume. Begin with the most recent employment. List all employment or military service that shows that you meet the minimum qualifications for the examination. Omissions or vagueness will not be interpreted in your favor. Under *Description of Duties*, clearly describe the nature of work which you personally performed. Part-time experience will be prorated unless otherwise stated on the examination announcement. Verified and documented volunteer experience will only be credited when specifically stated on the examination announcement. *If you move to a different position within the same organization, indicate so in a separate employment box.* You may attach additional sheets if you need more space.

Length of Employment	Firm Name:	Town of Rotterdam Parks Dept.
From: [redacted]	Firm Address:	1100 Sunrise Blvd, Schenectady NY 12306
To:	Description of Duties:	Pick up garbage, maintain equipment, mow and weedwack Parks, Provide help Whenever needed.
Employment Details		
Your Exact Title: Summer Student		
Name of Your Supervisor: Chad Propper		
Supervisor's Title: Supervisor		
Hours worked / wk. (exclusive of overtime): 40		
Reason for Leaving: Second Position		

Length of Employment	Firm Name:	
From:	Firm Address:	
To: Month/Year (mm/yyyy)	Description of Duties:	
Month/Year (mm/yyyy)		
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

Length of Employment	Firm Name:	
From:	Firm Address:	
Month/Year (mm/yyyy) To: Month/Year (mm/yyyy)	**Description of Duties:**	
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

Length of Employment	Firm Name:	
From:	Firm Address:	
Month/Year (mm/yyyy) To: Month/Year (mm/yyyy)	**Description of Duties:**	
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

THIS AFFIRMATION MUST BE COMPLETED

I affirm, subject to the penalties of perjury, that the statements made in this application, including statements made in any accompanying papers, are true. I understand that all statements made by me in connection with this application are subject to investigation and verification and that a material misstatement or fraud may disqualify me from appointment and/or lead to revocation of my appointment. I give the employer the right to investigate all references and to secure additional job related information about me. I hereby release from liability the employer and its representatives for seeking such information and all other persons, corporations or organizations for furnishing such information. If the position I am applying for is covered by the employer's drug testing policy, I understand that as a condition of appointment to this position, I will be required to take and successfully pass a pre-employment drug test.

Signature of Applicant	Michael Romano Print Name	5/16/23 Date

(State below any other name by which you have been known)

Schenectady County is an Equal Opportunity Employer. Schenectady County does not unlawfully discriminate in employment because of age, race, creed, color, national origin, sex, sexual orientation, disability, marital status, arrest and/or criminal conviction record unless based on a bona fide occupational qualification or other exception, genetic predisposition, or domestic violence victim status.

Schenectady County

Human Resources & Civil Service
620 State Street
Schenectady, NY 12305-2114

APPLICATION FOR EXAMINATION OR EMPLOYMENT

FOR COUNTY OFFICES, TOWNS, VILLAGES, SCHOOL DISTRICTS LIBRARIES AND SPECIAL DISTRICTS

Date Received _____ Approved _____

Conditional _____ Disapproved _____

CIVIL SERVICE DEPT. USE ONLY

1. _____ (POSITION TITLE) _____ (EXAM NUMBER)

This application is part of your examination. Answer all questions fully. A resume, if submitted, cannot substitute for the application. You are encouraged to read the General Conditions and Instructions for more information.

2. Name and Legal Residence

Last Name	First Name	Middle Initial
Romano	Gabriel	F

[redacted]

Street Address or Road — R.D. # or P.O. Box #

County	City, Town, Village	State	Zip
Sch'dy	Rotterdam	NY	12303

Home Phone Number [redacted] Cell Phone [redacted]

Email Address: [redacted]

If mailing address is different:

Street Address or Road — R.D. # or P.O. Box #

County	City, Town, Village	State	Zip

Social Security Number [redacted]

3. Police Officer & Firefighter Candidates Only:

Date of Birth (MM/DD/YYYY) ____/____/____

4. Residency Requirements: Candidates must meet the Residency Requirements as stated on the examination announcement. You must complete the following to determine if you meet these residency requirements. Indicate how long this has been your legal residence, up to the date of this application, showing that you meet the residency requirements as announced.

	Name
State of:	New York
County of:	Schenectady
Village of:	
Town of:	Rotterdam
City of:	
School District	Mohonasen CSD

[redacted]

5. Citizenship

A. Are you currently a U.S. Citizen? YES ☒ NO ☐

B. If not, do you have the legal right to accept Employment in the United States? YES ☐ NO ☐
Please give alien registration number: _____

C. Are you a retiree from New York State or any civil division thereof? YES ☐ NO ☒

6. Special Testing Arrangements (Refer to General Conditions and Instructions). If you need Special Accommodations to take the examination, contact the Civil Service Office at (518) 388-4233.

Religious ☐ **Military** ☐ **Disability** ☐

7. Crossfiler - If you have filed or are filing SEPARATE applications for Civil Service Examinations being held on the same date, attach the CROSSFILER APPLICATION. Call to make arrangements no later than two weeks before the test date.

8. Driver's License: Complete the following if a license to operate a motor vehicle is required for the position that you are applying.

License #:	
Restrictions:	
Expiration Date:	
Endorsements:	
Class of License:	
Is this License Currently Valid	YES ☐ NO ☐

ALL STATEMENTS ARE SUBJECT TO VERIFICATION

9. Veterans Credits: If you wish to apply for Veterans Credits, complete the following questions and complete the Application for Veterans Credits (Refer to General Conditions and Instructions).

	YES	NO
Have you ever served in the Armed Forces of the United States? *(The Armed Forces means the Army, Navy, Marine Corps, Air Force, and Coast Guard, including all components thereof and the National Guard when in the service of the US pursuant to call as provided by Law on a full-time active duty basis other than active duty for training purposes).*		X
Have you ever used additional credits as a disabled or non-disabled veteran for appointment to any position in the public employment of New York State or any of its civil divisions?		X
Do you have a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs? This disability must have been incurred during a Time of War period listed above.		X
After you were permanently appointed using non-disabled veteran credits, were you subsequently certified as having a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs?		X
Are you currently a resident of New York State?	X	

10. Additional Questions: Check the appropriate box to the right of each question.

	YES	NO
Were you dismissed or discharged from any employment for reasons other than lack of work or funds?		X
Did you ever resign from any employment rather than face dismissal?		X
Did you ever receive a discharge from the Armed Forces of the United States which was other than "Honorable" or which was issued under the other than honorable circumstances?		X
Have you ever been convicted of any crime (felony or misdemeanor)?		X
Are you now under charges for any crime?		X
Have you ever forfeited bail bond posted to guarantee your appearance in court to answer any criminal charge?		X

If you answered yes to any of the above questions, you may give specifics below. If you elect not to provide specifics, or if such explanation is insufficient, you may be required to submit further information. None of the above circumstances represents an automatic bar to employment. Each case is considered and evaluated on individual merits in relation to the position (s) for which you are applying.

REMARKS:_____

11. Licenses: If a license, certificate or other authorization to practice a trade or profession is listed as a requirement on the announcement of the examination (s) for which you are applying.

Name of Trade or Profession:			Specialty:		
License Number:					
Granted by (Licensing Agency):			City/State		
Date License First Issued:		Registered From:		Registered To:	

ALL STATEMENTS ARE SUBJECT TO VERIFICATION

12. Education: If credit is claimed for a partially completed college curriculum or correspondence course, attach a list of courses and credit or semester hours completed. Indicate how many credit hours or courses are required for graduation. If required to indicate specific course work, do so on an attached sheet.

High School		
Have you ever graduated from High School or do you have possession of a High School Equivalency Diploma?	YES ☒	NO ☐
If Yes, Name and Location of High School or Issuing Government Authority:	Mohonasen Senior High School, Rotterdam NY	
Equivalency Diploma Number:		

College, University, Professional or Technical School

Name of School	Number of College Credits	Degree Earned	Major Subject/ Courses	Did You Graduate? Yes	Did You Graduate? No	Date Degree Expected or [redacted]
Binghamton University	85	B.S.	Applied Physics		X	

13. Experience: All sections must be filled out completely even if you attach a resume. Begin with the most recent employment. List all employment or military service that shows that you meet the minimum qualifications for the examination. Omissions or vagueness will not be interpreted in your favor. Under *Description of Duties,* clearly describe the nature of work which you personally performed. Part-time experience will be prorated unless otherwise stated on the examination announcement. Verified and documented volunteer experience will only be credited when specifically stated on the examination announcement. *If you move to a different position within the same organization, indicate so in a separate employment box.* You may attach additional sheets if you need more space.

Length of Employment
From: [redacted]
To:

Firm Name: Town of Rotterdam Parks Dept.
Firm Address: 40 West Campbell Road, Schenectady, NY 12306

Description of Duties:
- Perform tasks such as weed whacking or garbage removal with or without supervision
- Perform other tasks as requested by the Parks Dept.

Employment Details
Your Exact Title: Summer Worker
Name of Your Supervisor: Chad Propper
Supervisor's Title: Supervisor
Hours worked / wk. (exclusive of overtime): 40
Reason for Leaving: End of summer

Length of Employment
From: [redacted]
To:
Month/Year (mm/yyyy)

Firm Name: Price Chopper / Market 32
Firm Address: 1879 Altamont Avenue Schenectady, NY 12303

Description of Duties:
- Stock food items across the store as needed
- Report damage or defects in food items to manager
- Work independently for most or all of shift

Employment Details
Your Exact Title: Grocery Partner
Name of Your Supervisor: Joseph Warlik
Supervisor's Title: Grocery Manager
Hours worked / wk. (exclusive of overtime): 25
Reason for Leaving: End of summer, went to school

ALL STATEMENTS ARE SUBJECT TO VERIFICATION

Length of Employment	Firm Name:	
From:	Firm Address:	
Month/Year (mm/yyyy) To: Month/Year (mm/yyyy)	**Description of Duties:**	
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

Length of Employment	Firm Name:	
From:	Firm Address:	
Month/Year (mm/yyyy) To: Month/Year (mm/yyyy)	**Description of Duties:**	
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

THIS AFFIRMATION MUST BE COMPLETED

I affirm, subject to the penalties of perjury, that the statements made in this application, including statements made in any accompanying papers, are true. I understand that all statements made by me in connection with this application are subject to investigation and verification and that a material misstatement or fraud may disqualify me from appointment and/or lead to revocation of my appointment. I give the employer the right to investigate all references and to secure additional job related information about me. I hereby release from liability the employer and its representatives for seeking such information and all other persons, corporations or organizations for furnishing such information. If the position I am applying for is covered by the employer's drug testing policy, I understand that as a condition of appointment to this position, I will be required to take and successfully pass a pre-employment drug test.

Gabriel Romano — Signature of Applicant

Gabriel Romano — Print Name

05/16/2023 — Date

(State below any other name by which you have been known)

RESOLUTION NO. 183.23

TO ADOPT A NEGATIVE DECLARATION UNDER SEQRA FOR THE PROPOSED ENACTMENT OF INTRODUCTORY LOCAL LAW NO. 5 OF 2023; TO AMEND THE TOWN CODE OF THE TOWN OF ROTTERDAM, FOR THE ALLOWANCE OF MICROBREWERIES, MICRO WINERIES, MICRO DISTILLERIES, FARM-BREWERIES, FARM-WINERIES, AND FARM-DISTILLERIES

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby accepts and adopts Part 1 and 2 of the Full Environmental Assessment Form in connection with the proposed enactment of Introductory Local Law No. 5 of 2023 as prepared by the Attorney for the Town.

SECTION 2. The Town Board has given due consideration to the potential environmental impacts associated with the proposed enactment of Introductory Local Law No. 5 of 2023, and hereby concludes that the proposed enactment of Introductory Local Law No. 5 of 2023 will not have any significant adverse impacts on the environment.

SECTION 3. The Town Board hereby accepts, adopts, and authorizes the Supervisor to execute Part 3 of the Full Environmental Assessment Form as prepared by the Attorney for the Town and adopts a Negative Declaration under the State Environmental Quality Review Act in connection with the proposed enactment of Introductory Local Law No. 5 of 2023.

SECTION 4. The Town Board hereby authorizes and directs the Senior Planner to circulate, file and publish any notices, documents, forms, and other materials, and to take such other and further action as may be reasonably necessary, to comply with the State Environmental Quality Review Act and regulations promulgated thereunder.

SECTION 5. This resolution shall become effective May 24, 2023.

DATED: May 24, 2023

NAME	AYES	NOES	ABSTAIN
Christou			
Miller-Herrera			
Dodson			
Mastroianni			
Collins			

TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org

LEGISLATIVE REQUEST FORM

DATE: May 15, 2023

TO: Mollie A. Collins, Town Supervisor

FROM: Peter Comenzo, Senior Planner PC

TITLE OF REQUEST: Town Board to consider adoption of a proposed amendment to the Town Code of the Town of Rotterdam, for the allowance of microbreweries, micro wineries, micro distilleries, farm-breweries, farm-wineries, and farm-distilleries.

TOWN BOARD MEETING: May 24, 2023

Background Information: The Town Board of the Town of Rotterdam is considering an amendment to Chapter 270 of the Town Code of the Town of Rotterdam which would permit and regulate the operation of microbreweries, micro wineries and micro distilleries as a special use permit in the Zoning Districts mentioned above.

Evaluation/Analysis: This is a Type 1 action pursuant to 6 NYCRR Part 617, State Environmental Quality Review. This requires preparation of a Full Environmental Assessment Form (FEAF).

Recommendation(s): Town Board Declared Lead Agency on February 8, 2023. Town Board should consider adoption of the Draft Negative Declaration as prepared by the Senior Planner.

Attachment/Document(s): Part 1 and 2 Full Environmental Assessment Form

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): 6 NYCRR Part 617
State Environmental Quality Review

LEGISLATION WILL BE PREPARED BY: Supervisors Office

6NYCRR PART 617
NEGATIVE DECLARATION
Notice of Determination of Non-Significance
State Environmental Quality Review

Date: May 24, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

After a review of the application materials, Environmental Assessment Form, and comments received on this proposal, the Town Board of the Town of Rotterdam has determined that the proposed action described below will not have a significant adverse impact on the environment and a Draft Impact Statement will not be prepared.

SEQRA Status:	Type I	(X)
	Type II	( )
	Unlisted	( )
Conditioned Negative Declaration:	Yes	( )
	No	(X)
Description of Action:	To amend Chapter 270 of the Town Code for the allowance of microbreweries, micro wineries and micro distilleries, farm-breweries, farm-wineries, and farm-distilleries.	
Petitioner:	Town Board of the Town of Rotterdam John F. Kirvin Government Center 1100 Sunrise Boulevard Rotterdam, New York 12306	

Reasons Supporting This Determination:
(See 617.7(a)-(c) for requirements of this determination)

This non-project action concerns amending Chapter 270 of the Code of the Town of Rotterdam.

The purpose of this action is for or the allowance of microbreweries, micro wineries and micro distilleries to be located in the Town. Small-scale breweries, distilleries, and brewpubs represent a growing industry that supports local economic development and local food production. The Town Board, recognizing this opportunity, directed staff to evaluate options for amending the Town's Zoning Code to establish a framework to accommodate small-scale breweries, distilleries, and brewpubs. On February 8, 2023 the Town Board of the Town of Rotterdam forwarded proposed legislation to the Planning Commission for a report and recommendation which would permit and regulate the operation of microbreweries, micro wineries and micro

distilleries as a special use permit in the Agricultural (A-1) Zoning District.

On February 21, 2023 and March 21, 2023, the Planning Commission reviewed and discussed the proposed legislation. On March 21st the Commission made a Positive Recommendation with several proposed changes to original proposed amendments. The Town Board conducted a public hearing on May 10, 2023 and held the hearing open to consider modifications to the proposed local law based upon testimony and discussion and the hearing.

Based upon public input, definitions have been added to clarify acceptable uses for agricultural properties to include farm breweries, farm cideries and distilleries, retail sale of associated merchandise, and the allowance for acceptable on-site waste disposal of materials used in production.

After a review of the applicable modifications, Environmental Assessment Form, and comments received on this proposal, the Town Board of the Town of Rotterdam has determined that this proposal will not have a significant adverse impact on the environment.

The Town Board has considered the following criteria to determine if this proposal has significant adverse impacts on the environment:

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

(iii) the impairment of the environmental characteristics of a Critical Environmental Area.

(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

(v) the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;

(vi) a major change in the use of either the quantity or type of energy;

(vii) the creation of a hazard to human health;

(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

(x) the creation of a material demand for other actions that would result in one of the above consequences;

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The Town Board has also considered the reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions, which are:
(i) included in any long-range plan of which the action under consideration is a part;
(ii) likely to be undertaken as a result thereof; or
(iii) dependent thereon.
(3) The significance of a likely consequence (i.e., whether it is material, substantial, large or important) has be assessed in connection with:
(i) its setting (e.g., urban or rural);
(ii) its probability of occurrence;
(iii) its duration;
(iv) its irreversibility;
(v) its geographic scope;
(vi) its magnitude; and
(vii) the number of people affected

At a regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, NY on the 24th day of May, 2023 hereby adopted this NEGATIVE DECLARATION pursuant to 6NYCRR PART 617, State Environmental Quality Review.

_____

Mollie Collins
Town Supervisor

For further information contact: Peter J. Comenzo
Town of Rotterdam Senior Planner
John F. Kirvin Government Center
1100 Sunrise Boulevard
Rotterdam, New York 12306
(518) 355-7575 x-338
pcomenzo@rotterdamny.org

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Introductory Local Law No. 5 of 2023 - A Local Law to Amend Chapter 270 of the Town Code of the Town of Rotterdam		
Project Location (describe, and attach a general location map): Town-Wide Zoning Code Amendment Town of Rotterdam		
Brief Description of Proposed Action (include purpose or need): Town Board to consider adoption of a proposed amendment to the Town Code of the Town of Rotterdam, for the allowance of microbreweries, micro wineries, micro distilleries, farm-breweries, farm-wineries, and farm-distilleries.		
Name of Applicant/Sponsor: Town Board of the Town of Rotterdam	Telephone: 518-355-7575 E-Mail: mcollins@rotterdamny.org	
Address: 1100 Sunrise Boulevard		
City/PO: Rotterdam	State: NY	Zip Code: 12306
Project Contact (if not same as sponsor; give name and title/role): Peter Comenzo - Senior Planner	Telephone: 518-355-7575 x-338 E-Mail: pcomenzo@rotterdamny.org	
Address: 1100 Sunrise Boulevard		
City/PO: Rotterdam	State: NY	Zip Code: 12306
Property Owner (if not same as sponsor): 	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees ☑Yes☐No	Town Board - Enactment of Local Law	2/8/23
b. City, Town or Village Planning Board or Commission ☐Yes☐No		
c. City, Town or Village Zoning Board of Appeals ☐Yes☐No		
d. Other local agencies ☐Yes☐No		
e. County agencies ☐Yes☐No		
f. Regional agencies ☐Yes☐No		
g. State agencies ☐Yes☐No		
h. Federal agencies ☐Yes☐No		

i. Coastal Resources.
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☑No
iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☐No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☑Yes☐No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes☐No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes☐No
If Yes, identify the plan(s):
Remediaton Sites:447001, Remediaton Sites:447024, Remediaton Sites:V00063, Remediaton Sites:V00649, Remediaton Sites:447027, Remediaton Sites:447031, Remediaton Sites:V00011, Remediaton Sites:447005, Remediaton Sites:447006, Remediaton Sites:447004, NYS Heritage Areas:Mohawk Valley Heritage Corridor, NYS Heritage Areas:Schenectady

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☑Yes☐No
If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
A-1 (Agricultural),

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☑ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? The proposed local law would authorize a new allowable use by Special Use Permit.

C.4. Existing community services.

a. In what school district is the project site located? Schalmont, Rotterdam-Mohonasen, Schenectady

b. What police or other public protection forces serve the project site?
Rotterdam Police Department, Schenectady County Sheriff's Office, New York State Police

c. Which fire protection and emergency medical services serve the project site?
FD# 1 Rotterdam Jct, FD# 2 Curry Rd, FD # 3 Carman, FD # 4 Pattersonville, FD # 5 Pine Grove, FD #6 S. Schenectady, FD#7 Schonowe, FD #8 Plotterki

d. What parks serve the project site?
Boxwood Park, Erie Canal Lock Parks, Eunice O. Esposito Park, Fiero Park, Juracka Park, Kiwanis Park, Leonard C. White Park, Memorial Park, Pansy Park, Plotter Kill Nature Preserve, Rotterdam Junction, Woestina Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

f. Does the project include new residential uses? ☐Yes ☐No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? ☐Yes ☐No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐Yes ☐No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐Other specify:

_____

iii. If other than water, identify the type of impounded/contained liquids and their source.

_____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐Yes ☐No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i .What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

_____

_____

iv. Will there be onsite dewatering or processing of excavated materials? ☐Yes ☐No
If yes, describe. _____

_____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐Yes ☐No

ix. Summarize site reclamation goals and plan: _____

_____

_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes ☐No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

_____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

_____

_____

_____

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes☐No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes☐No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

_____

c. Will the proposed action use, or create a new demand for water? ☐Yes☐No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐Yes☐No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐Yes☐No
- Is the project site in the existing district? ☐Yes☐No
- Is expansion of the district needed? ☐Yes☐No
- Do existing lines serve the project site? ☐Yes☐No

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐Yes☐No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐Yes☐No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

_____

_____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐Yes☐No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐Yes☐No
- Is the project site in the existing district? ☐Yes☐No
- Is expansion of the district needed? ☐Yes☐No

- Do existing sewer lines serve the project site? ☐Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

_____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☐No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

_____

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

_____

_____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes ☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

_____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

_____

_____

- If to surface waters, identify receiving water bodies or wetlands: _____

_____

_____

- Will stormwater runoff flow to adjacent properties? ☐Yes ☐No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes ☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

_____

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☐No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☐No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☐No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☐No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend
☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

_____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

_____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

_____

_____

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe: _____

_____

n. Will the proposed action have outdoor lighting? ☐ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

_____

_____

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe: _____

_____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

_____

_____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

_____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No

If Yes:

i. Describe proposed treatment(s):

_____

_____

_____

_____

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____

_____

- Operation: _____

_____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____

_____

- Operation: _____

_____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

_____

_____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

_____

_____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

_____

_____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

_____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

_____

_____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

_____

_____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? ☐Yes ☐No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐Yes ☐No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐Yes ☐No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes ☐No

If Yes:

i. Has the facility been formally closed? ☐Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes ☐No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☑Yes ☐ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☑Yes ☐No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____

☑ Yes – Environmental Site Remediation database — Provide DEC ID number(s): 447001, 447024, V00063, V00...

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☑Yes ☐No

If yes, provide DEC ID number(s): 447001, 447021, 447024, V00063, V00649, 447027,...

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☐ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ _____%
_____ _____%
_____ _____%

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: ☐ Well Drained: _____% of site
☐ Moderately Well Drained: _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____% of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☑ Yes ☐ No
If Yes, describe: Plotterkill Preserve - Rotterdam, Scotia Sand & Stone Company

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☑ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☑ Yes ☐ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 863-640, 863-686, 863-687, 863-691, 876-99, 876... Classification A, C, C(T), B, B(T)
- Lakes or Ponds: Name 863-686, 876-98, 876-101 Classification C
- Wetlands: Name Federal Waters, NYS Wetland, Federal Waters, Fe... Approximate Size NYS Wetland (in a...
- Wetland No. (if regulated by DEC) RJ-1, P-12, P-13, S-117, S-...

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☑ Yes ☐ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____
Name - Pollutants - Uses:Minor Tribs to Mohawk River – Unknown Toxicity – Recreation;Habitat/Hydrolgy;Aquatic Life

i. Is the project site in a designated Floodway? ☑ Yes ☐ No

j. Is the project site in the 100-year Floodplain? ☑ Yes ☐ No

k. Is the project site in the 500-year Floodplain? ☑ Yes ☐ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☑ Yes ☐ No
If Yes:

i. Name of aquifer: Principal Aquifer, Primary Aquifer, Sole Source Aquifer Names:Schenectady-Niskayuna SSA

m. Identify the predominant wildlife species that occupy or use the project site:

n. Does the project site contain a designated significant natural community? ☑ Yes ☐ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): Pitch Pine-Oak Forest, Pine Barrens Vernal Pond

ii. Source(s) of description or evaluation:

iii. Extent of community/habitat:

- Currently: 2819.0, 0.53 acres
- Following completion of project as proposed: acres
- Gain or loss (indicate + or -): acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☑ Yes ☐ No

If Yes:

i. Species and listing (endangered or threatened): Side Oats Grama, Brown Bog Sedge, Bald Eagle, Karner Blue, Carey's Smartweed

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☑ Yes ☐ No

If Yes:

i. Species and listing: Schweinitz's Flat Sedge

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No

If yes, give a brief description of how the proposed action may affect that use:

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☑ Yes ☐ No

If Yes, provide county plus district name/number: SCHE001, ALBA003

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No

i. If Yes: acreage(s) on project site?

ii. Source(s) of soil rating(s):

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent:

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☑ Yes ☐ No

If Yes:

i. CEA name: Aquifer Area Overlay Zone

ii. Basis for designation: Conserve, improve, protect natural resources

iii. Designating agency and date: Agency:Rotterdam, Town of, Date:4-5-85

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☑ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: Eligible property:SCHERMERHORN HOUSE, Eligible property:THE ARENT SAMUELSE BRADT HOUSE, Eligible property:Rotterdam A...

iii. Brief description of attributes on which listing is based:

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☐ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

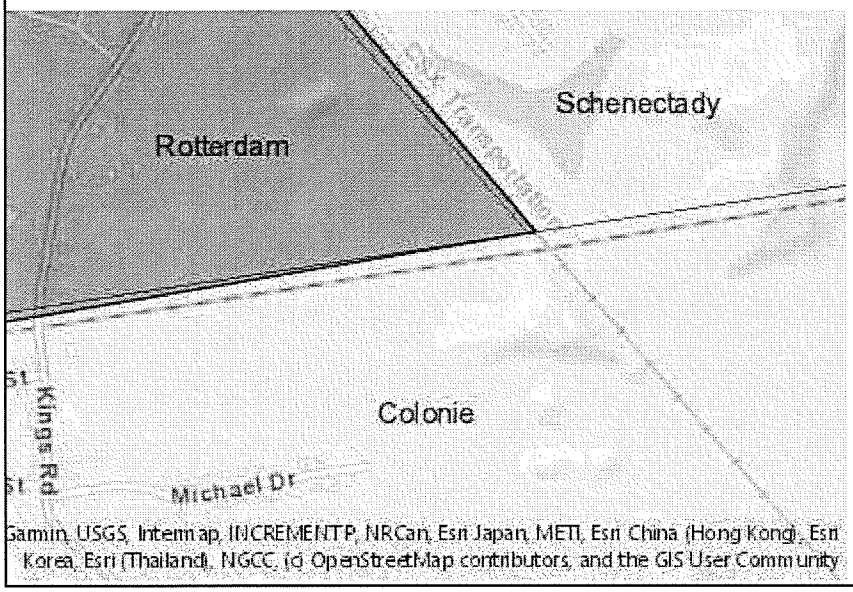
Applicant/Sponsor Name Town Board of the Town of Rotterdam Date April, 18, 2023

Signature Peter Comenzo Title Senior Planner

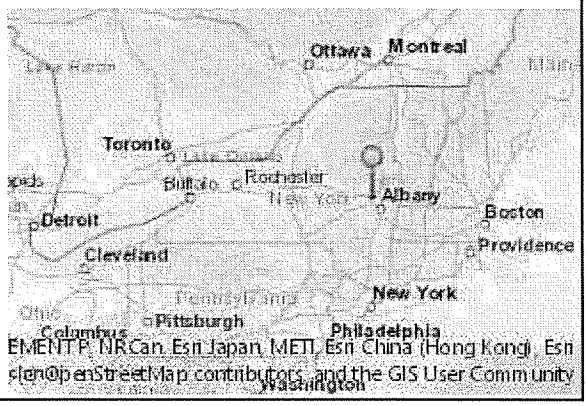
PRINT FORM

EAF Mapper Summary Report

Friday, September 9, 2022 4:00 PM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediaton Sites:447001, Remediaton Sites:447024, Remediaton Sites:V00063, Remediaton Sites:V00649, Remediaton Sites:447027, Remediaton Sites:447031, Remediaton Sites:V00011, Remediaton Sites:447005, Remediaton Sites:447006, Remediaton Sites:447004, NYS Heritage Areas:Mohawk Valley Heritage Corridor, NYS Heritage Areas:Schenectady
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	447001, 447024, V00063, V00649, 447027, 447031, V00011, 447005, 447006, 447004
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	447001, 447021, 447024, V00063, V00649, 447027, 447031, V00011, 447005, 447006, 447004, 447007, 447026, E447035, 447047
E.2.g [Unique Geologic Features]	Yes
E.2.g [Unique Geologic Features]	Plotterkill Preserve - Rotterdam, Scotia Sand & Stone Company
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.

E.2.h.iv [Surface Water Features - Stream Name]	863-640, 863-686, 863-687, 863-691, 876-99, 876-102, 876-110, 876-111, 876-113, 876-106, 876-105, 876-8, 876-103, 876-109, 876-108, 876-39, 863-688, 863-690, 863-689, 876-98, 876-101, 876-100, 876-7
E.2.h.iv [Surface Water Features - Stream Classification]	A, C, C(T), B, B(T)
E.2.h.iv [Surface Water Features - Lake/Pond Name]	863-686, 876-98, 876-101
E.2.h.iv [Surface Water Features - Lake/Pond Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):34.7, NYS Wetland (in acres):12.1, NYS Wetland (in acres):43.1, NYS Wetland (in acres):93.7, NYS Wetland (in acres):1.9, NYS Wetland (in acres):158.4, NYS Wetland (in acres):27.6, NYS Wetland (in acres):157.1
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	RJ-1, P-12, P-13, S-117, S-13, S-4, S-118, S-115
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Minor Tribs to Mohawk River – Unknown Toxicity – Recreation;Habitat/Hydrolgy;Aquatic Life
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer, Primary Aquifer, Sole Source Aquifer Names:Schenectady-Niskayuna SSA
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Pitch Pine-Oak Forest, Pine Barrens Vernal Pond
E.2.n.i [Natural Communities - Acres]	2819.0, 0.53
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Side Oats Grama, Brown Bog Sedge, Bald Eagle, Karner Blue, Carey's Smartweed
E.2.p. [Rare Plants or Animals]	Yes
E.2.p. [Rare Plants or Animals - Name]	Schweinitz's Flat Sedge
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	SCHE001, ALBA003
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	Yes
E.3.d [Critical Environmental Area - Name]	Aquifer Area Overlay Zone
E.3.d.ii [Critical Environmental Area - Reason]	Conserve, improve, protect natural resources
E.3.d.iii [Critical Environmental Area – Date and Agency]	Agency:Rotterdam, Town of, Date:4-5-85
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.

E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:SCHERMERHORN HOUSE, Eligible property:THE ARENT SAMUELSE BRADT HOUSE, Eligible property:Rotterdam Area Maintenance Support Activity #8, Eligible property:THE PUTNAM HOUSE, Eligible property:NEWBERRY HOUSE, Eligible property:Rotterdam Fire District No. 7, Eligible property:Van Wormer farm, Eligible property:Enlarged Erie Canal Lock 25, Eligible property:Five-bay Frame Farmhouse, Barn Complex, Eligible property:Frame Farmhouse and Barn, Eligible property:Former Schoolhouse No. 11, ca. 1866/1960s, Eligible property:Former Schenectady General Reserve Depot, Eligible property:SUPPLY DEPOT HOUSING (?), Eligible property:VAN SLYKE HOUSE, Eligible property:VEDDER HOUSE 300P, Eligible property:Aaron Bradt House/Keepers of the Circle, Eligible property:GIFFORD HOUSE, Eligible property:R. Bradshaw house, New York State Barge Canal Historic District, Mabee House, Dellemont-Wemple Farm, Enlarged Double Lock No. 23, Old Erie Canal, Hotel Van Curler, Stockade Historic District, General Electric Research Laboratory
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "**Yes**" to a numbered question, please complete all the questions that follow in that section.
- If you answer "**No**" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)
If "Yes", answer questions a - j. If "No", move on to Section 2.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts: _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____ _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☑ NO ☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____		☐	☐

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____		☐	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)

☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. ☑ NO ☐ YES

(See Part 1. D.2.f., D.2.h, D.2.g)

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☐ NO ☐ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____ _____		☐	☐

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☐NO ☑YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☑	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☑	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☑	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☑	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☑	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☑	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☑	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources
The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) ☑ NO ☐ YES
If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources
The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) ☑ NO ☐ YES
If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____		☐	☐
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____		☐	☐

13. Impact on Transportation
The proposed action may result in a change to existing transportation systems. ☐ NO ☑ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☑	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☑	☐
c. The proposed action will degrade existing transit access.	D2j	☑	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☑	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☑	☐
f. Other impacts: _____ _____		☐	☐

14. Impact on Energy
The proposed action may cause an increase in the use of any form of energy. ☑ NO ☐ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____ _____		☐	☐

15. Impact on Noise, Odor, and Light
The proposed action may result in an increase in noise, odors, or outdoor lighting. ☐ NO ☑ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☑	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☑	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☑	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☑	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☑	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☑ NO ☐ YES
If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may cccur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____		☐	☐

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) ☐ NO ☑ YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☑	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☑	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☑	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☑	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☑	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☑	☐
g. Other impacts: _____ _____		☐	☐

PRINT FULL FORM

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:
To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☑ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☑ Part 1 ☑ Part 2 ☑ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Rotterdam Town Board as lead agency that:

☑ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Town of Rotterdam Code Amendment in regards to microbreweries, micro wineries and micro distilleries.

Name of Lead Agency: Rotterdam Town Board

Name of Responsible Officer in Lead Agency: Mollie A. Collins

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency: Date:

Signature of Preparer (if different from Responsible Officer) Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

PRINT FULL FORM

RESOLUTION NO. 184.23

TO ENACT INTRODUCTORY LOCAL LAW NO. 5 OF 2023; TO AMEND THE TOWN CODE OF THE TOWN OF ROTTERDAM, FOR THE ALLOWANCE OF MICROBREWERIES, MICRO WINERIES, MICRO DISTILLERIES, FARM-BREWERIES, FARM-WINERIES, AND FARM-DISTILLERIES

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 5 of 2023.

SECTION 2. The Town Clerk is directed, following consultation with the Attorney to the Town, to file said Local Law in final form with the New York State Department of State.

SECTION 3. This resolution shall become effective May 24, 2023.

DATED: May 24, 2023

NAME	AYES	NOES	ABSTAIN
Christou			
Miller-Herrera			
Dodson			
Mastroianni			
Collins			

TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org

LEGISLATIVE REQUEST FORM

DATE: May 15, 2023

TO: Mollie A. Collins, Town Supervisor

FROM: Peter Comenzo, Sr. Planner PC

TITLE OF REQUEST: Town Board to consider adoption of a proposed amendment to the Town Code of the Town of Rotterdam, for the allowance of microbreweries, micro wineries, micro distilleries, farm-breweries, farm-wineries, and farm-distilleries.

TOWN BOARD MEETING: May 24, 2023

Background Information: On February 8, 2023 the Town Board of the Town of Rotterdam forwarded proposed legislation to the Planning Commission for a report and recommendation which would permit and regulate the operation of microbreweries, micro wineries and micro distilleries as a special use permit in the Agricultural (A-1) Zoning District.

Evaluation/Analysis: On February 21, 2023 and March 21, 2023, the Planning Commission reviewed and discussed the proposed legislation. On March 21st the Commission made a Positive Recommendation with several proposed changes to original proposed amendments. The Town Board conducted a public hearing on May 10, 2023 and held the hearing open to consider comments on modifications to the proposed local law based upon testimony and discussion and the hearing.

Based upon public input, definitions have been added to clarify acceptable uses for agricultural properties to include farm breweries, farm cideries and distilleries, retail sale of associated merchandise, and the allowance for acceptable on-site waste disposal of materials used in production.

Recommendation(s): Town Board to close the public hearing and consider adoption of the proposed amendment to the Town Code for the allowance of microbreweries, micro wineries and micro distilleries, farm-breweries, farm-wineries, and farm-distilleries.

Attachment/Document(s): Planning Commission Report and Recommendation with amendments.
Planning Commission Minutes February 21, 2023 and March 21, 2023
Schenectady County 239-m Referral Response
Draft Local Law

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): NYS Town Law

LEGISLATION WILL BE PREPARED BY: Supervisors Office

Local Law Filing
Instructions

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

PLEASE OBSERVE THESE INSTRUCTIONS FOR FILING LOCAL LAWS WITH THE SECRETARY OF STATE

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.

2. Each local law to be filed with the Secretary of State shall be an original certified copy.

3. Each local law shall be filed on a form provided by the Department of State. If additional pages are required, they must be the same size as the form. Typewritten copies of the text may be attached to the form. Only legible copies will be accepted.

4. File only the number, title and text of the local law.

5. In the case of a local law amending a previously enacted local law, the text must be that of the law as amended. Do not include any matter in brackets, with a line through it, italicized or underscored to indicate the changes made. The printed number of the bill and explanatory matter must be omitted.

6. For the purpose of filing a local law with the Department of State, number each local law consecutively, beginning with the number one for the first local law filed in each calendar year. The next number in sequence should be applied to each local law when it is submitted for filing, regardless of its date of introduction or adoption. The date of filing of a local law is the date on which the local law is placed on file by the Department.

It is suggested that municipalities use introductory identifying bill numbers for proposed local laws. After the local law is enacted (and approved by the voters, if required), the local law should then be numbered with the next consecutive local law number, as described above, and then submitted to the Department for filing.

7. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town or Village Clerk or other officer designated by the local legislative body. Certification forms are provided herewith.

8. A copy of each local law may be mailed or delivered to:
NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231.

(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam

Local Law No. 5 **of the year 20** 23

A local law A LOCAL LAW TO AMEND CHAPTER 270 OF THE TOWN CODE OF THE TOWN OF
(Insert Title)
ROTTERDAM for the allowance of microbreweries, micro wineries and micro distilleries .

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam **as follows:**

See Attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 20 23 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board on _____ 20 23, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20 2 3, in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____ , became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ,_____ above.

_____
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

Add to Town Code Chapter 270-5. Definitions.

Brewpub: An establishment which sells or produces on and/or off-site alcoholic beverages, including beers, ales, meads, braggot, hard ciders, wines and similar spirituous liquors. Ancillary activities to include on-site consumption and contains kitchen facilities for consumption of food and beverages. The maximum size for such an establishment shall not exceed 25,000 square feet. The Owner must possess a valid Restaurant-Brewer License from the NYS Liquor Authority. Off-site distribution of alcoholic beverages shall be consistent with New York State Liquor Authority law as now enacted and in the future.

Farm Cidery: means and includes any place or premises, located on a farm in New York state, in which New York state labelled cider is manufactured, stored, and sold, or any other place or premises in New York state in which New York State labelled cider is manufactured, stored, and sold.

Farm Distillery: means and includes any place or premises located on a farm in New York state in which liquor is manufactured and sold, or any other place or premises in New York state in which liquor is manufactured primarily from farm and food products, as defined in subdivision two of section two hundred eighty-two of the agriculture and markets law, and such liquor is sold.

Farm Winery: means and includes any place or premises, located on a farm in New York state, in which wine is manufactured and sold.

Farm Brewery: means and includes any place or premises located on a farm in New York state, in which New York state labelled beer is manufactured, stored, and sold, or any other place ore premises in New York state in which New York state labelled beer is manufactured, stored, and sold.

Farm Meadery: means and includes any place or premises located in New York state, in which New York state labelled mead or braggot is manufactured, stored, and sold, or any other place or premises in New York state in which New York state is labelled mead or braggot is manufactured, stored, and sold. The Owner must possess a valid Farm Meadery License from the NYS Liquor Authority.

Micro-brewery: means and includes any place or premises in New York state wherein the owner possesses a valid Micro Brewer's License from the NYS Liquor Authority.

Micro-distillery: means and includes any place or premises in New York state wherein the owner possesses a valid Micro Distiller's (A-1) License or Micro Rectifier's (B-1) License from the NYS Liquor Authority.

Micro-winery: means and includes any place or premises located on a farm in New York State in which wine or cider is manufactured and sold.

Micro-brewery, Micro-winery, Micro-distillery: An establishment engaged in the production and distribution of beers, ales, meads, braggot, hard ciders, wines and similar spirituous liquors as otherwise defined. The establishment may include other uses such as a tasting room and shall allow for both sale and onsite consumption of alcoholic beverages with limited food offered for consumption in the tasting room. The maximum size for such an

establishment shall not exceed 75,000 square feet. Limited retail sale of merchandise associated with the establishment is permitted. Production shall be consistent with the NYS Liquor Authority limits for these types of establishments. Off-site distribution of alcoholic beverages shall be consistent with New York State Liquor Authority law as now enacted and in the future.

Farm-brewery, Farm-cidery, Farm-winery, Farm-meadery, Farm-distillery: An establishment engaged in the production and distribution of beers, ales, meads, braggot, hard ciders, wines and similar spirituous liquors as otherwise defined. The establishment may include other uses such as a tasting room and shall allow for both sale and onsite consumption of alcoholic beverages with limited food offered for consumption in the tasting room. Limited retail sale of merchandise associated with the establishment is permitted. Production shall be consistent with the NYS Liquor Authority limits for these types of establishments. Off-site distribution of alcoholic beverages shall be consistent with New York State Liquor Authority law as now enacted and in the future.

Add to Town Code Chapter 270-18. Special Uses (Agriculture Zone)

(O) Farm-brewery, farm-cidery, farm-winery, farm-meadery, farm-distillery, micro-breweries, micro-wineries, and micro-distilleries.

Micro-breweries, Micro-cideries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each micro-brewery, micro-cidery, micro-winery, or micro-distillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property or other acceptable method.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. No more than two food cart vendors are permitted on-site.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-53.23. Special Uses (MS/NC Overlay Zone)

(H) Brewpubs, micro-breweries, micro-cideries, micro-wineries and micro-distilleries.

Brewpubs, Micro-breweries, Micro-cideries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, microbrewery, microwinery, or microdistillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.

4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-53.43. Special Uses (CORR Overlay Zone)
(H) Brewpubs, micro-breweries, micro-cideries, micro-wineries and micro-distilleries.

Brewpubs, Micro-breweries, Micro-cideries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, micro-brewery, micro-cidery, micro-winery, or micro-distillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-56. Special Uses (Retail Business Zone)
(J) Brewpubs, micro-breweries, micro-cideries, micro-wineries and micro-distilleries.

Brewpubs, Micro-breweries, Micro-cideries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, micro-brewery, micro-cidery, micro-winery, or micro-distillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-64. Permitted Uses (General Business Zone)
(H) Brewpubs, micro-breweries, micro-cideries, micro-wineries and micro-distilleries..

Brewpubs, Micro-breweries, Micro-cideries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, micro-brewery, micro-cidery, micro-winery, or micro-distillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-108.4. Special Uses (Commercial PUD Zone)

(H) Brewpubs, micro-breweries, micro-cideries, micro-wineries and micro-distilleries.

Brewpubs, Micro-breweries, Micro-cideries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, micro-brewery, micro-cidery, micro-winery, or micro-distillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

2. **Town of Rotterdam – Code Amendment. Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code entitled "Zoning" of the Town of Rotterdam in regards to allowing microbreweries, micro-wineries and micro-distilleries by Special Use Permit in the A-1 Zoning District.**

Chairman Yuille: Peter, do you want to explain this?

We are not going to do anything tonight on this, we are just looking for comments and generate some thoughts and then the next meeting, we will probably have a recommendation.

Mr. Comenzo: Thank you, Mr. Chairman. Peter Comenzo, the Town Planner. In your packets you will see there is a letter let me back up. I received a phone call from a Laurel Boser. She was looking at property in Rotterdam but also brought up the fact that we don't permit microbreweries anywhere in town. In looking at our code, she was correct. Obviously, there has been quite a big interest in these types of facilities. They are kind of, like I mentioned earlier, there are probably 25 or so in the Capital Region.

So, basically, we looked at our neighbor in Glenville, who does have a couple, they have a winery, a distillery and also a microbrewery in their town and they have definition section in their Code as well as for the allowance for these types of facilities. At the Town Board meeting, one of our residents got up and spoke and had mentioned that mead is also something approved by the state legislature a couple of years back and braggot was also approved by the state so we added that. Then we modified the proposed language to just basically say similar type alcoholic beverages because who knows in the future what folks are going to come up with something different or some new variation of fermentation.

So, unlike typical report and recommendation at the Planning Commission does, the Board just kind of vote yes or no and state our reasons why, in this case, we thought it might be prudent to have a discussion and make a recommendation that this group would feel in terms of on-site consumption, whether that should be permissible or not. Number 1 that is kind of first and foremost. The Town of Glenville does not allow that in their Code, but I know in many instances it does occur. There is also the issue of, I don't know how far we would want to get into it, a lot of these facilities have food trucks that come and then also take a look at our other zones and make sure that both in the commercial zones in the Town and the industrial zones that there would be an ability to make, I believe it would outright be permitted, right now in the industrial zone although it doesn't say that specifically, there is a manufacturing component to it.

Just kind of looking for the Board's feedback on what thoughts are in regards to allowing for on site consumption and whether you would want to get into the other zones and come back with a recommendation to add this into our commercial zones and industrial zones and whatever performance standards that you would want to see. Maybe in the Agriculture zone you want to have a minimum acreage requirement of an acre, five (5) acres, whatever that may be and those types of performance standards we could put in the report and recommendation to the Board and then they can move forward with the public hearing process.

Ms. Heinel: There are other types as well as just the cidery, breweries, "Inaudible", there is the farm ciders, breweries and "Inaudible" and just for clarification for the Board when we get into this a farm brewery, the only difference between a farm brewery in New York State and normal brewer in New York State, is that in order to be called a farm brewery, one they have to be a on farm and their products that they use to make their product have to come from New York State so that they can get a label that get placed on the product that says New York State Agricultural product and that is what the difference between the farm versions of all these things and the non-farm version.

There is also the factor of just for inclusionary purposes of placing all of the definitions into the Code to some extent or another. Whether you wanted to accept those as well or just the limited, normal versions we take of brewer, microbrewery, because they do have different definitions in the State version of the legislature, they have each labeled with different definitions. The Board could always choose to adopt the State's definitions for each one to make it a simple process of what classifies each.

Mr. Comenzo: Or just reference the section of the State Code because things change.

Ms. Heinel: Some municipalities have said, microbreweries shall have the normal, ordinary meeting as defined in the NYS Alcoholic and Beverages Law Section, I forget what specific section number it is, but they define it just by referring to how it is defined in the Alcoholic Beverage Law of New York State. That is also a considering factor.

Mr. Collins: When it comes to the manufacturing do they give, if we put it in like a general business, does it give off odors into the atmosphere where it could be noxious to the neighbors?

Mr. Comenzo: There is a smell associated with fermenting beer. I don't know if there is some type of diffuser that's in there or fans that would exhaust that.

Mr. Collins: I was just thinking because when we talk about nail salons and so forth, they have to have certain system to stop it.

Mr. Comenzo: They boil it and there is a scent to it. I have visited microbreweries and you can smell it inside. I do not know how much of an issue it is outside.

Mr. Collins: I do not know to be honest with you.

Ms. Heinel: To my recollection, a lot of that gets contained with the modern equipment that is used in these. A lot of that gets contained within the internal structures. Now, that doesn't mean that the smokestack or whatever it might be might not give off some smell, but they would also have to comply with the Alcoholic Beverage Laws, their own regulatory and licensing authorities. Just like many of these other businesses too. It's a good idea to look into.

Mr. Comenzo: I think part of that would be during the site plan review process too. What are they doing with the waste material once it's done fermenting and what do you do with all the hops? Do you dump them in the dumpster in the back or are they fed to pigs, I don't know exactly what is done with the waste materials.

Mr. Collins: Like I say, one of those thoughts that ran through my mind.

Chairman Yuille: Mr. Calder, any questions?

Mr. Calder: Isn't the waste material going to be taken away by a truck, basically. The editorial today in the Gazette was very informative for somebody that doesn't know about this. In some of the stuff here talked about the waste being taken away.

Mr. Comenzo: I would imagine that it is organic so, I would imagine that they would feed it to animals.

Mr. Calder: And they talked about some of it going to nearby farms.

Mr. Comenzo: Or at least used for fertilizer. But the storage of it, I don't know if you have to build up enough to get a truck load of it to make it.

Mr. Calder: When we were discussing this earlier, the water at some point may have been an issue. I don't know if that is an issue but whether we should consider that with the zoning with the water, where the water is, where there is water available, where there is no water available. Does that make any sense or not?

Mr. Collins: Well, water is water but I mean I can't see them building out by Maple Ski Ridge because if that's all wells they could never produce that kind of water.

Mr. Comenzo: Depending on the size of the brewery. They didn't say they were looking at a really large operation, but I would assume that would be one of the first things that you would look at after a location or whether it's allowed in the Town or not. I know these folks were looking at several different towns and different pieces of property. They were looking at a property off of Mariaville Road. Who knows, they may have found another piece of property already. It made sense to look at this because I know from an economic standpoint and tourism, I don't think it's a matter of if we're going to see a request for a microbrewery or cidery, but its when. At least we would have a Code that would give the Board the ability to look at it. Otherwise, you just tell them no when they come.

Ms. Heinel: I think the water issue would be more of an issue that the applicant/potential buyer would have to verify for themselves whether the property could actually meet the demands for what they need it to be. That's not really a concern necessarily for the Town to take on of whether the person buying the property is aware whether they are going to get the water or not. That is part of the buyers due diligence in purchasing a property for a specific need is whether they can meet that need.

Mr. Comenzo: I think Clark might have been alluding to like living next door and having your well run dry because they are using.

Ms. Heinel: That's fair and it's something to consider but that's the problem you would have with any neighbor that potentially bought a house right next to you and tapped the same well.

Mr. Comenzo: Whether it was farming…

Ms. Heinel: Whether it was farming, whether it was a business or whatever it might be, it's going to be a potential problem for anybody purchasing a property in that area.

Mr. Calder: I think getting ahead of it is a good idea, but I'm surprised we haven't had to deal with it before since everybody has.

Mr. Comenzo: Like I said earlier, we have gotten inquiries about properties in our commercial zones for breweries and I can potentially see some of these areas where there is a lot of parking and under-utilized retail areas in town potentially going in there. We do have very good quality water in the town. I could see someone looking to do that.

Mr. Calder: I have no other questions. Thank you.

Chairman Yuille: Mark?

Mr. D'Alessandro: I have a question. Number 4 about the on-site consumption or not. I did one of those tours up in the Thousand Islands for a winery tour. Is sipping considered consumption? They had like little dixie cups that you could have the wine.

Ms. Heinel: That's a tasting versus consumption which is ordering. I think the idea there was that tasting would be a very different experience than buying a pint of beer or five (5) or six (6) or however many.

Mr. D'Alessandro: Do we have to specify anything like that or is that just like a…

Mr. Comenzo: Right now, we based this from the Town of Glenville's Code. I don't know how closely they follow that for terms of on-site or off-site consumption or that type of thing but it's something to discuss. If it's going to be a large, if it's going to be a small operation they probably wouldn't have some type of beer/alcohol sales but a lot of times if they have a good product they grow.

Ms. Heinel: The other thing is just because one business is the one spurring us to look at this as a potential change for our code, it isn't going to be the only one probably that's going to come around. What one is planning on doing is not what the other is going to plan on doing. If we don't allow on-site consumption now, good chances are that there is going to be one that comes along that is going to want it and we are going to have to go through this process all over again so it's best to have an idea of is that something that the Town is going to allow should we recommend this or should we limit it to this and this only.

Mr. D'Alessandro: That's all that I have.

Mr. Comenzo: I kind of was torn about whether to put the letter in there or not from the property owner. It doesn't seem like the Board is focusing on this and I'm certainly not. It was just an inquiry to the Town and I said hey, if you are really interested why don't you send us a letter and I will see if the Town Board will entertain it. They did accept it and forwarded it to this board for report and recommendation. Like I said, unlike some of our other code amendments they are pretty straightforward, this one we are looking to try to get a recommendation from the Board in terms of what you think the Town should do in regards to this issue.

Ms. Heinel: Especially since a lot of these site plans, if this does go forward and get accepted, are going to come before this Board. Once it gets enacted and you start getting interest with applications, you guys are going to be the ones looking at the site plans and everything in there. Now would be the time to start thinking about the thing that you would want to require of a site plan applicant for something like this for that special use permit. What would be the things that you would be concerned with?

Mr. Comenzo: So far, I have heard water and waste or smells.

Ms. Heinel: Lighting would be a big one. I would imagine neighbors would be concerned with from a space, hours of operation would be another one to consider. Noise as well.

Mr. Comenzo: I don't know how far the Board wanted to get into that in terms of performance standards or if you wanted to direct staff to come up with an idea of specific recommendations.

Ms. Heinel: Or those things can be left to site plan and be made conditions at a site plan approval so they can be adapted to each application as well. It is just something to consider.

Chairman Yuille: I think the on-site consumption, I'm sorry, Mark, are you done?

Mr. D'Alessandro: The only thing I was going to say is four (4) years ago if you were going to talk about drug and alcohol on the Planning Commission, I would have told you were nuts.

Chairman Yuille: I think the on-site consumption we need to consider.

Mr. Comenzo: I think that is the biggest item there. Is the Board in support for allowing on-site consumption for microbreweries.

Chairman Yuille: If someone wants it, they could come back for a special use permit for that.

Mr. Comenzo: It's implied that it's allowed. Right now, the way it's written is prohibited. So, if the Board was okay with allowing for on-site consumption for having a taproom to sell beer…

Mr. Signore: I think at some point somebody is going to bring that up so why go through this again. Put a very broad description for these and I think Courtney had it right to use the State's description and "Inaudible…" in terms of the "Inaudible…" I would include everything in that and then add oversight by the Town or DPW under the discretion of the Town, perhaps so we don't have to go through this process several times because people are going to come up with a lot of ideas. We have all these different things here now.

Mr. Comenzo: I don't know if everybody agrees with what Joe is saying, he's basically saying is we should reference the State Code instead of trying to define all these different types of beverages, allow for on-site consumption and be a little more general in terms of the performance standards. In my mind, I am thinking you could address noise, odor, lighting, etc. and if you just wanted to add a statement in there to say the Planning Commission during Site Plan or during the Special Use Permit review would look at lighting, odors, you need to prepare answers to lighting, traffic, the general things you guys look at.

Ms. Heinel: Water, waste, lighting, traffic, noise, safety, hours of operation.

Mr. Comenzo: Does that sound…

Chairman Yuille: Joe, do you have anything else to add?

Mr. Signore: Like the on-site food could be discretionary as well. Put that in there and then like Tom mentioned they could come in for a special use permit but at least it would already be in the Code. I think Tom had a good idea with that.

Chairman Yuille: Joe, anything to add?

Mr. Miglucci: The waste issue is rice, hops, barley and it's all natural. The smell basically dissipates quickly and there is nothing really toxic or endangering. "Inaudible…"

Mr. Comenzo: I guess in terms how they are going to handle that would be, the other thing I was thinking of is rodents and that type of thing, would that attract them?

Chairman Yuille: VanDyke down there they have a microbrewery and they are right in the middle…

Mr. Comenzo: A lot of these places are literally right in the middle of the town or cities. I can foresee that occurring and having these in our business and industrial zones. For example, Burdeck Street or Altamont Avenue.

Mr. Signore: Do we know someone who is involved in the renderings for microbrewing and what they look like? I'm thinking a farmer would take it and plow it in.

Mr. Comenzo: I could look into it.

Ms. Heinel: I don't know if the fermenting process actually ruins the ability to compost because of the process of the breakdown of it. You can't use cooked in compost because it doesn't degrade the same way, it doesn't add the nutritional benefits and I don't know if the process of fermentation does the same thing to the waste products where it would make it not viable.

Mr. Comenzo: I can find out. I know somebody that knows somebody that runs one.

Ms. Heinel: I also have a friend who the farm manager at Indian Ladder Farms.

Chairman Yuille: Anyone else have anything else to add?

Mr. Collins: I have one more question. When it comes to the food truck thing, that way if you do it because NYS you have to food if you sell booze, right? But are we going to say you can only have one food truck because sometimes somebody will see a food truck and some guy says I got a food truck, and I will go down and hang out. Do you know what I am saying? I don't know if that would become a problem.

Mr. Comenzo: I think the food truck pays the brewery to be there.

Ms. Heinel: It's also up to the brewery on how many they want to allow on their property too.

Mr. Comenzo: It's going to depend on their customer base. If there is only 30 people going there, there is not going to be 5 trucks.

Ms. Heinel: With regards to the food concerns, that's really going to depend on what type of license they get from the Alcoholic and Beverages Committee and everything like that because that is going to dictate what they need to have on-site. They will be telling us when they come in for an application what type of license they are getting or have from the Liquor Authority and that will tell us what they are going to have on-site foodwise. Some licenses you can get away with just your peanuts on your bar.

Chairman Yuille: How are we going to put this together so that we can do it at the next meeting? Are we going to put a list together?

Mr. Comenzo: I think between Courtney and I we can probably come up with some type of draft to consider. I think Joe made some good points in referencing the State Code and then the on-site consumption. I think everybody was kind of in agreement, in at least in reading the tea leaves here, that on-site consumption is not really a concern and it would be something that would be addressed the review process.

Ms. Heinel: Any issues with on-site consumption from anybody?

Mr. Comenzo: Then generic performance standards. Ask them to come up with a plan to address safety and lighting.

Ms. Heinel: I think like you suggested something we could add in the tagline that during special use permit review the board will look at these factors…

Mr. Comenzo: Like proximity to neighbors and we can come up with a list and then when they come in, they will know they say they want to do this, but we can say we reference the Code and when you come in, here's what you need to address. Then the on-site food, I think we were okay with that.

We should be able to come up with something and come back to you in two (2) weeks.

Meeting adjourned at 8:15 p.m.

Motion to adjourn the meeting was made by Mr. Collins and Mr. D'Alessandro seconded the motion.
Next meeting scheduled for March 7, 2023.

Respectfully Submitted, Marlo L. Carter, Planning Commission Secretary

2. **Town of Rotterdam – Code Amendment. Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code entitled "Zoning" of the Town of Rotterdam in regards to allowing microbreweries, micro-wineries, and micro-distilleries by Special Use Permit in the A-1 Zoning District**

Chairman Yuille: Peter, are you going to present?

Mr. Comenzo: Yes. Peter Comenzo, Town Planner.

If you recall, not last meeting, but the meeting before we had a discussion and proposed legislation for the microbrewery and micro-distilleries. We were directed, to look at more comprehensive and not just focus on the Ag Zone but to look at breweries and microbreweries and brew pubs townwide to check our different zones. Part of the discussion was not necessarily just the Ag zone but some of the underutilized properties in the town, people could look there and really the thing from a zoning perspective is that you have the manufacturing component as well as the beverage component. So, it really does not fit specifically into any zone. And it is certainly not allowed in the Ag zone.

After looking at this matter, there were also some other performance standards that you wanted us to address in terms of noise, food carts, hours of operation. So, I went back and went through the zoning code and did some research to other communities as to how they addressed this. So, brew pub and microbrewery, micro-distillery, micro-winery are separated. The brew pub is more like a restaurant type facility with production of beer or wine or some of the other products, like braggot or cider, and that can be done in a brew pub setting where you can also have kitchen facilities and that would be more of something you would see in a commercial zone.

The microbrewery and micro-winery, micro-distillery would be more of a production type facility so, the square footage proposed for that or what I had seen, we had discussed up to 75,000 square feet for a microbrewery, micro-winery, or micro-distillery and then the brew pub would be 25,000 square feet.

The way our code is set up, it is cumulative so, first I looked at the Ag zone and we talked about the food cart and this obviously subject to discussion tonight, I had listed no more than two (2) food cart vendors permitted on site and that was for the Ag zone. We would not allow brew pubs but the microbrewery component would be in the Ag zone. We have it listed as a special use in the Ag zone. As a special use in the Main Street Neighborhood Center Overlay District and in the Corridor Overlay District. We addressed the noise code. We allowed food carts permitted on site by permission of the Planning Commission only. So, even if one of these businesses opened, they could always come back if they wanted to add a food cart component to it or they could work that into their site plan when they came forth.

The smaller, we would have it as a special use in the less intensive zones, like Main Street Neighborhood Center and the Corridor Commercial as well as the Retail Business zones which right now, we allow restaurants in those zones. When you get over to the General Business zone, I would propose that it would be a permitted use because the way our cumulative zoning works in both the light industrial and the heavy industrial zone, whatever is allowed by right in the General Business zone is also allowed in the Industrial zones so they would be allowed outright in the I-1 and I-2 zones subject to the same performance standards that are listed in here.

As well as the Commercial PUD zone which is a new zoning classification which we don't have any right now in the Town, but that is more for like the Exit 25A area and I think we had proposed that type of zoning for Exit 25 as well in terms of some type of a planned unit development with several different types of uses on the same piece of property.

That is all that I have. Are there any questions?

Chairman Yuille: Mr. D'Alessandro?

Mr. D'Alessandro: No.

Chairman Yuille: Mr. Collins?

Mr. Collins: No.

Chairman Yuille: Mrs. Flansburg?

Mrs. Flansburg: I don't have any questions, just a comment. As I was not here for the original meeting, I appreciate that all of the minutes were part of this so I was able to read up and catch up on it. It sounds like we are modeling quite a bit of it after Glenville who has many of these.

Mr. Comenzo: Glenville's is very rudimentary, I guess, it just basically said you could allow, and it didn't actually allow on-site consumption obviously it would be an issue with anything other than maybe tasting. We kind of went back to the drawing board based on the Board's comments and we rewrote this based on some other municipalities.

Mrs. Flansburg: It was nice to have it to be able to follow along both of your comments back and forth so, I appreciate that.

Chairman Yuille: Mr. Signore?

Mr. Signore: No. We have quite a way to go on this anyway, right?

Mr. Comenzo: Well, it's a report and recommendation. The only difference with this is that what was originally forwarded to the Board is completely different than what we have here. This is really the recommendation of the Planning Commission as based on your comments from the last meeting and the work of staff to go through this and address it.

Ms. Heinel: From here it would go to the Town Board and then the Town Board would make…

Mr. Comenzo: They will call for a public hearing. If they want to add things or subtract things, they can address that.

Chairman Yuille: Mr. Miglucci?

Mr. Miglucci: I'm good with it.

Chairman Yuille: To give you a little history, this came about because someone came in looking to possibly put a microbrewery out on Mariaville Road. There isn't a current project, but since this is probably going to start to come through, we thought we would get ahead of the game with it. So, we got those, and we will go from there. Again, just to remind everybody, this is a recommendation. We are going to vote either yes or no on it and when you give your vote, explain your vote as to why you vote yes or why you vote no and give a reason. If you have something that you would like to change, there is a section here that Peter put in so that you can add a section or something that you might want to change or might want to do. We will go with that.

Ms. Heinel: I do have a question. I was just looking at the DPW comments, Peter, and I think we have addressed it, but I want to make sure that we did because these were from the February meeting, for the microbreweries, we are allowing on-site consumption, right?

Mr. Comenzo: Yes.

Ms. Heinel: Does it specifically state it? It says tasting room in the definition, and I want to make sure and I would agree that I think it's enough because brew pub covers it specifically.

Mr. Comenzo: The brew pub is covered in all zones except for Ag.

Ms. Heinel: Yeah, and it specifically states on-site consumption and I was looking at the comment and then the definition we are using for the microbreweries, micro-wineries, and micro-distilleries, it doesn't specifically say anything about the on-site consumption other than that it includes a tasting room. I was wondering if the Board wanted to specifically state on-site consumption or not.

Chairman Yuille: For the brew pubs?

Ms. Heinel: No, for the microbreweries, micro-wineries and micro-distilleries.

Mr. Comenzo: The only caveat on that, I believe we didn't really want to open this in the Ag zone to bars. I think it needs to be clear, unless the Board wants to recommend that, but I don't think we want to open up the Agricultural Districts to opening up taverns and just, I don't know if they would have some type of five (5) gallon jug in the back, like the Cuomo chips, a bucket of beer in the back.

Mr. Collins: Could they come back and ask for, say someone just opened a microbrewery in the Agricultural zone, and then later on, could they come back and ask for a special use permit to add consumption or is this strictly...

Mr. Comenzo: I guess you could tie it to the Liquor Authority approval or because of home rule, we can dictate exactly what you want to see in the agricultural district. This is a little unclear. It doesn't outright allow you to have a full service bar and then, in that, I guess the distinction between brew pub and microbrewery, at least in my mind to say okay if you are opening up a microbrewery, you are not opening a bar and you are allowed up to 75,000 square feet and you can have tastings. I think what Courtney is saying is do you want to allow someone that if they are making beer, can they sell cider and...

Ms. Heinel: Or sell their own beer?

Mr. Comenzo: I don't know if you want to put a performance standard in there to say limited to on-site production products.

Ms. Heinel: I just want clarification from the Board's perspective, is that something they want or in response to DPW comment kind of in just looking at it or do we want to leave it as is with just the tasting room reference.

Mr. Collins: I don't think, with respect to someone that's in Agricultural, they are out there for a reason. The rural setting and so forth and I kind of agree that maybe we shouldn't force them and let someone come in and open a big beer joint. It's a different atmosphere than in the business districts. So, I kind of agree with what we are saying. That is just my opinion, for what it's worth. They are living out there for a reason and for them all of a sudden to have a few beer joints, I don't know, we are just talking here.

Mrs. Flansburg: I'm just trying to think about how this applies to reality. I'm thinking Agricultural, not in our community, but Indian Ladders has a giant "Inaudible" and on-site consumption and tasting and own little restaurant, is that the kind of thing that we are talking about here or not at all?

Mr. Comenzo: I'm looking at it from a perspective if I'm looking at a developer that comes in or someone wants to come in and open up a business in the Town of Rotterdam what are the restrictions? If someone came and said hey, I want to open up a bar in the Ag zone then there is some discretion in terms of what you are looking at. I guess, to address it, you could add it in here how we are dealing with food carts or hours of operation. You could say other types of liquor as approved by the Planning Commission. If you want to address that issue. I think if you allow brew pubs in the Ag zone, I think you may find somebody that will try to use that or twist that in some way that it's an allowed use and you'll wind up with a bar.

Mr. Collins: I don't want that, I don't think.

Mr. Signore: Peter, you are going to see unforeseen issues as these progresses, right?

Mr. Comenzo: Yes, 20 years ago we wouldn't be having this conversation about microbreweries.

Mr. Signore: These people go for their permits to get established, they should understand that a lot of this is going to be under the discretion of the Town and how the Town makes changes or perhaps the State makes changes.

Mr. Comenzo: Like I said, it's either allowed or it's not. It's either in the code or it's not. I don't have that discretion to say well, I kind of like your business and I don't like this other business. You are either permitted to have other types of alcoholic beverages on-site or you are not. The other alternative is that you could make it a performance standard and have them come in and request to offer other limited types of beverages. And you could limit it to not hard liquor or whatever you could have a percentage of alcohol maybe. If you wanted to do it that way, you couldn't serve shots of some type of hard liquor as opposed to a different variety of these types of liquors.

Ms. Heinel: My question wasn't necessarily geared towards having other types of alcohol at the establishment, it's more whether they can consume their own. They can sell and consume their own product right on site. Like a tasting room is a tasting room but being sit down with a beer from there, drink a few of them is a little different than a tasting room. My question was more of if a microbrewery opens and they want to sell their product on-site to people to on-site consume, that's really the question. Would we want to allow on-site consumption of at least their own products and not even really getting into the question of having liquor, ciders and beer at the same location.

Mr. Collins: I think they should be able to see their own product but that is what their business is for but we don't want them to be bring in a full line of alcoholic beverages and start having a bar. I think that if someone opens a brewery and they have a tasting room and that person should, I feel should be able to say I like this product, I would like to buy it however it's package but they can only sell their product and not expand to other products, does that make sense? Do you know what I mean? They are producing/manufacturing a item, they are offering you to taste the item and now the reason say that I would like to buy however it's package, a quart, a six pack, I don't go out anymore doing that stuff, but I think if you are allowing them to make it there and taste it there, I think you should be able to take that product home, no other vendors product. If that makes any kind of sense?

Mrs. Flansburg: It does but I also think it's a matter of I have tasted these three (3) and I like this one and I would like a pint of that one.

Ms. Heinel: Right.

Mrs. Flansburg: They would still be limited to their product.

Ms. Heinel: At this point, I just posed a question because I wanted some clarity on that particular point, if no one else has any questions, we do the vote, for an example, a board member wanted to suggest that as a modification for a recommendation, I think you could, otherwise you could just leave it as is.

Mr. Collins: What do you think, Peter?

Mr. Comenzo: I think these other zones are going to allow restaurants which potentially have full-service bar. You could be a brew pub but you can also be a restaurant right, and the restaurant, if they get their approvals to sell liquor from the liquor authority, it really comes down to the Ag zone. I think Courtney is correct and we probably should address sale of whether, either their product from on-site which I believe would make a lot of sense and then whether you would want

limited or you could limit it to the amount of alcohol too. I guess you could say anything under 20% or 15% alcohol could be sold.

Ms. Heinel: That would kind of defeat the purpose of a micro-distillery because they make liquor.

Mr. Comenzo: That's true. I didn't think of that. I'm thinking beer.

Ms. Heinel: I know, but it does include all the other ones.

Mr. Collins: My concern is the Ag zone and not the other ones. I mean if a guy opens up in the business zone, a restaurant, that already established but in an Ag zone, I think it should be, I will make that recommendation if I can when we do it that their own product be sold on their site.

Mr. Comenzo: I guess this is an establishment engaged in the production and distribution of beers, braggot, meads, hard ciders, we could change that to distribution and sale. Just add the word and sale. Distribution could be sales.

Mrs. Flansburg: It was never a question to me that they would not be selling it there. That is their job. They are producing it and they are going to sell it there and they would hope that they are going to make agreements with other businesses to also sell their products like beverage centers or other places. I'm going to go a step further and say that I think they should be able to consume it there, whether everybody agrees with me or not, their own product they should be able to consume it there.

Ms. Heinel: I think if you are going to add that into the text Peter, where you would put it is kind of similar where it's put in the other one. So, it says the establishment may include other uses such as a tasting room with food, offer to consumption in the tasting room and/or on-site consumption of their own products. And just put it into that sentence.

Mr. Comenzo: Does that make sense, everybody?

Mr. Collins: Yes.

Chairman Yuille: We will find out when the first one comes in and we have…

Mr. Comenzo: On-site consumption and sale. Would we add the word sale?

Ms. Heinel: Yes.

Mr. Comenzo: There is a difference between distribution and sale.

Ms. Heinel: I don't know if that makes a huge difference because I think the idea behind production and distribution means they are going to produce it and distribution is inherently a sale to some extent or another involved in that process, but we can add it there just to cover our basis.

Chairman Yuille: NYS has a lot of regulations on this also.

Ms. Heinel: A whole bunch. The ABC Laws are lengthy, strict, and somewhat convoluted.

Chairman Yuille: Anymore discussion? Hearing none, at this time, I will entertain a motion for a recommendation. Please identify whether the motion is going to be positive or negative.

Mrs. Flansburg: I will make a motion that the Planning Commission adopt a positive recommendation for this, but including the new changes that we made specifically to microbrewery, micro-winery, and micro-distillery on-site consumption for sale in the Ag zone.

Mr. Comenzo: Consumption of tasting room and/or on-site consumption and sale of their own product.

Mrs. Flansburg: They are not just limited to tasting, right?

Mr. Heinel: Right.

Chairman Yuille: Motion made by Mrs. Flansburg. Is there a second?

Mr. Collins: I second the motion.

Chairman Yuille: Motion seconded by Mr. Collins. Are there any questions on the motion? Everyone understands that we changed a couple of words and added a couple of words in there? Please call the vote.

Marlo Carter: Mr. Collins?

Mr. Collins: Yes, and the reason being we made the changes that are positive and we are just bringing the town forward and trying to get ahead of the curve on this. I think this is a good recommendation and I hope the Town Board agrees with us.

Marlo Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes, for the same reasons as he stated and I would like to be ahead of it when the projects come before us. I think it is helpful for a clear understanding of what is expected.

Marlo Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes, I agree with Mr. Collins and Mrs. Flansburg.

Marlo Carter: Mr. Signore?

Mr. Signore: Yes, I agree with the others.

Marlo Carter: Mr. Miglucci?

Mr. Miglucci: Yes, just like everyone else stated and it is a nice place to take a date.

Marlo Carter: Chairman Yuille?

Chairman Yuille: Yes, and I agree with what everyone said and it is nice to get ahead of it, so we have something out there. It may not happen for a year or two but at least we have something. There will probably be something that comes up that we are going to have to change or NYS may make a change and we must abide by that.

Motion carried.

Thank you, Peter.

Meeting adjourned at 8:07 p.m.

Motion to adjourn the meeting was made by Mr. Collins and Mr. D'Alessandro seconded the motion.

Next meeting scheduled for April 4, 2023

Respectfully Submitted,

Marlo L. Carter
Planning Commission Secretary

Town of Rotterdam
Office of the Planning Commission

Thomas P. Yuille, Chairman
Peter J. Comenzo, Senior Planner

Telephone (518) 355-7575
Facsimile (518) 355-2725

Resolution Number PC 9-2023
Moved by Mrs. Flansburg seconded by Mr. Collins

Resolution Adopting a Report and Recommendation on changes to the Town Code to Permit Brewpubs, Micro-brewery, Micro-winery, Micro-distillery in the Town of Rotterdam

WHEREAS, the Town Board of the Town of Rotterdam ("Town Board") received an inquiry regarding the allowance for the location of a microbrewery in the Town of Rotterdam. Although potentially an agriculture related use, the current Town Zoning Code does not permit this type of manufacturing, sale, or consumption in the Agriculture (A-1) Zone; and,

WHEREAS, the Town Board referred draft language similar to the adjoining community of Glenville to address the allowance for changes to the Town Zoning Code, to the Planning Commission, on February 8, 2023 for a report and recommendation thereon; and,

WHEREAS, this matter was presented for discussion to the Planning Commission through the Town Planner and Attorney for the Town, at its regularly scheduled meeting held on February 21, 2023; and

WHEREAS, the Planning Commission discussed the proposed amendments at its regularly scheduled meeting on February 21, 2023 and the consensus was to direct Town staff to look at the current Town Zoning Code and address this type of use in not only the Agriculture Zone, but the Business and Industrial Zones as well; and,

WHEREAS, the Planning Commission requested that Town staff return with updated code language that encompassed a better definition of alcohol products that included a wider variety of craft drinks that are evolving, address and allow for on-site consumption, add generic (hours of operation), specific performance standards (noise, lighting, odor), and allow for on-site food consumption; and,

WHEREAS, staff has prepared revised code language as directed and provided updated draft language to include in the report and recommendation to the Town Board for their consideration; and,

WHEREAS, the Planning Commission has reviewed staff recommendations to the updated draft language and deliberated on the proposed additions to the Town Zoning Code in this matter;

NOW, THEREFORE, upon motion of Member Flansburg, seconded by Member Collins,

BE IT RESOLVED, by the Planning Commission of the Town of Rotterdam as follows:

1. The Planning Commission hereby adopts the following as its report and recommendation on the proposed Change to the Town Zoning Code based upon review of the input received from Town Staff and deliberations at the March 21, 2023 meeting:

Recommended changes to the Town Zoning Code 270-5 Definitions.

Brewpub: An establishment which sells or produces on and/or off-site alcoholic beverages, including beers, ales, meads, braggot, hard ciders and wines and similar spirituous liquors. Ancillary activities to include on-site consumption and contains kitchen facilities for consumption of food and beverages. The maximum size for such an establishment shall not exceed 25,000 square feet. Off-site distribution of alcoholic beverages shall be consistent with New York State Liquor Authority law as now enacted and in the future.

Micro-brewery, Micro-winery, Micro-distillery: An establishment engaged in the production and distribution of beers, ales, meads, braggot, hard ciders, wines and similar spirituous liquors produced on-site. The establishment may include other uses such as a tasting room and shall allow for both sale and onsite consumption of alcoholic beverages with limited food offered for consumption in the tasting room. The maximum size for such an establishment shall not exceed 75,000 square feet. Production shall be consistent with the NYS Liquor Authority limits for these types of establishments. Off-site distribution of alcoholic beverages shall be consistent with New York State Liquor Authority law as now enacted and in the future.

Add to Town Code Chapter 270-18. Special Uses (Agriculture Zone)

(O) Microbreweries, microwineries and microdistilleries.

Micro-breweries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each microbrewery, microwinery, or microdistillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. No more than two food cart vendors are permitted on-site.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-53.23. Special Uses (MS/NC Overlay Zone)
(H) Brewpubs, Microbreweries, microwineries and microdistilleries.

Brewpubs, Micro-breweries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, microbrewery, microwinery, or microdistillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-53.43. Special Uses (CORR Overlay Zone)
(H) Brewpubs, Microbreweries, microwineries and microdistilleries.

Brewpubs, Micro-breweries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, microbrewery, microwinery, or microdistillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-56. Special Uses (Retail Business Zone)
(J) Brewpubs, Microbreweries, microwineries and microdistilleries.

Brewpubs, Micro-breweries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, microbrewery, microwinery, or microdistillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-64. Permitted Uses (General Business Zone)
(H) Brewpubs, Microbreweries, microwineries and microdistilleries.

Brewpubs, Micro-breweries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, microbrewery, microwinery, or microdistillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-108.4. Special Uses (Commercial PUD Zone)
(H) Brewpubs, Microbreweries, microwineries and microdistilleries.

Brewpubs, Micro-breweries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, microbrewery, microwinery, or microdistillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.

6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

2. Subject to the considerations set forth in Paragraph 3, below, the Planning Commission hereby adopts a **positive recommendation** on the proposed language prepared by Town Staff with the following modifications:

_____

_____

_____

_____

_____

3. Any recommendation by the Planning Commission, should not be construed as an approval or other favorable position concerning any proposed Zoning Code language. Any proposed updates to the Town Code shall remain subject to full review approval by the Town Board who is the only governing body with the authority to modify the Town Zoning Code.

Member	Aye	Nay
Thomas Yuille	X	
Mark D'Alessandro	X	
Wayne Calder		
Clark Collins	X	
Joseph Signore	X	
Lynn Flansburg	X	
Joseph Miglucci	X	

Peter J. Comenzo
Senior Planner

Thomas Yuille
Planning Commission Chairman

ZONING COORDINATION REFERRAL

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

For Use By SCDEDP

Received 5-2-23
Case No. R-3-23
Returned 5-16-23

FROM: ☑ Legislative Body
☐ Zoning Board of Appeals
☐ Planning Board

Municipality: Town of Rotterdam

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) 382-5539

Received
Schenectady County
MAY - 2 2023
Economic Development
and Planning Dept.

ACTION:
☑ Zoning Code/Law Amendment
☐ Zoning Map Amendment
☐ Subdivision Review
☐ Site Plan Review
☐ Special Permit
☐ Use Variance
☐ Area Variance
☑ Other (specify) Local Law - Micro-Breweries etc.

PUBLIC HEARING OR MEETING DATE: May 10, 2023

SUBJECT: Town of Rotterdam – Code Amendment. Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code entitled "Zoning" of the Town of Rotterdam in regards to allowing microbreweries, micro-wineries, and micro-distilleries by Special Use Permit Zoning Districts

REQUIRED ENCLOSURES:
1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.

2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:

☐ the boundary of any city, village or town;
☐ the boundary of any existing or proposed County or State park or other recreation area;
☐ the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
☐ the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
☐ the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
☐ the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: Peter Comenzo Title: Sr. Planner

Address: 1100 Sunrise Boulevard Schenectady, NY 12306

E-mail: pcomenzo@rotterdamny.org Phone: 518-355-7575 Ext 338

Signature Date: 4 27 23

RECEIVED
MAY 17 2023
TOWN OF ROTTERDAM
PUBLIC WORKS

PLANNING & ZONING COORDINATION REFERRAL

Case No. R-03-23 Applicant Town Board

Referring Officer Peter Comenzo Municipality Rotterdam

Considerations: Proposed local law amending the zoning code to add Brewpubs and Microbrewery, microwinery and microdistillery to the list of special permitted uses.

RECOMMENDATION

Receipt of zoning referral is acknowledged on May 2, 2023. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

☑ ***Approve of the proposal.**

☐ **Defer to local consideration (No significant county-wide or inter-community impact)**

☐ **Modify/Conditionally Approve.** Conditions:

☐ **Advisory Note:**

☐ **Disapprove.** Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

5/10/23
Date

Ray Gillen, Commissioner
Economic Development and Planning

RESOLUTION NO. 185.23

TO ENACT INTRODUCTORY LOCAL LAW NO. 6 OF 2023; TO AMEND CHAPTER 267, WATER

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 6 of 2023.

SECTION 2. The Town Clerk is directed, following consultation with the Attorney to the Town, to file said Local Law in final form with the New York State Department of State.

SECTION 3. This resolution shall become effective May 24, 2023.

DATED: May 24, 2023

NAME	AYES	NOES	ABSTAIN
Christou			
Miller-Herrera			
Dodson			
Mastroianni			
Collins			

TOWN OF ROTTERDAM

John F. Kirvin Government Center ' 1100 Sunrise Boulevard ' Rotterdam, NY 12306
Telephone: 518-355-7575 ' Fax: 518-355-7976 ' Website: www.rotterdamny.org

LEGISLATIVE REQUEST FORM

DATE:	May 15, 2023
TO:	Town Board
FROM:	Jack Dodson, Deputy Supervisor
TITLE OF REQUEST:	To enact Local Law No. 6 of 2023; To amend Chapter 267 entitled Water
TOWN BOARD MEETING:	May 24, 2023
Background Information:	A public hearing was held on May 10, 2023 during the Town Board Meeting for receipt of comment on the proposed Introductory Local Law No.5 of 2023; To amend Chapter §267, Water, of the Town Code of the Town of Rotterdam.
Evaluation/Analysis:	The law must be amended and passed to adopt the updated revisions to Chapter 267 of the Town Code that were modified by members of the Department of Public Works
Recommendation(s):	Adopt introductory local law 6 of 2023; To amend chapter 267 entitled Water, of the Town Code of the Town of Rotterdam.
Attachment/Document(s):	Copy of current Chapter 267, proposed amendments to Chapter 267, and Introductory Local Law to amend Chapter 267 entitled Water.
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	N/A
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ **County** ☐ **City** ☐ **Town** ☐ **Village**
(Select one:)

of _____

Local Law No. _____ **of the year 20**____

A local law to amend chapter 267 "Water" of the Rotterdam Town Code
(Insert Title)

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam **as follows:**

See Attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board on _____ 20 23, in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ and was deemed duly adopted

(Elective Chief Executive Officer)*

on _____ 20[ ][ ], in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20____.

(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

_____
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

§ 267-1. Purpose.

The purpose of this chapter is to:

A. Protect the public potable water supply of the Town of Rotterdam from the possibility of contamination by isolating within its customer's internal distribution system or its customer's private water system such contaminations or pollutants which could backflow into the public water supply system.

B. Comply with the requirements of the New York State Sanitary Code 5-1.31.

C. Promulgate the rules and regulations and schedule of fees for town water districts.

§ 267-2. Definitions; word usage.

A. For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

AIR GAP SEPARATION — A physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, and in no case less than one inch.

APPROVED CHECK VALVE — A check valve that seats readily and completely. It must be carefully machined to have free-moving parts and assured watertightness. The face of the closure element and valve seat must be bronze composition or other noncorrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be bronze or other noncorrodible, non-sticking material, machined for easy, dependable operation. The closure element (e.g., clapper) shall be internally weighted to otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

APPROVED DOUBLE-CHECK-VALVE ASSEMBLY — An assembly of at least two independently acting approved check valves, including tightly closing shutoff valves on each side of the check- valve assembly and suitable test cocks plus connections available for testing the watertightness of each check valve. Shall be New York State Department of Health (NYSDOH) approved backflow prevention device/assemblies.

APPROVED REDUCED PRESSURE PRINCIPAL BACKFLOW PREVENTION DEVICE — A device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, two shutoff valves and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the two check valves, less than the pressure on the public water supply side of the device. At cessation of normal flow, the pressure between the check valves shall be less than the supply pressure. In case of leakage to either valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. To be approved, these devices must be readily accessible for maintenance and testing and installed in a location where no part of the device will be submerged. Shall be New York State Department of Health (NYSDOH) approved backflow prevention device/assemblies.

APPROVED WATER SUPPLY — Any water supply approved by, or under the public health supervision of, a public health agency of the State of New York, City of Schenectady or the Town of Rotterdam. In determining what constitutes an approved water supply, the Department of Public Health of the State of New York (herein called "NYSDOH") shall have the final judgment as to its safety and potability.

AUXILIARY WATER SUPPLY — Any water supply on or available to the premises other than the Town water supply.

CONSUMER — Any person to whom water is sold and furnished from the Town of Rotterdam.

CONTAMINATION — An impairment of the quality of the Town water supply by the presence of any foreign substance (organic, inorganic, radiological or biological) to a degree which creates a hazard to the public health.

CROSS CONNECTION — Any unprotected connection between any part of the Town waterworks system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as safe, wholesome, and potable for human consumption.

DEPARTMENT OF PUBLIC WORKS – Department Head, Senior Building Inspector/Building Inspector, Town Engineer, Senior Water Treatment Plant Operator or authorized representative.

NONTOXIC SUBSTANCE — Any substance of a nonpoisonous nature that may create a moderate or minor hazard to the water supply system.

PERSON — Any natural person, firm, association, organization, partnership, trust or association or persons, joint venture, corporation or company, and includes the United States, the State of New York, the County of Schenectady, any special purpose district and any officer or agent thereof.

PREMISES — Integrated land area, including improvements thereon, undivided by public thoroughfares or water distribution mains of the Town of Rotterdam and where all parts of the premises are operated under the same management and for the same purpose.

PROTECTIVE DEVICE — Any of the following devices:

(1) Air gap separation.

(2) Approved reduced pressure principal backflow prevention device (NYSDOH approved).

(3) Approved double-check-valve assembly (NYSDOH approved).

SERVICE CONNECTION — The terminal end of a service connection from the Town water supply at its point of delivery to the consumer. If a meter is installed, "service connection" means the downstream end of the meter. No unprotected takeoffs from the service line ahead of any meter or backflow protective device located at the point of delivery to the consumer shall be permitted.

TOWN — The Town of Rotterdam.

TOWN WATER SUPPLY — The approved water supply sold and delivered to consumer's premises through the Water Works System of the Town of Rotterdam.

TOXIC SUBSTANCE — Any substance (liquid, solid or gaseous), including raw sewage and lethal substances, that, when introduced into the water supply system, creates or may create a danger to the health and well-being of the consumer.

B. "Shall" is mandatory; "may" is permissive.

§ 267-3. Where protection is required; type of protection.

A. Auxiliary water supply. Each service connection from the Town water supply for furnishing water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the Town water supply. Where a single- or dual-family residential customer served by a public water supply system has or proposes to install an auxiliary water supply (i.e., well, cistern, spring, etc.) the supplier of water shall protect the public water supply system against backflow by requiring the customer to perform one of the following:

(1) Permanently disconnect the auxiliary water supply from any direct connection to the public water supply system. An inspection to determine compliance with this requirement shall be made by the local plumbing or building code enforcement official, or their designee. The frequency of inspections shall be at the initial time of disconnection and at periodic intervals thereafter (i.e., every three to five years);

B. Toxic or hazardous substances. Should a facility be rated hazardous, a reduced pressure zone (RPZ) device shall be required.

C. Nonhazardous substances. At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health) if introduced into the Town water supply is handled in such a manner as to constitute a cross connection, the Town water supply shall be protected by an approved double-check-valve assembly.

D. Sewage Treatment Plant/Pump Stations – At the service connection to any sewage treatment plant or sewage pumping station, the Town water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the service connection and all piping between the service connection and receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the Town water supply shall be protected with an approved reduced-pressure principal backflow prevention device, provided that this alternative is acceptable by the NYSDOH.

E. Fire systems. At the service connection to any premises in which a fire protection system is installed, the Town water supply shall be protected based on the water source and arrangement of supplies in accordance with the following classifications:

(1) Class 1.

(a) Direct connection from public water mains only; no pumps, tanks or reservoirs; no physical connections from auxiliary water supplies, no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells or other safe outlets.

(b) Protection: double-check-valve assembly.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(2) Class 2.

(a) Same as Class 1, except booster pumps may be installed in the connections from the street mains.

(b) Protection: double-check-valve assembly.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(3) Class 3.

(a) Direct connection from public water supply main, plus one or more of the following: elevated storage tanks, fire pumps taking suction from aboveground covered reservoirs or tanks; and pressure tanks.

(b) Protection: double-check-valve assembly.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(4) Class 4.

(a) Directly supplied from public mains similar to Classes 1 and 2 and with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within 1,700 feet of the pumper connection.

(b) Protection: air gap or reduced pressure principal

backflow prevention device.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(5) Class 5.

(a) Directly supplied from public mains and interconnected with auxiliary supplied, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or when antifreeze or other industrial water systems; or where antifreeze or other additives are used.

(b) Protection: air gap or reduced pressure principal backflow prevention device.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(6) Class 6.

(a) Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(b) Protection: determined by the DPW upon review of engineering drawings of the system.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

F. Lawn sprinkling systems.

(1) Where a single- or multi -family residential customer served by the public water supply system has or proposes to install a lawn sprinkler or irrigation system, the minimum required backflow protection to prevent back-siphonage shall be a vacuum breaker that shall be located, specified, installed, maintained and accessible for inspection in accordance with Sections 902.2(d)(2) and 902.3(a), (b)(1), (c) and (d) of the Uniform Fire Prevention and Building Code (UFP and BC), respectively, in a manner acceptable to the supplier of water and/or the local plumbing or building code

enforcement official.

(2) For the systems described below, the supplier of water shall protect the public water system against backflow by requiring the customer to perform one of the following:

(a) Install an approved double-check valve assembly (DCVA) on those systems which may be subject to backpressure from pumps or elevated piping where no chemical injection takes place; or

(b) Install an approved RPZ device on those systems where provisions are made for chemical injection.

NOTE: The supplier of water may allow protective devices to be installed in the internal supply pipes to a lawn sprinkler or irrigation system, provided that there are no other hazards associated with a residential user as described in the categories "auxiliary water supplies" and "miscellaneous residential water uses" of this document. Containment at the service connection with an approved DCVA or RPZ shall be required in any other case. For options in Subsection E(2)(a) or (b) above, the device shall be tested in accordance with Section 5-1.31(a)(3) of the State Sanitary Code and maintained in a manner and frequency acceptable to the Department of Public Works and/or the state or local Health Department.

(3) Automatic rain shut-off, such as Hunter Mini Clik or equal, must be installed as part of pre-installation.

(4) An electrical timer shut-off must be installed to control usage of sprinkler system. The timer settings must conform with the rules and regulations for sprinkling as set forth by Section 267-9.

G. Cross-connection control.

(1) All portions of the water distribution system serving the swimming pool and auxiliary facilities shall be protected against backflow and back-siphonage. Water introduced into the pool, either directly or to the recirculation system, shall be supplied through an air gap or by another method which will prevent backflow and back-siphonage.

(2) Outside water hose bibs shall be protected with a vacuum breaker-backflow preventer such as Watts Series 8 or equal.

H. All existing systems must comply with this local law.

§ 267-4. Responsibility for maintenance.

A. Consumer responsibility. It shall be the responsibility of each consumer at his own expense to furnish, install and keep in good working order and safe condition any and all protective devices required in this section. The Town shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the improper or negligent installation, operation, use, repair or maintenance of or interfering with any protective device by any consumer or any other person.

B. Conflicts. Whenever two or more conditions exist on any premises for the correction of which different protective devices are required in this chapter, the consumer shall be required only to install the protective device which, in the opinion of the Department of Public Works and NYSDOH, affords the maximum protection to the Town water supply.

§ 267-5. Inspection; records; cost.

(1) The consumer on whose premises any protective device is installed shall have each such device inspected annually by an appropriately certified inspector. The certified inspector shall report inspection results on NYSDOH Form 1013 – Report on the Test and Maintenance of Backflow Prevention Devices. If successive inspections disclose repeated failures in the operation of any device, the Department of Public Works-s h a l l require more frequent inspections. Each device shall be repaired, overhauled or replaced at the expense of the consumer whenever it is found to be defective. Records of such tests, repairs and overhauls shall be kept and a copy of such records forwarded to the Department of Public Works and the Schenectady County Health Department on an annual basis. The Department of Public Works shall have the duty of determining that the inspections required herein are performed properly. If following demand, therefore, the consumer fails to have any of the inspections made as required herein or to make the above-described records available, the Department of Public

Works shall have the right to inspect the device and the consumer to pay the cost thereof.

§ 267-6. Noncompliance; service to be discontinued; notice; service.

A. No water service connection shall be installed on the premises of any consumer unless the Town water supply is protected as required by this section.

B. Delivery of water to the premises of any consumer may be discontinued by the Department of Public Works if any protective device required by this section has not been installed, inspected, tested and maintained or is defective or has been removed or bypassed.

C. Delivery of water.

(1) Delivery of water shall be discontinued immediately and without notice to the consumer if the Department of Public Works, County Health Officer, or NYSDOH determined that:

(a) The Town water supply is being contaminated or is in immediate danger of contamination.

(b) A protective device required by this section has not been installed or is defective or has been removed or bypassed.

(c) The consumer cannot immediately be located.

(2) Delivery of water shall not be resumed until any protective device required by this section and approved by the Department of Public Works has been properly installed or until conditions at the consumer's premises causing the contamination or danger of contamination have been abated or corrected to the satisfaction of the Department of Public Works and County Health Officer and/or (NYSDOH).

D. Notice.

(1) Except as provided in Subsection C, delivery of water shall not be discontinued until written notice thereof has been given to the consumer. The notice shall state:

(a) The conditions or defects which must be corrected.

(b) The manner in which the stated conditions or defects are to be corrected.

(c) The date on or after which delivery of water will be discontinued, and which shall not be less than 15 nor more than 90 days following the date of delivery of mailing the notice. The Department of Public Works may grant the consumer an extension of an additional period not to exceed 90 days if he determines the consumer has exercised due diligence but has been unable to comply with the notice within the time originally allowed.

(2) The notice shall be given by delivering the same to the consumer, the manager or agent thereof, or to any person in charge of or employed in the place of business of the consumer, or, if the consumer has no place of business, then at the place of residence of the consumer if known or by leaving the notice at either the place of business or the residence of the consumer. If the consumer cannot be found, service of the notice shall be mailed, postage fully prepaid, addressed to the consumer at the place of business or residence set forth in the application of the consumer for water service in the records of the Town.

(3) Once discontinued, delivery of water shall not be resumed until any protection device required by this chapter and approved by the Department of Public Works has been properly installed or until the conditions at the consumer's premises creating the need for a protective device have been abated or corrected to the satisfaction of the Department of Public Works.

E. For the purpose of making any inspections or discharging the duties imposed by this chapter, the Department of Public Works shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises of water from the Town water supply, shall be considered as having stated his consent to the entry upon his premises of the Department of Public Works for the purposes stated herein.

§ 267-7. Presently installed devices.

All presently installed prevention devices which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained shall, except for the inspection and maintenance requirements under § 267-5, be excluded from the requirements of these rules so long as the Department of Public Works is assured that they will satisfactorily protect the Town's water supply. Whenever the existing device is moved from the present location or requires more than minimum maintenance which constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this section.

§ 267-8. Enforcement; penalties for offenses.

A. Violations. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any premises in violation of any provision of this chapter or to fail in any manner to comply with a notice, directive or order of the Department of Public Works or the designee requiring compliance with this chapter.

B. Penalties. Any person, firm or corporation who shall violate any of the provisions of this chapter or any rule or regulation made pursuant thereto shall; receive a warning for the first violation, upon conviction thereof, be punished by a fine of no less than $100 for the second violation, $200 for the third violation, and $300 for each subsequent violation. Each day of continued violation shall constitute a separate, additional offense.

§ 267-9. Water and sprinkler regulations for consolidated water districts.

A. Purpose. Rules, regulations, and rates adopted and prescribed by the Town Board of the Town of Rotterdam, Schenectady County, New York, in accordance with § 198 of the Town Law shall apply to the territory of the Town of Rotterdam known and designated as "Water District of the Town of Rotterdam, New York."

B. Applicability. The rules and regulations herein contained shall apply to every person or user supplied with water by the Department of Public Works, and each such person or user must agree to comply with said rules and regulations as set forth herein, and the same shall constitute a part of the

contract, express or implied, between such person or user and the Department of Public Works.

C. Permits.

1. Applications for permits to connect service or supply pipes with either the Water District mains or curb connections must be made in writing at the office of the Department of Public Works by the owner of the premises or his agent on forms prepared for that purpose. The application shall specify the particular uses for which water is required. The owner or agent must furnish the Department of Public Works the correct street and lot number as taken from the deed.

2. Permits will be issued by the Department of Public Works and shall expire 30 days from date of issuance. All work done under the permit shall be performed by the owner or his agent. No work shall be covered up unless same is first inspected by the Department of Public Works. No work will be inspected until a request by the owner or his agent is called in to the Department of Public Works and a request for inspection is given at least 24 hours in advance. All defective work or work done not in accordance with the rules contained herein, the New York State Uniform Fire Prevention and Building Code and the Plumbing Code of the Town of Rotterdam will not be approved and shall be redone, modified or reinstalled in accordance with the directions of the Department of Public Works. Failure to comply by the owner or his agent with the directions of the Department of Public Works to correct any defects in work or to carry out any directions of the Department of Public Works in connection with said work as prescribed herein shall constitute good and sufficient reason for revocation of the permit.

3. No plumbing or plumbing fixtures (shut-off, check valve, expansion tank) shall be installed in any house, building, or structure thereafter to be erected or remodeled unless and until plans for installation thereof shall be first filed and approved by the Department of Public Works and a permit therefore is obtained.

4. No extension or alteration of service pipes, whether involving new uses of water or not, shall be made without the permission of the Department of Public Works, and for any extension involving new uses of water, an application shall be

filed with and approved by the Department of Public Works before such extension is made.

5. Discontinuance of fixtures. Application must be made for a permit and such permit granted for any desired change in or discontinuance of the use of any fixture on any water service before any such change or discontinuance is made. The charge for the use of water from the fixtures will continue unchanged until the person making such change or discontinuance has notified the office of the Department of Public Works and certified that the change or discontinuance has been made.

D. Connections, construction and maintenance.

1. Agent or owner. The agent designated and employed by the owner of the premises will be considered the agent of such owner while employed in the execution of the work of introducing water into said premises, and in no case shall the agent of the Department of Public Works or the Town of Rotterdam be responsible for the acts of such agent.

2. Permit required; excavations. No persons, except the properly authorized employees of the Department of Public Works will be permitted to tap or make any connections with street mains or distributing pipes of the Water District unless it is a contractor certified installment – greater than 1". No person shall make any attachment to or connection with the pipes, or make any additions to or alterations of any tap, pipe, cock or other fixture connected with the pipes supplying water to consumers, unless a permit is first obtained. After inspection of excavations, all excavations on the premises shall be backfilled and shall not be disturbed or uncovered without written permission of the Department of Public Works.

3. Notice for installation of laterals. After receiving a permit for the installation of any water service, the applicant requesting the work shall notify the Department of Public Works 48 hours in advance of his or her desire to have the lateral installed and shall designate the name of the street and the house or lot number where the lateral is to be installed and the name of the owner or applicant.

4. Large cut-in connections. If a larger connection than a 1 1/ 2 inch-tap is required, a Type K copper pipe service not less

than two inches in diameter shall be installed or if larger than 3-inch diameter is required, a Class 52 ductile iron, double cement line, seal coated pipe shall be installed by the Department of Public Works only from the main to the property line of the premises, connections with the street main to be made with patented or standard fittings, all material to be furnished by the Department of Public Works. All services greater than 3-inch shall have a gate valve placed in the service pipe near the street main, which gate valve shall be controlled exclusively by the Department of Public Works. The property owner shall be billed for service work at the actual cost of labor, material, pavement, and final restoration, or pursuant to the Schedule of Fees, said amount must be paid to the Receiver of Taxes. No estimate of the cost of installation of any connection, under these rules, shall be binding upon the Department of Public Works or the Town of Rotterdam. Upon failure to pay said charge, the cost of the work performed shall be assessed against said premises and collected as a water charge levied against said premises, in addition to any other remedies provided herein.

5. Service pipes and fittings. Existing services installed by the Department of Public Works to the property line are to be connected by the property owner when application is made for a service to said property. Any changes in the location of the services shall be done at the owner's expense.

6. Installation. The Department of Public Works shall require an inspection to be made by an inspector from the Department of Public Works of each service pipe and trench before any backfilling is done. The inspector may refuse to turn on water where backfilling is done before said inspection is made or where the work does not fulfill the requirements of these rules and regulations. A $500 fine and re-excavating the trench to expose the pipe for inspection shall be the remedy for non-conformance.

7. Service pipes maintained. The owner of property into which water is introduced by a service pipe will be required to be maintained in reasonable order, at his own cost and expense, the said service pipe from and including the curb stop to his own premises, including all fixtures therein provided for delivering or supplying water for any purpose, and the curb box must be kept in view and the top thereof even with the ground, sidewalk or street grade at all times, and in a serviceable condition. In case such service and fixtures are

not kept in repair, the water may be shut off from the premises until the requirements of this rule are complied with, or the Department of Public Works or authorized representative (licensed plumber) may make the necessary repairs, to conform to this rule, and charge the cost of repair to the owner of the property. The cost of the repair shall be paid by the property owner within 60 days from date of completion. The Department of Public Works may shut off the water from such property until such time as charges are paid or a mutual payment agreement is worked out.

8. Defective services. In all premises where water from water district mains is now supplied by a system of pipes and fixtures for water service, and where the service pipes and fixtures are not of the standard or pattern prescribed in the rules and regulations of the Department of Public Works, or where such fixtures and devices for the prevention of damage to the service or of waste of water, as are prescribed in said rules and regulations, are lacking from said system, the owners of said premises shall, at any time when so required by order of the Department of Public Works, make such changes in and additions to said system or fixtures for said water service as shall be necessary in order to comply with such rules and regulations, and at their own cost and expense. In case of failure to comply with this rule at any premises, the water may be shut off from such premises until this rule is complied with.

9. Discontinuance of service. No deduction shall be made from any bill for water for the discontinuance of the water supply to any premises, unless the owner of such premises shall have received a permit to terminate, completed the work and had an inspection showing the termination of water to said property. All consumers will be charged for the use of water for the current year and will not be charged for water the following year. Please note properties that are metered (businesses & sprinklers) are for prior year and will be charged as such.

10. Responsibility for excavations. In the opening of a trench for the introduction of any water service pipe under authority of a permit from the Department of Public Works, the owner and agent will each be held responsible for the trench opened by them. Whenever any trench is opened for making a connection with or laying any water pipe, public safety and convenience shall be duly regarded and conserved by the

construction of road plates, bridges, or other protective devices across open trenches as may be required to properly ensure safety to the public. Approved construction lights, barricades, railings and all other necessary means of protection against accident shall be provided by the agent or owner.

11. Inspectors may enter premises. The Department of Public Works, upon presentation of proper identification, may enter and must be permitted to enter upon any premises in the Water District where water is being supplied or upon any premises when application is made for a permit to connect plumbing with the water pipes for the purpose of inspecting the plumbing and fixtures of the water service, and all work in connection with such service.

E. Shutting off.

1. Water may be shut off by the Department of Public Works from any service or main for the purpose of making or constructing new work, or making repairs in the water system, or of enforcement of payment of monies or charges due the Department of Public Works for water supply and for other matters in accordance with these rules and regulations. In the case of making or constructing new work or in making repairs, the right is reserved to shut off the water from any consumer without notice for as long a period as may be necessary.

2. When the water supply has been shut off for a failure to comply with these rules and regulations, it shall not again be turned on except by the Department of Public Works until compliance is made with these rules and regulations in the matter and payment made, by the owner of the premises concerned, to the Receiver of Taxes, of all expenses incurred by the said Department of Public Works in so shutting off such water supply. Notice regrading water shutoff shall conform with § 267-6, Noncompliance; service to be discontinued; notice; service.

F. Change of pressure. The Town of Rotterdam nor the Department of Public Works shall not be liable for any damage or loss of any kind, to property or persons, which may arise from any or be caused by any increase/decrease of water pressure from any cause whatsoever.

G. In order to maintain sufficient water supply and pressure at all times for fire protection and household use, from May 1 through October 15, lawn sprinkling, garden sprinkling and other use of public water shall be restricted to the following days and times:

1. Automatic lawn sprinkler systems.

(a) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with even-numbered addresses and with automatic lawn sprinkler systems serviced by the municipal supply, may use the public water supply for outside lawn and garden sprinkling on even-numbered calendar days from 7:00 a.m. to 9:00 a.m. and 7:00 pm to 9:00 pm, regardless of the nature of use of the premises.

(b) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with odd-numbered addresses and with automatic sprinkling systems serviced by the municipal water supply, may use the public water supply for outside lawn and garden sprinkling on odd-numbered calendar days from 7:00 a.m. to 9:00 a.m. and 7:00 pm to 9:00 pm, regardless of the nature of use of the premises.

(c) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with automatic lawn and garden sprinkling systems serviced by the municipal supply, shall not be permitted to use manually placed and/or handheld lawn sprinklers outside of the times specified in Subsection G(1)(a) and (b).

(d) Sprinkling outside of the designated days and hours is strictly prohibited.

2. Manually placed lawn sprinklers or handheld watering.

(a) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with even-numbered street addresses and without automatic lawn sprinkling systems serviced by the municipal supply, may use the public water supply for outside lawn and garden sprinkling on even-numbered calendar days from 7:00 a.m. to 9:00 a.m. and 7:00 p.m. to 9:00 p.m., regardless of the nature of use of the premises.

(b) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with odd-numbered street addresses and without automatic lawn sprinkler systems serviced

by the municipal supply, may use the public water supply for outside lawn and garden sprinkling on odd-numbered calendar days from 7:00 a.m. to 9:00 a.m. and 7:00 p.m. to 9:00 p.m., regardless of the nature of use of the premises.

(c) Sprinkling outside of the designated days and hours in strictly prohibited.

3. The restrictions contained in Subsection G(2)(a) and (b) above shall not apply to hand-sprinkling of outdoor gardens used for the growing of noncommercial foodstuffs and flower gardens which require water outside the times listed above.

4. In the event of a fire or other water emergency, the Town Supervisor, upon the recommendations of the Department of Public Works, may modify or suspend any or all of the regulations relating to sprinkling for the duration of the emergency. The Department of Public Works shall notify the public by publication or other appropriate manner of any modification or suspension of sprinkling as a result of such emergency.

5. Upon application of any person, the Town Supervisor, or his/her designee, may vary or modify the restrictions contained herein upon such terms and conditions as he/she deems appropriate. There shall be no appeal from the decision of the Town Supervisor on an application made under this subsection.

6. Nothing contained herein shall restrict the use of private wells for outside watering purposes, provided that a valid sign stating "PRIVATE WELL" must be displayed on the dwelling, readable from the right-of- way. All private wells' water faucets must be permanently labeled. No interconnection of the private well with the public water system shall be permitted.

7. No person shall fill a swimming pool from the public water supply at any time without the approval of the Department of Public Works. The Department of Public Works shall specify the quantity, time and method for filling of swimming pools upon receipt of pool permit.

H. Waste of water. Water must not be allowed to run to prevent freezing in the service pipes or their attachments or for the purpose of flushing soil pipes or sewers or for any other purposes on the premises than those paid for or indicated in the application for the same and which are allowed by these rules and regulations. Faucets must be kept properly packed and all other fixtures in repair, so as to prevent leaks.

I. Water meters.

1. All commercial users shall have water meters installed at the expense of the property owner and periodically inspected by the Department of Public Works. The Department of Public Works reserves the right to order a meter to be placed on any service or place the consumer on a flat rate whenever in the opinion of the Department of Public Works it is for the best interests of the water district. All water passing through a meter will be charged for, whether used or wasted. Meter and reading display unit shall meet the specifications of the Town of Rotterdam. Meters shall be replaced or calibrated after ten years from the date if installation.

2. Service in good condition. No meter shall be installed unless the service, service fixtures and plumbing adjacent to the proposed location of the meter are in a good and serviceable condition. The curb box must be readily accessible, the curb cock, stop and waste cock in good working order and any rusty or unsafe pipes next to the proposed location of the meter replaced. The owner, as shown on the latest assessment roll of the Water District, of the premises in which meter is to be installed shall be notified in writing by mail addressed to him at such premises of any required repairs under this rule, which shall be made within 10 days.

3. Check valves/Expansion Tanks. All meters installed shall have check valve/expansion tanks installed to prevent hot water from backing through the meter or to mitigate over pressurization of the internal plumbing system. All services that are metered and require check valves/expansion tanks to prevent hot water from backing through the meter shall be supplied, connected and fitted with such check valves up to and including meters of 1 1/2 inches in size. Services requiring a meter over 1 1/2 inches in size shall be designed by a licensed professional engineer and a drawing of the water service lateral, shutoff valve, meter/setter, check valve, expansion tank shall be provided to the Department of Public Works. Meters two inches or larger in size may be installed with bypasses so that meters may be removed for testing or repairs made without hindering the supply of water. The expense of such bypasses and additional work shall be borne by the owner. All such bypasses shall be locked and sealed (tamper proof) and under the exclusive control of the Department of Public Works.

4. Removal. No meter shall be removed or disturbed without the written permission of the Department of Public Works.

5. Testing. Persons making complaints as to the correctness of meter bills and claiming to be overcharged can, by applying at the Department of

Public Works within 10 days after meter bills have become due, have the meter examined and the dial reread. The Department of Public Works is authorized to correct any charge due to a fault in the meter or to incorrect reading of the dial but shall have no power to reduce meter bills for any other reason whatsoever.

6. Reading of meters. Meters will be read annually by regular authorized agents of the Department of Public Works. Bills shall be rendered at such periods of the year as the Department of Public Works may direct.

7. Schedule bills. Refer to Paragraph O – Schedule of Fees. For an intermediate period or for a new or additional service, the bill must be paid before the water is turned on.

8. Meter bills. Refer to Paragraph O – Schedule of Fees.

9. Special bills. All special bills and charges for services rendered, material sold or expenses incurred by the Department of Public Works in connection with the enforcement of these rules and regulations must be paid at the office of the Receiver of Taxes within 30 days after the bill is rendered. The supply of water may be shut off from the premises with reference to which such charges become due in default of payment of such bills or charges and until bills and charges are paid.

10. Default in payment of meter bills. In the case of default of payment for the period of 30 days of a meter bill after the same is due, the Department of Public Works may shut off the water supply at the premises to which such bill relates until such bill is paid.

11. Delinquent water rentals. All delinquent water rents except meter bills which shall remain unpaid at the expiration of 30 days from due date thereof shall carry penalties and interest charges as provided by law.

12. Nonpayment. Wherever the owner of any premises which are supplied with water shall be charged for water supplied, services rendered, material furnished or expense incurred by the Department of Public Works pursuant to these rules and regulations, and said charges are not paid and the water shall be turned off on account of such nonpayment, no application for water services for such premises need be granted by the Department of Public Works (notwithstanding the said premises may have changed ownership) until such charges shall have been paid in full to the Receiver of Taxes. Further, if water service is not turned off on account of such nonpayment, any such unpaid bills will become a lien against the property and will be added to the Town's assessment rolls for collection.

13. Type. Water meters in the Town of Rotterdam shall have an easily accessible walk up, outside remote reader that does not require a wand to read and shall read in gallons.

J. Discontinuance of use of water. Any consumer desiring to discontinue the use of water shall contact a plumber to shut the water off at the curb. In the case of an emergency, consumers shall notify the Department of Public Works, and an employee of the Department of Public Works will shut the water off at the curb. No rebate will be made for any period of discontinuance unless consumer has applied for and completed work to terminate water at the main. The fact that different portions of premises can be shut off inside of the same buildings will not entitle the owner to rebate.

K. Supply from wells (Buildings not connected to the Town's water supply where public water is available) . No rebate shall be made from any water bills (debt service) under a claim that less water has been used because of use from a private well. Municipal water is available to the property and fire protection is provided.

L. Failure to make repairs. No rebate for any water bill will be made in cases where the charges result from the failure on the part of the owner or consumer to promptly repair any broken, frozen or defective fixtures or service.

M. Fire hydrants.

1. All street hydrants are under control of the Department of Public Works except for private water system not controlled by the Town (School properties, Industrial Parks, HOAs, etc.). No person shall use a wrench for opening hydrants except a wrench furnished by the Department of Public Works for the purpose. No person except the Department of Public Works, or of the Fire Department, or a person holding a written permit signed by the Department of Public Works, shall disturb any hydrant or any part thereof, or take any water therefrom under any circumstances whatever; any person found guilty of violating any provision of this rule shall be guilty of a misdemeanor, and in addition thereto he shall pay to the water district a penalty in the amount of $500, in addition to any damage done to said hydrant and the cost of restoring same to its proper condition.

2. Obstructions. Any person placing any obstructions that would prevent free access to any fire hydrant shall be guilty of obstruction, and such violation shall be punishable pursuant to the New York State Vehicle and Traffic Law or § 247-8, Enforcement; penalties for offenses.

N. Operated by employees of Department of Public Works only. No person except

an employee of the Department of Public Works shall open, close or in any way interfere with any gate valve in any water main. Any person who has disturbed or displaced a valve box so that the valve stem cannot be reached by a key, or has covered a valve box or a valve chamber with dirt, paving plank or other material, shall immediately replace the valve box and remove the obstruction. Any person violating this section shall be guilty of a misdemeanor.

O. Schedule of Fees

1. Fees for water service shall be pursuant to the Schedule of Fees adopted by the Town Board.
2. Billing Schedule

(a) Residential – Detached one- and two-family dwelling units and multiple single-family dwelling units (town houses, condominiums, etc.). One EDU for each unit.

(b) Non- Residential – Assembly (Group A); Business (Group B); Education (Group E); Factory and Industrial (Group F); High Hazard (Group H); Institutional (Group I); Mercantile (Group M); Residential (Group R) except as defined above; Storage (Group S); and Utility and Miscellaneous (Group U)

(c) EDU equivalent is based on 75,000 gallons per year for non-residential based on metered use. One (1) EDU (75,000 gallons); Two (2) EDUs (150,000 gallons), etc. Rounded to the nearest tenth of a digit.

(d) Vacant: One (1) EDU Debt Service, O&M Zero EDU unless service is requested.

(e) Bills for water are invoiced as follows:

- Residential – In District – Debt Service – January Tax Bill
- Residential – In District – O&M Bill – June Bill
- Residential – Out of District – Debt Service – January Tax Bill
- Residential – Out of District – Voucher O & M – January 15th
- Non-Residential – In District – Debt Service – January Tax Bill
- Non-Residential – In District – O&M Bill – June Bill
- Non-Residential – Out of District – Debt Service – January Tax Bill
- Non-Residential – Out of District – Voucher O & M Bill– January 15th

P. Emergency Water Conservation

1. Should the Department of Public Works determine that water conservation is

needed for the health, safety and welfare of the Town, the Town Supervisor may declare the need for water conservation and impose water restrictions, including but not limited to the restriction of water use outside the residence or commercial property.