

The Town of Rotterdam Town Board Meeting will be held in person; however, the public may access the meeting electronically via conference call. Members of the public may listen to the board meeting by dialing 1 (929) 205-6099, then enter the conference ID NO. 867 0373 0307, followed by the pound symbol. 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
FEBRUARY 23, 2022
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

- To discuss collective negotiations under Civil Service Law Article 14 and to discuss employment history of employee 22322-1, 22322-2, 22322-3, 22322-4, 22322-5

PROCLAMATIONS/PRESENTATIONS

PUBLIC HEARING

- Public Hearing on Introductory Local Law No. 2 of 2022 – To amend chapter 60, Residency Requirements, of the Town Code of The Town of Rotterdam
- Public Hearing on Introductory Local Law No. 3 of 2022 – A Local Law to Amend Chapter 266, Section 266-46, to add a stop sign at Puritan Drive at Bayberry Road
- Public Hearing on Introductory Local Law No. 4 of 2022 – A Local Law to Amend Chapter 266, Section 266-52, to designate No Parking Anytime on certain portions of Lawn Avenue

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.

DRAFT

INTRODUCTION OF MOTIONS, ORDERS AND RESOLUTIONS

MOTIONS

RESOLUTIONS

- 84.22** Requesting BIDS for Chlorine Gas
- 85.22** Requesting BIDS for Highway Materials – Concrete block caps, manhole grates and frames
- 86.22** Requesting BIDS for Highway Materials – Crushed limestone, gravel and sand
- 87.22** Requesting BIDS for Tree Cutting and Removal services
- 88.22** Requesting BIDS for Highway Pipes – Water and end sections, round corrugated plastic pipe, and plastic underground perforated pipe
- 89.22** To amend and restate Resolution No. 21.22 of the year 2022
- 90.22** To appoint a Senior Building Inspector
- 91.22** To authorize the Supervisor to execute a contract with the Art Center and Theater(Open Stage Theater)
- 92.22** To adopt updates to the Schenectady County Hazard Mitigation Plan
- 93.22** To approve budget transfers of the 2021 year
- 94.22** To approve budget transfers of the 2022 year
- 95.22** To authorize an amendment of professional services contract for Carmen Road – Sewer 7 EXT. 2
- 96.22** To enact introductory Local Law No. 1 of the 2022 year
- 97.22** To enact introductory Local Law No. 2 of the 2022 year
- 98.22** To enact introductory Local Law No. 3 of the 2022 year
- 99.22** To enact introductory Local Law No. 4 of the 2022 year

COMMITTEE REPORTS

MISCELLANEOUS

EXECUTIVE SESSION

ADJOURNMENT

Mollie A. Collins, Supervisor

PUBLIC HEARING

1. Public Hearing on Introductory Local Law No. 2 of 2022 – A Local Law to Amend Chapter 26, Residency Requirements of the Town Code
2. Public Hearing on Introductory Local Law No. 3 of 2022 – A Local Law to Amend Chapter 266, Section 266-46, to add a stop sign at Puritan Drive at Bayberry Road
3. Public Hearing on Introductory Local Law No. 4 of 2022 – A Local Law to Amend Chapter 266, Section 266-52, to designate No Parking Anytime on certain portions of Lawn Avenue

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 9, 2022, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 83.22

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW NO. 2 OF 2022 TO AMEND CHAPTER 60, RESIDENCY REQUIREMENTS, OF THE TOWN CODE OF THE TOWN OF ROTTERDAM AND SCHEDULING A PUBLIC HEARING THEREON.

THEREFORE, UPON MOTION OF Councilmember CHRISTOU, 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 2022 to amend Chapter 60, Residency Requirements, of the Town Code of the Town of Rotterdam.

SECTION 2. The Town Clerk of the Town of Rotterdam is hereby directed 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 John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 at 7:00 p.m. on the 23rd day of February, 2022 for the following purpose:

For the enactment of Introductory Local Law No. 2 of 2022 relating to amending Chapter 60, Residency Requirements, of the Town Code of the Town of Rotterdam.

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

DATED: February 9, 2022

Daily Gazette: Please publish once on February 12, 2022

Town Clerk

Post

SECTION 3. This resolution shall become effective February 9, 2022.

DATED: February 9, 2022

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera (ABSENT)			
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 10, 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 **February 11, 2022**.

Diane M. Marco
Diane M. Marco, Town Clerk



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

Introductory Local Law No. 2 of the year 2022

**A LOCAL LAW TO AMEND CHAPTER 60, RESIDENCY REQUIREMENTS, OF THE
TOWN CODE OF THE TOWN OF ROTTERDAM**

Be it enacted by the Town Board of the Town of Rotterdam as follows:

See attached.

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

TOWN OF ROTTERDAM

INTRODUCTORY LOCAL LAW NO. 2 OF THE YEAR 2022

A LOCAL LAW TO AMEND CHAPTER 60, RESIDENCY REQUIREMENTS, OF THE TOWN CODE OF THE TOWN OF ROTTERDAM

SECTION 1 – TITLE

This local law shall be referred to as “A Local Law to Amend Chapter 60, Residency Requirements, of the Town Code of the Town of Rotterdam”.

SECTION 2 – PURPOSE

The purpose of this local law is to clarify and ensure the effectiveness of the residency requirements for employees and town officers in the Town of Rotterdam.

SECTION 3 – AUTHORITY

This local law is enacted by the Town Board of the Town of Rotterdam pursuant to the N.Y. Municipal Home Rule Law.

SECTION 4 – AMENDMENT

Chapter 60, Residency Requirements, is hereby amended to read in its entirety as follows:

Chapter 60. Residency Requirements

Article I. General Provisions

§ 60-1. Employees.

Any person hired and employed by the Town of Rotterdam must, during the period of his or her employment with Town,

maintain his or her residence or dwelling within the boundaries and corporate limits of Schenectady County or an adjoining county.

§ 60-2. Exemptions.

The provisions of this article shall not apply to elected officials, all other officials or employees whose residency requirements are established by law, or to employees during a leave of absence duly granted.

§ 60-3. Failure to comply.

Failure of any employee to comply with any of the provisions of this article shall constitute misconduct and shall be cause for removal in the manner provided by law.

Article II. Town Comptroller

§ 60-4. Requirements for Town Comptroller.

Any person holding the office of Town Comptroller need not be a resident nor an elector of the Town of Rotterdam; provided, however, that such person shall reside in Schenectady County or in an adjoining county. This section shall supersede N.Y. Town Law § 23 and N.Y. Public Officers Law § 3.

Article III. Town Engineer

§ 60-5. Requirements for Town Engineer.

Any person holding the office of Town Engineer need not be a resident nor an elector of the Town of Rotterdam; provided, however, that such person shall reside in Schenectady County or in an adjoining county. This section shall supersede N.Y. Town Law § 23 and N.Y. Public Officers Law § 3.

Article IV. Town Assessor

§ 60-6. Requirements for Town Assessor.

Any person holding the office of Town Assessor need not be a resident nor an elector of the Town of Rotterdam; provided, however, that such person shall reside in the State of New York. This section shall supersede N.Y. Town Law § 23 and N.Y. Public Officers Law § 3.

Article V. Town Attorney

§ 60-7. Requirements for Town Attorney.

Any person holding the office of Town Attorney need not be a resident nor an elector of the Town of Rotterdam; provided, however, that such person shall reside in the State of New York. This section shall supersede N.Y. Town Law § 23 and N.Y. Public Officers Law § 3.

SECTION 5 – SUPERSESSION

To the extent this local law is inconsistent with any state or local statute or regulation, it is the intent of this local law to supersede such statute or regulation, including without limitation the following: (i) N.Y. Town Law § 23; and (ii) N.Y. Public Officers Law § 3.

SECTION 6 – SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 7 – EFFECTIVE DATE

This Local Law shall become effective upon filing with the New York Secretary of State.

(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 2022 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board of the Town of Rotterdam on _____, 2022 in accordance with the applicable 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative body)
(Elective Chief Executive Officer*)

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) (repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative body)
(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) (repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative body)
(Elective Chief Executive Officer*)

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 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 _____ 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 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 1, above.

Diane Marco, Town of Rotterdam Town Clerk
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, February 9, 2022, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 77.22

**A RESOLUTION CALLING FOR PUBLIC HEARING TO AMEND CHAPTER 266 OF
THE CODE OF THE TOWN OF ROTTERDAM**

THEREFORE, UPON MOTION OF Councilmember CHRISTOU, seconded

By Councilmember DODSON,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

The Town Clerk of the Town of Rotterdam is hereby directed 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 by 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 John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 at 7:00p.m. on the 23rd day of February 2022 for the following purpose:

To amend section 266.46, entitled "Schedule VI: Stop Intersections" of the Code of the Town of Rotterdam, as attached.

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

DATED:

Daily Gazette: Please publish once on February 12, 2022
Town Clerk
Post

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera (ABSENT)			
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 10, 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 **February 11, 2022**.

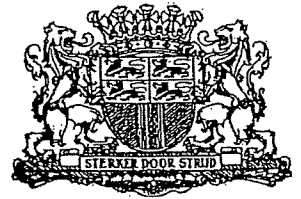
Diane M. Marco

 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 25, 2022 Legislative

TO: Review Board

FROM: Deputy Chief William Male

TITLE OF REQUEST: Recommend adding stop signs to regulate traffic traveling on Puritan Drive @ Bayberry Road.

TOWN BOARD MEETING: February 9, 2022

February 9, 2022:	Call for public hearing.
February 23, 2022:	Hold public hearing.
February 23, 2022:	Adopt local law.

Background Information: Survey completed

Evaluation/Analysis: N/A

Recommendation(s): Recommend adding a stop sign to both directions of travel on Puritan Drive @ Bayberry Road. The stop signs will be placed on Puritan Drive.

Attachment/Document(s): Attached traffic survey completed by Sergeant D. Reilly

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): 266-13 and 266-46 of the Rotterdam Town Code

LEGISLATION WILL BE PREPARED BY: RPD



**ROTTERDAM POLICE DEPARTMENT
UNIFORM DIVISION
TRAFFIC SURVEY**



ATTN: Chief Brown, Deputy Chief Male, Lieutenant Collins, Lieutenant Girard
LOCATION: Puritan Drive
DATE: 09/29/2021

REQUEST

Received a complaint from town residents regarding the intersection of Puritan Drive at Bayberry Road. The intersection is a four-way intersection with stop sign positioned only on Bayberry Road. There are no stop signs positioned on Puritan Drive and the neighbors would like them due to the intersection being highly traveled via foot as well as vehicles and people not stopping for the current stop sign.

SURVEYS

A visual traffic survey was completed as well as a digital survey from July 25, 2021 through September 28, 2021.

CONCLUSION

After review of the above-mentioned intersection and considering the guidelines set forth in the Manual of Uniform Traffic Control, I do feel a stop sign being placed on Puritan Drive at Bayberry Road will have an impact on traffic control. The digital survey concluded 1963 cars traveled north on Puritan Drive and 3068 cars traveling south on Puritan Drive. The average speed for the vehicles was 23 MPH. This intersection is highly traveled during the school year and there is a high amount of foot traffic in the evening.

I reviewed the last five years of accident reports for both Puritan Drive and Bayberry Road and there has been one reported accident in this intersection area. Photos of the accident were provided to me which show a vehicle on the front lawn of one of the residences as a result of a drive not coming to a complete stop at the stop sign (attached is accident report # 8MR2067Q SX3R).

While conducting surveillance of the intersection I observed overgrown bushes on the corner of 30 Bayberry Road which were in violations of town code 270-12 "Visibility at intersection." Said bushes were blocking the view of vehicles on Puritan Drive south bound while stopped on Bayberry Road (photos provided). The owner of the property, [REDACTED], was advised and the bushes will be removed.

I feel the placement of stop signs on Puritan Drive will aide in the overall safety of the community.



**ROTTERDAM POLICE DEPARTMENT
UNIFORM DIVISION
TRAFFIC SURVEY**

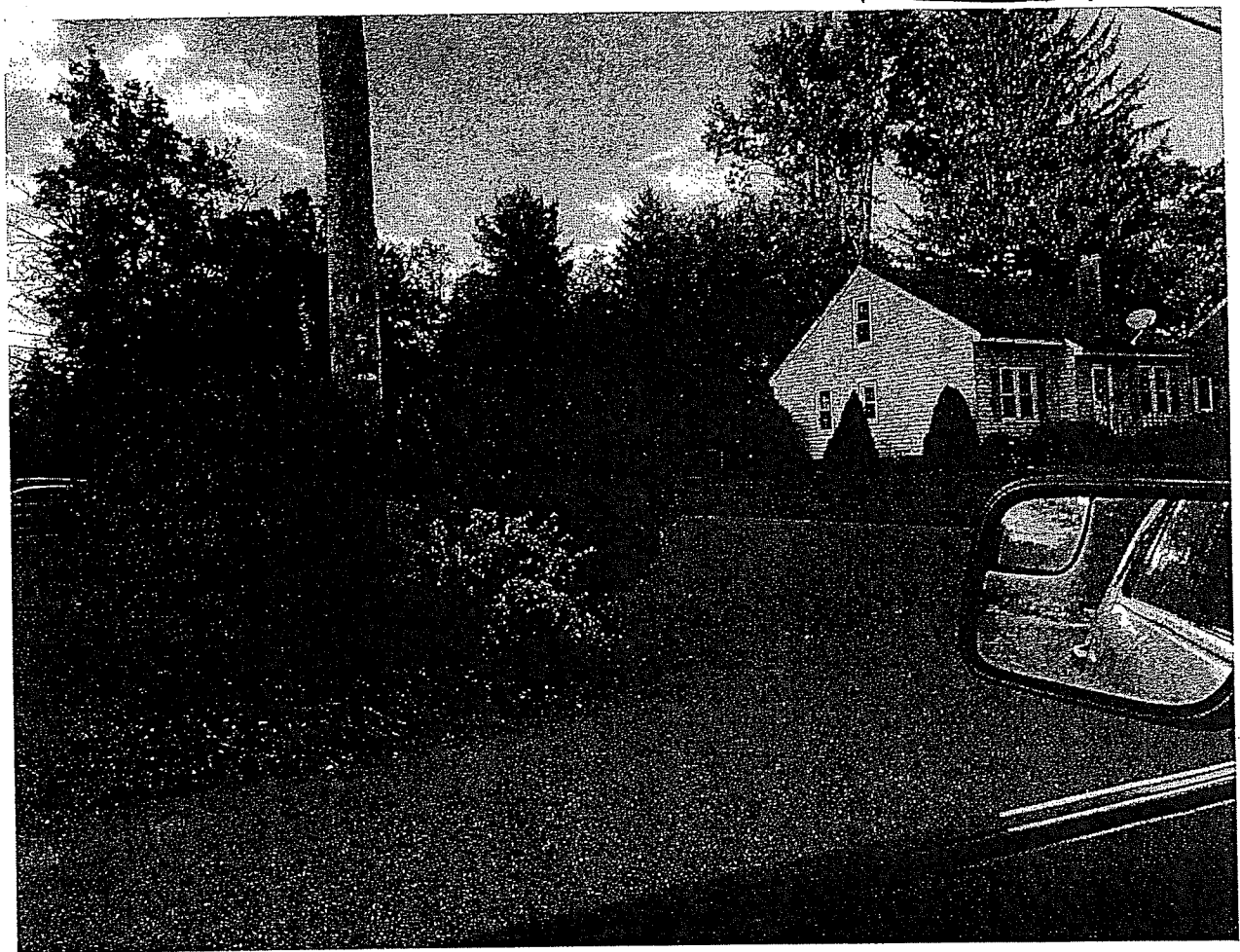


M.U.T.C. Section 2B.05

1. Street entering a through highway or street;
2. Unsignalized intersection in a signalized area;

Respectfully Submitted,

Sgt. Derek J. Reilly



Local Codes	B-18308-19
	8MR2067Qsx3R

POLICE ACCIDENT REPORT

MV-104A (6/04)

AMENDED REPORT

Accident Date: 12/22/2017 Day: Friday Military Time: 18:40 No. of Vehicles: 2		No. Injured: 0 No. Killed: 0 Police Photos: 0																																																																																									
VEHICLE 1 - Driver License ID Number: [REDACTED] Driver Name - exactly as printed on license: [REDACTED] Address (Include Number and Street): [REDACTED] Apt. No.: [REDACTED] City or Town: SCHEENECTADY State: NY Zip Code: [REDACTED]		VEHICLE 2 - Driver License ID Number: [REDACTED] Driver Name - exactly as printed on license: [REDACTED] Address (Include Number and Street): [REDACTED] Apt. No.: [REDACTED] City or Town: SCHEENECTADY State: NY Zip Code: [REDACTED]																																																																																									
Date of Birth: [REDACTED] Sex: M Unlicensed: [] No. of Occupants: 02 Public Property Damaged: D		Date of Birth: [REDACTED] Sex: M Unlicensed: D No. of Occupants: 01 Public Property Damaged: []																																																																																									
Name - exactly as printed on registration: [REDACTED] Sex: M Date of Birth: [REDACTED]		Name - exactly as printed on registration: [REDACTED] Sex: M Date of Birth: [REDACTED]																																																																																									
Address (Include Number and Street): [REDACTED] Apt. No.: [REDACTED] Released: []		Address (Include Number and Street): [REDACTED] Apt. No.: [REDACTED] Released: []																																																																																									
City or Town: SCHEENECTADY State: NY Zip Code: [REDACTED]		City or Town: SCHEENECTADY State: NY Zip Code: [REDACTED]																																																																																									
Plate Number: [REDACTED] State of Reg.: [REDACTED] Vehicle Year & Make: [REDACTED] Vehicle Type: [REDACTED] Ins. Code: [REDACTED]		Plate Number: [REDACTED] State of Reg.: [REDACTED] Vehicle Year & Make: [REDACTED] Vehicle Type: [REDACTED] Ins. Code: [REDACTED]																																																																																									
Ticket/Arrest Number(s): IR2067QSZ03, R206QSZ5W		Ticket/Arrest Number(s): [REDACTED]																																																																																									
Violation Section(s): 1143, 1172A		Violation Section(s): [REDACTED]																																																																																									
Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit.		Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit.																																																																																									
L Box 1 - Point of Impact: [REDACTED] E Box 2 - Most Damage: [REDACTED] Enter up to three more damage codes: [REDACTED] Vehicle By: BOBARS Towed To: BOBARS VEHICLE DAMAGE CODING: 1-13 SEE DIAGRAM ON RIGHT.		L Box 1 - Point of Impact: [REDACTED] E Box 2 - Most Damage: [REDACTED] Enter up to three more damage codes: [REDACTED] Vehicle By: [REDACTED] Towed To: [REDACTED]																																																																																									
14. UNDERCARRIAGE 15. TRAILER 16. OVERTURNED		17. DEMOLISHED 18. NO DAMAGE 19. OTHER																																																																																									
Reference Marker: 14736240 Coordinates (if available): Latitude/Northing: [REDACTED] Longitude/Easting: 584858		Place Where Accident Occurred: County: SCHEENECTADY City: [REDACTED] Village: [REDACTED] Town: [REDACTED] of [REDACTED] Road on which accident occurred: BAYBERRY RD at 1) intersecting street: PURITAN DR or 2) [REDACTED] of [REDACTED] feel mres- OE OW (Milepost, Nearest intersecting Route Number or Street Name)																																																																																									
Accident Description/Officer's notes: V-1, NY Reg. HVT5195 was being operated by Joseph Burke. V-2, NY Reg. 60690JN was being operated by William Navaretta. Burke stated he was heading west bound on Bayberry Rd and did not come to a complete stop for the stop sign at the intersection of Puritan Drive. Burke stated he thought he had enough time to cross the intersection to clear it safely. Navaretta stated V-1 did not stop for the stop sign and pulled out in front of him. V-1																																																																																											
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>A</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td><td>17 BY</td></tr> <tr> <td>L</td><td>A</td><td>1</td><td>1</td><td>4</td><td>1</td><td>22</td><td>M</td><td>07</td><td>12</td><td>S</td></tr> <tr> <td>L</td><td>B</td><td>1</td><td>3</td><td>4</td><td>1</td><td>20</td><td>M</td><td>-</td><td>-</td><td>-</td></tr> <tr> <td>I</td><td>C</td><td>2</td><td>1</td><td>4</td><td>1</td><td>63</td><td>M</td><td>-</td><td>-</td><td>-</td></tr> <tr> <td>N-</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr> <td>V-</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr> <td>O</td><td>E</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr> <td>E</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>				A	8	9	10	11	12	13	14	15	16	17 BY	L	A	1	1	4	1	22	M	07	12	S	L	B	1	3	4	1	20	M	-	-	-	I	C	2	1	4	1	63	M	-	-	-	N-											V-											O	E										E										
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Officer's Rank and Signature: PATROLMAN [Signature] Print Name in Full: JORDAN NOYES Badge/ID No.: [REDACTED] NCIC No.: [REDACTED] Precinct/Post: [REDACTED] Troop/Zone: [REDACTED] Sector: [REDACTED] Reviewing Officer: REILLY, DEREK 112/23/2017 Date/Time Reviewed: 01:04																																																																																											

Local Codes

B-18308-19

8MR2067Q3X3R

POLICE ACCIDENT REPORT

AMENDED REPORT

MV-104A (6/04)

1	Accident Date Month 12 Day 222 Year 2017	Day of Week Friday	Military Time 18:40	Vehicles 2	No. Injured 1	No. Killed 0	Accident Reconstructed D	Left Scene D	Police Photos D	20	
2	VEHICLE				☐ VEHICLE ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN						21
3	VEHICLE 1 DRIVER				VEHICLE 2 DRIVER						22
4	VEHICLE 1 DRIVER				VEHICLE 2 DRIVER						23
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81	VEHICLE 1 DRIVER				VEHICLE 2 DRIVER						100

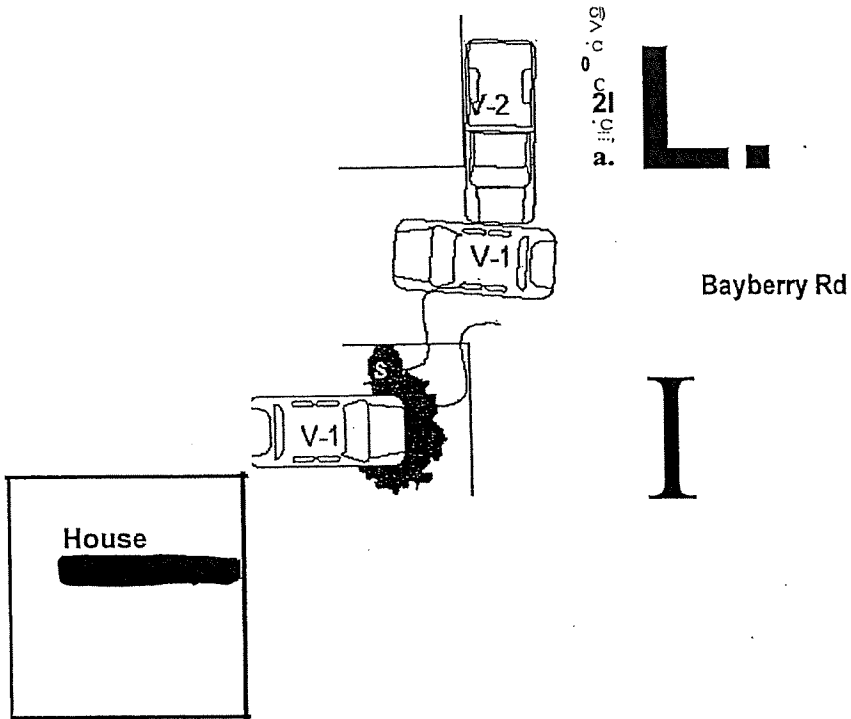
New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT

Local Codes
 B-18308-19
 8MR2067Q5X3R

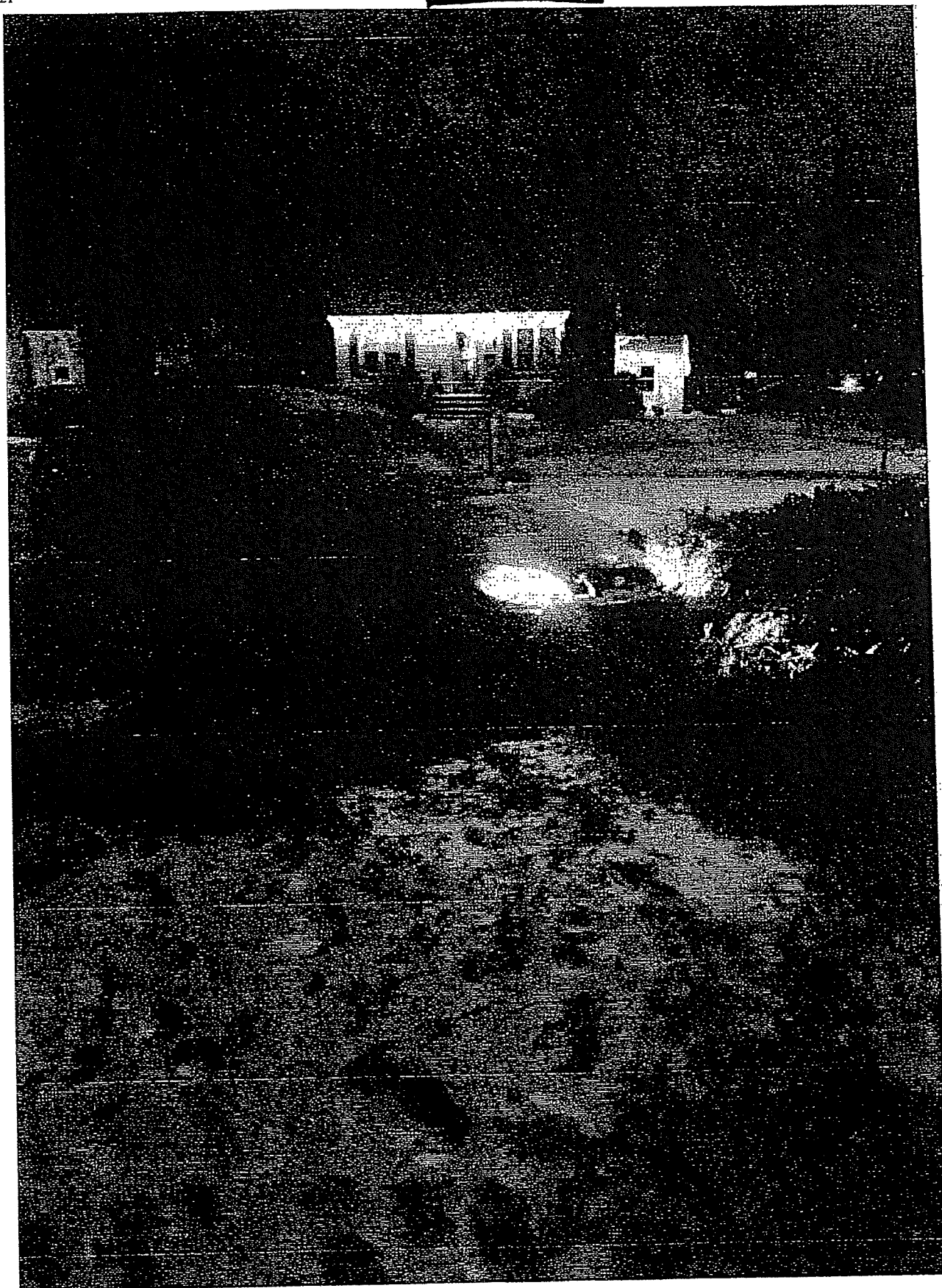
AMENDED REPORT

MV-104A (6/04)

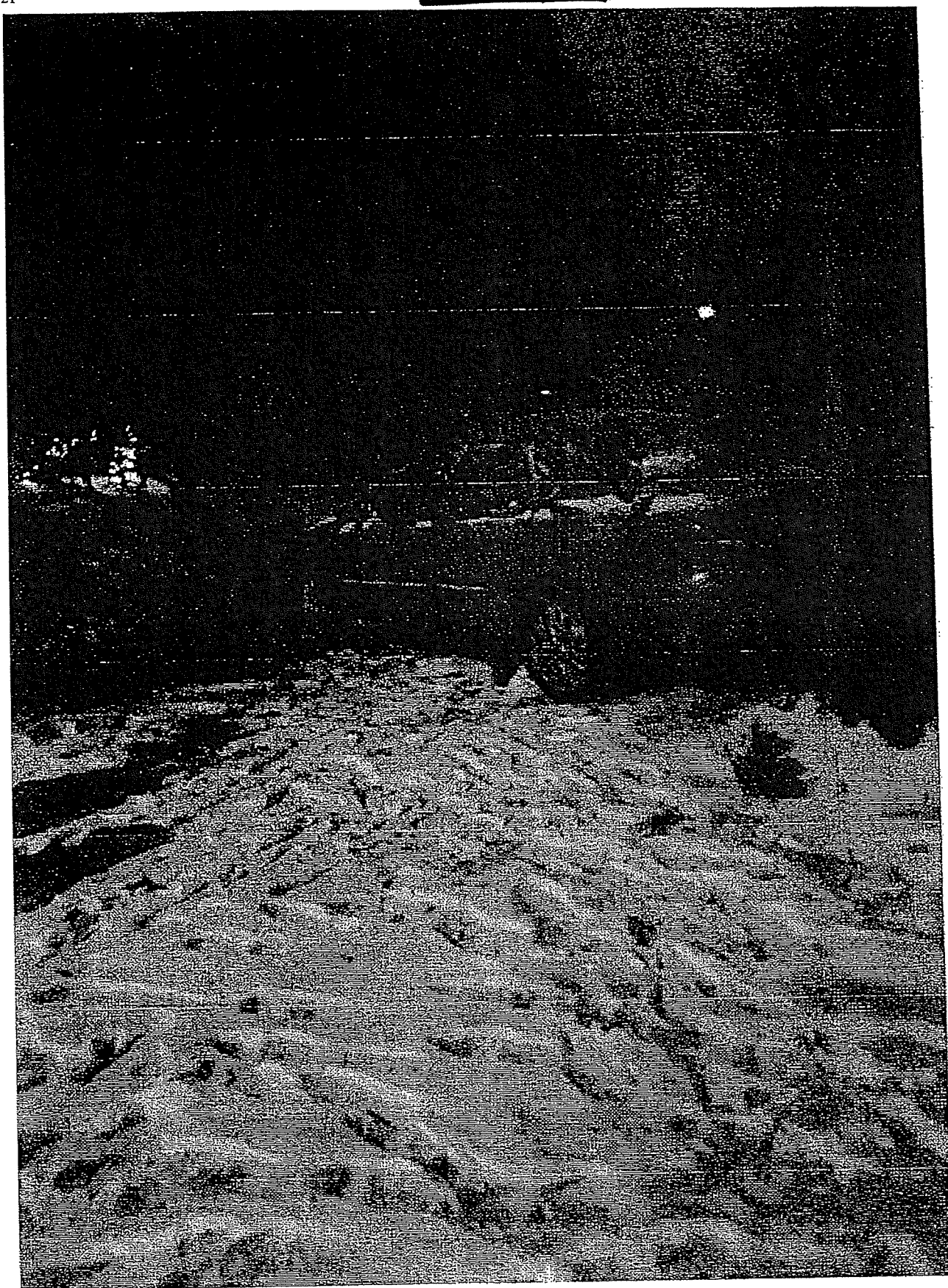
Accident Date			Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Invisgt	Accident Reconstructed	Left Scene	Police Photos
Month	Day	Year									Yes No
12	22	2017	Friday	18:40	2	1	0				Yes No



7/16/2021

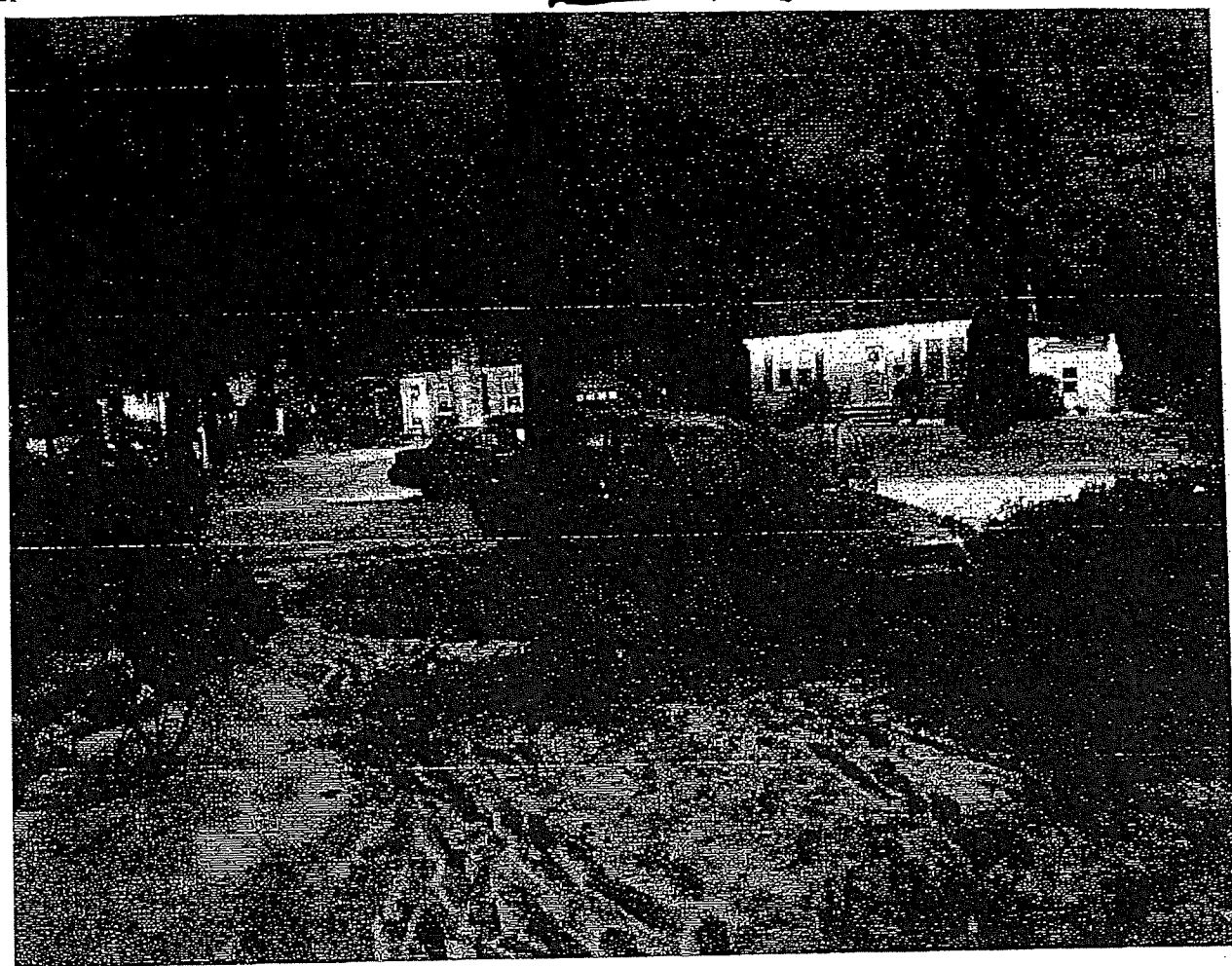


7/16/2021

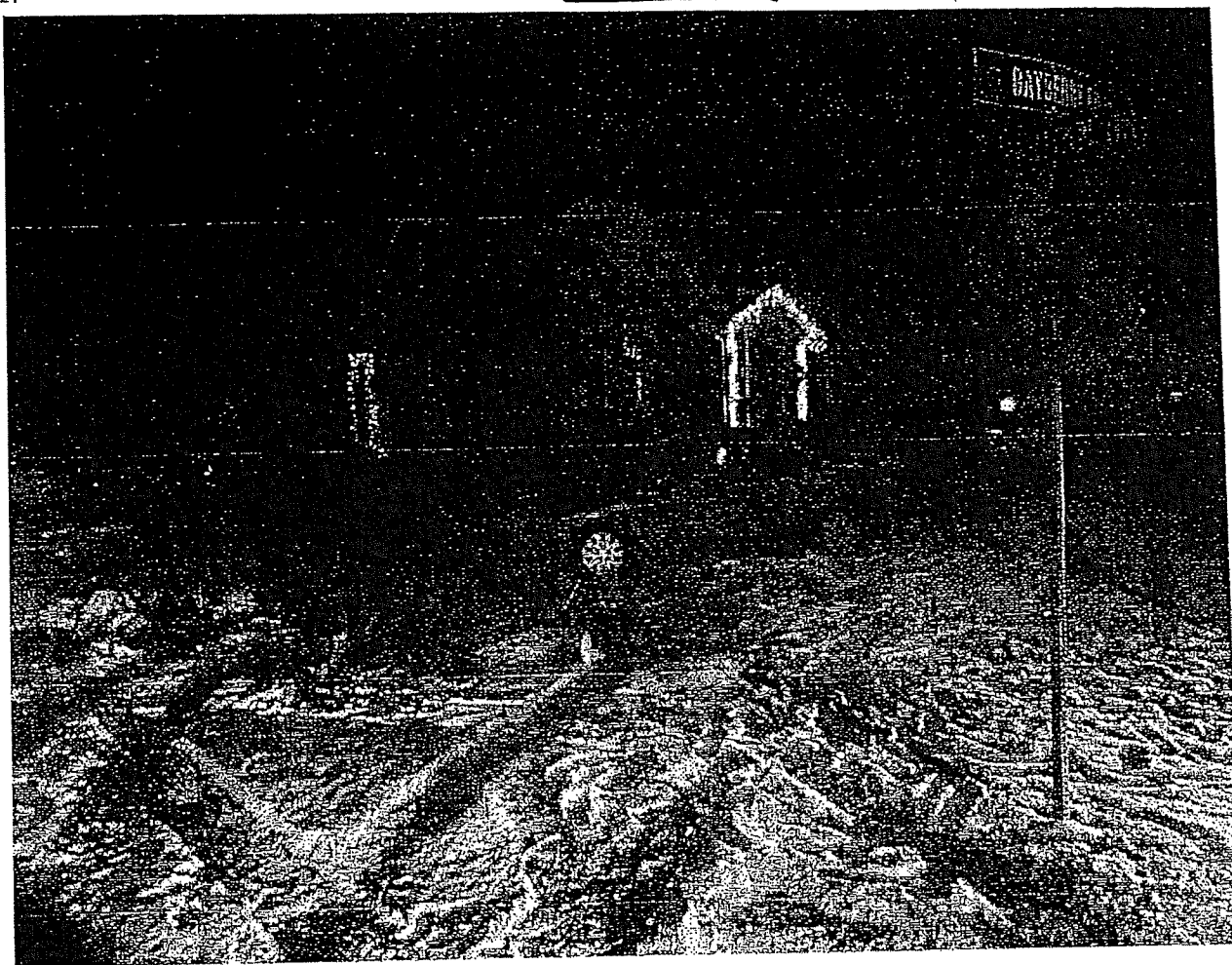


7/16/2021

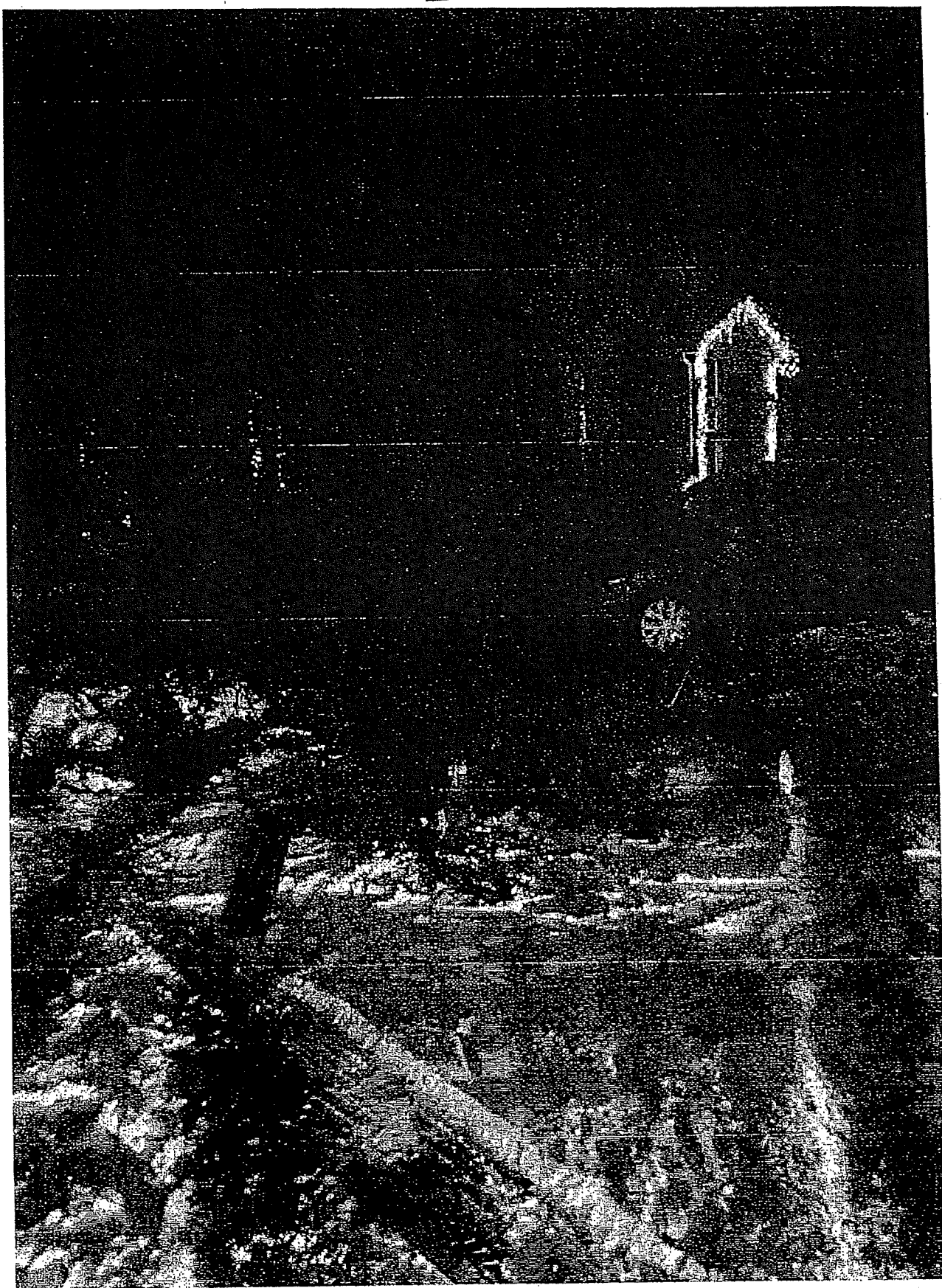
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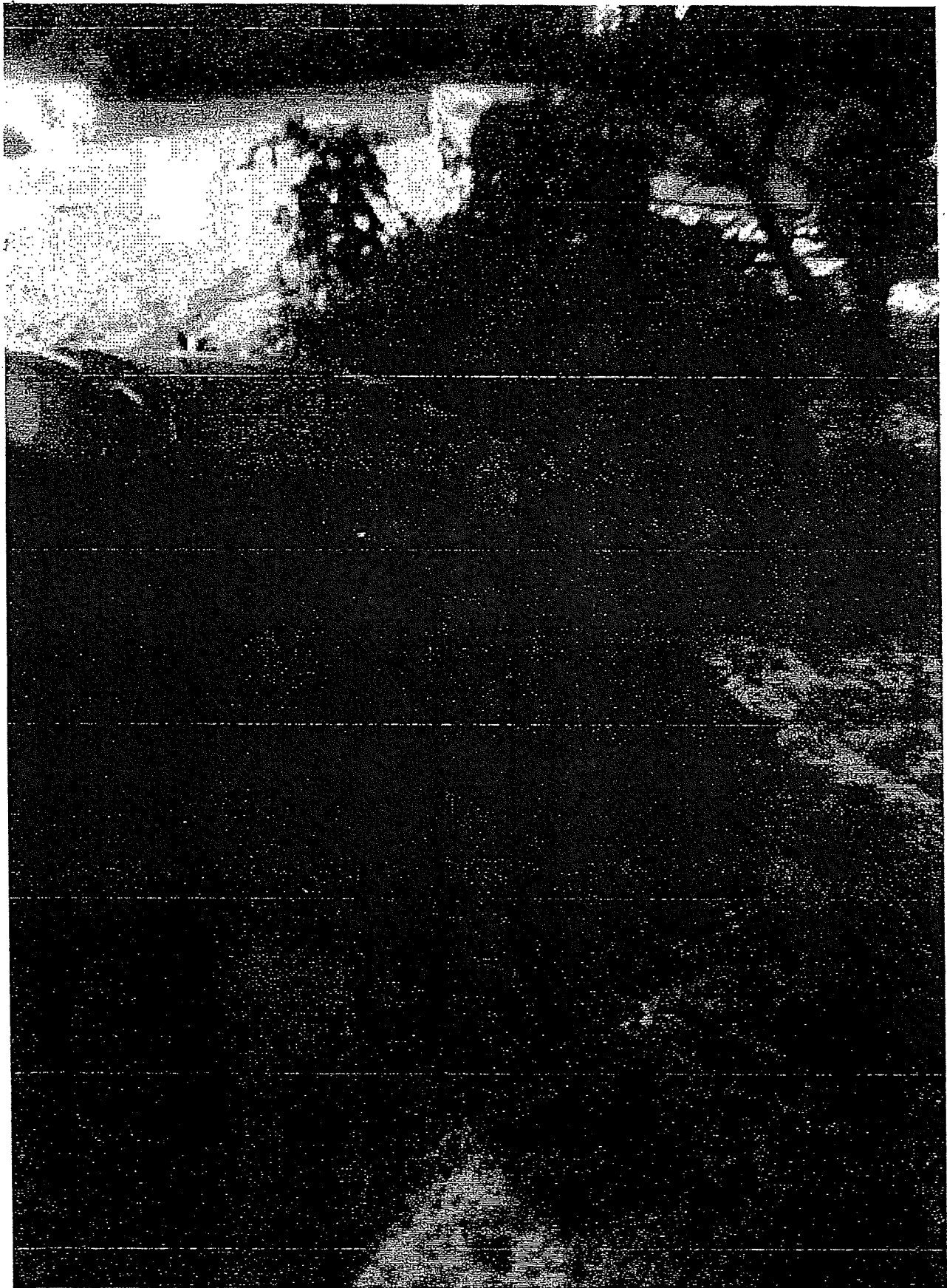
7/16/20.21



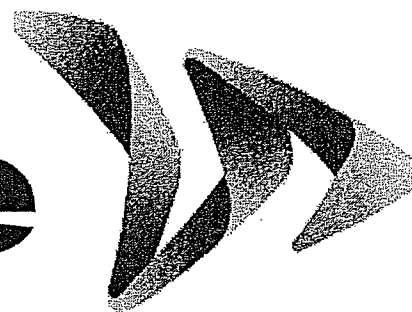
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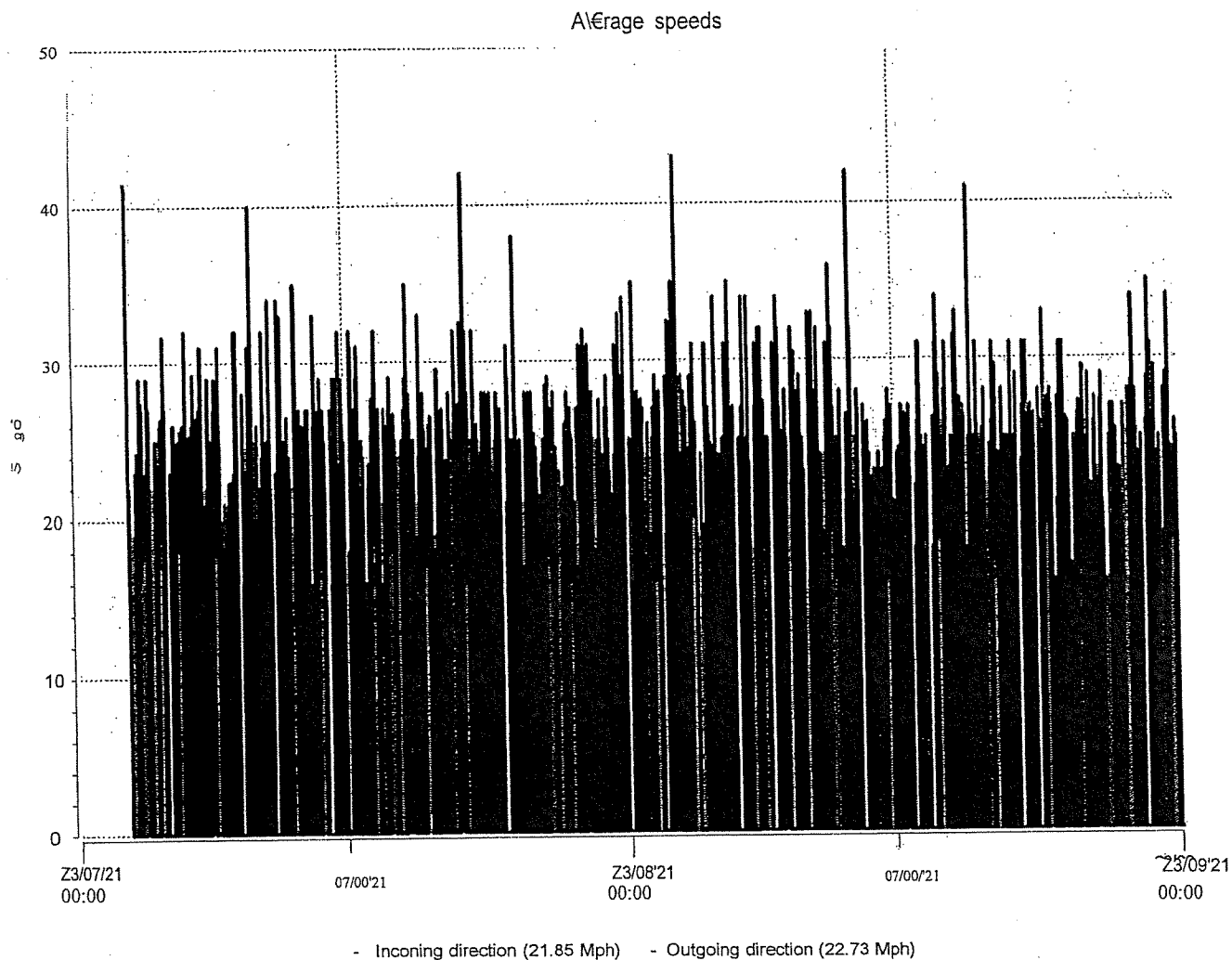


DETECTOR INFORMER SECURISER

Start date: Sunday, July 25, 2021 8:30 PM
End date: Tuesday, September 28, 2021 6:30 PM

Location:

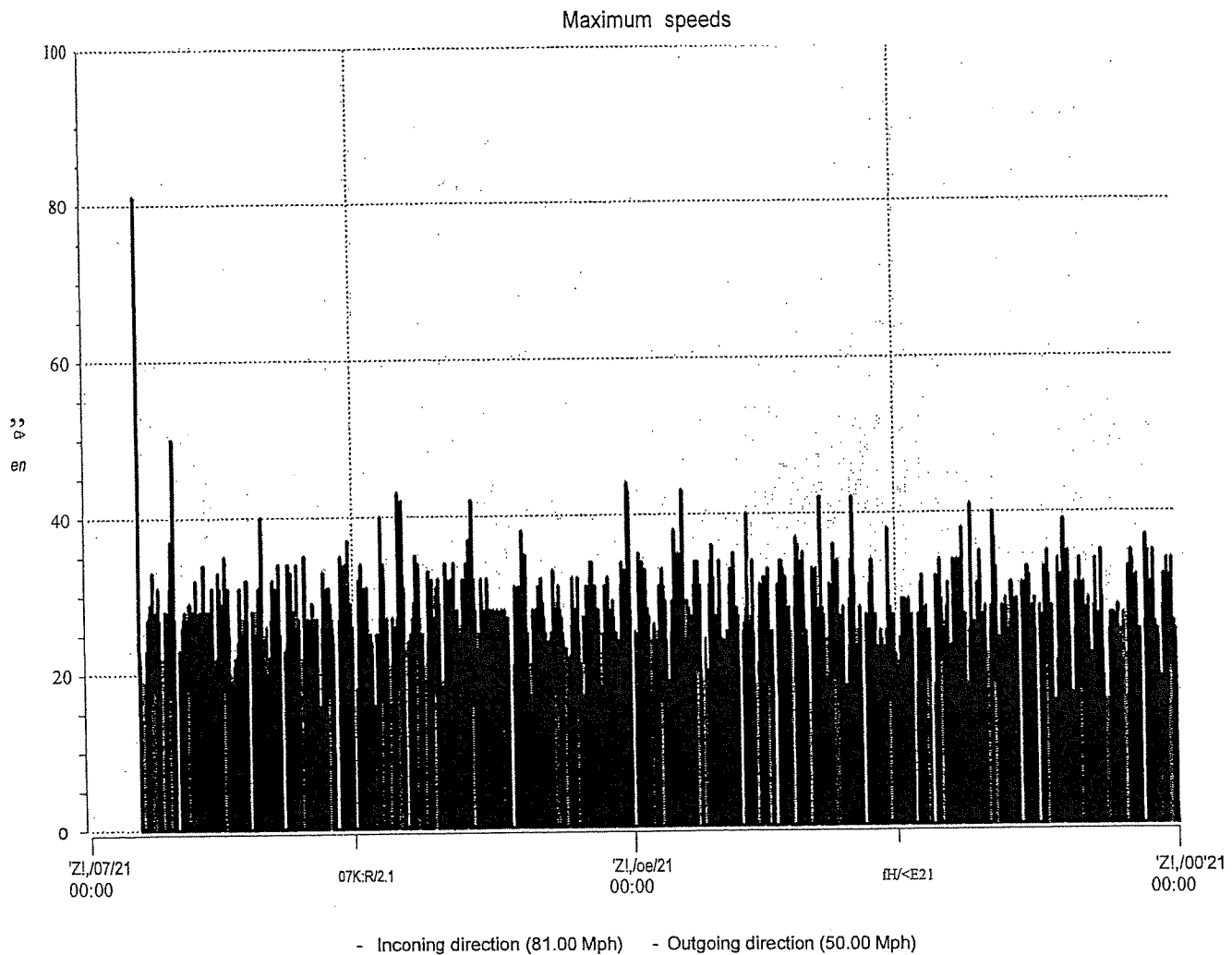
Comments:



Start date: Sunday, July 25, 2021 8:30 PM
End date: Tuesday, September 28, 2021 6:30 PM

Location:

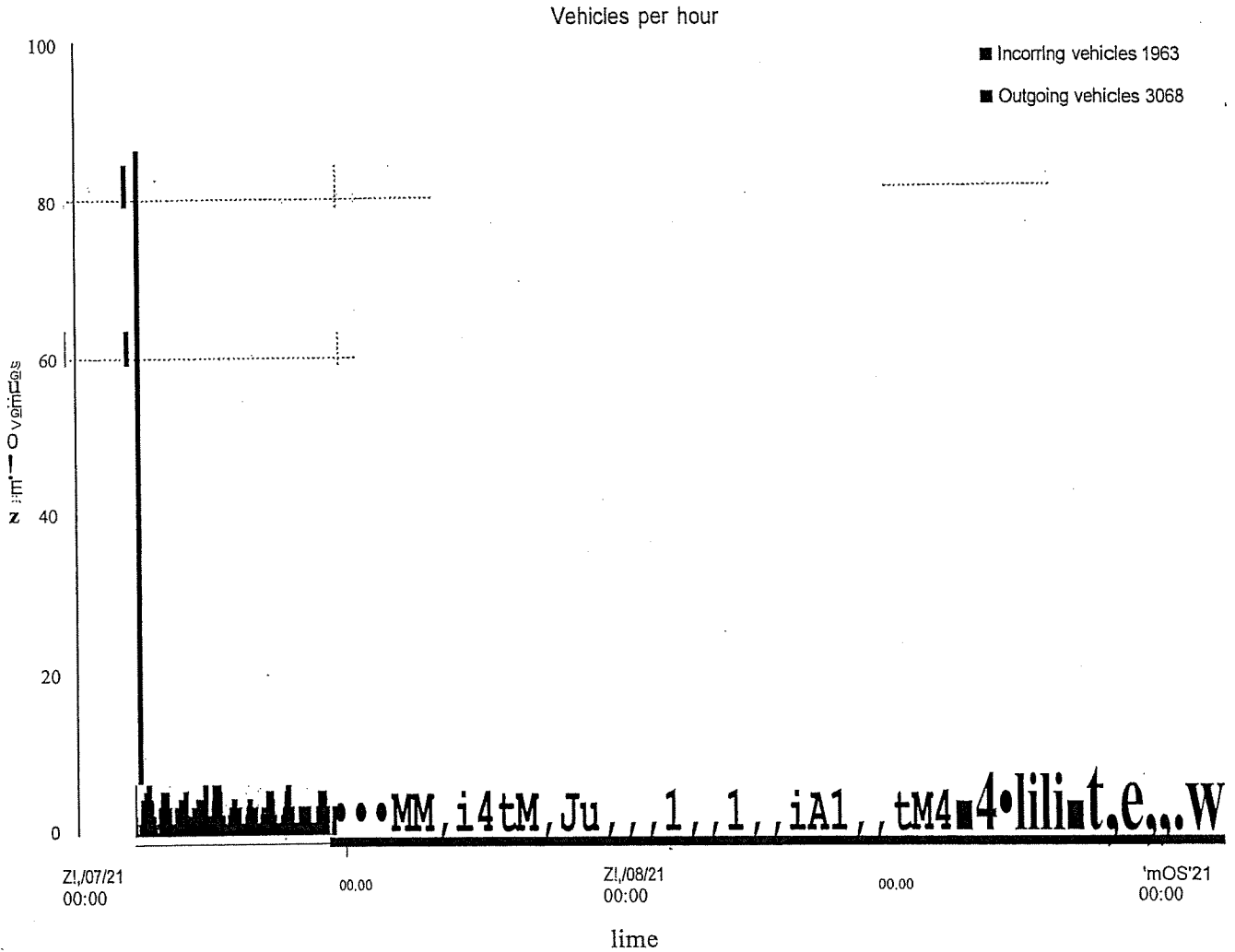
Comments:



Start date: Sunday, July 25, 2021 8:30 PM
End date: Tuesday, September 28, 2021 6:30 PM

Location:

Comments:

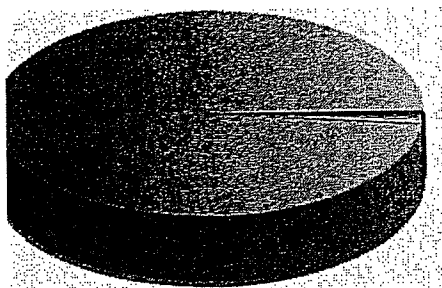


Start date: Sunday, July 25, 2021 8:30 PM
End date: Tuesday, September 28, 2021 6:30 PM

Location:

Comments:

Inconling vehicles



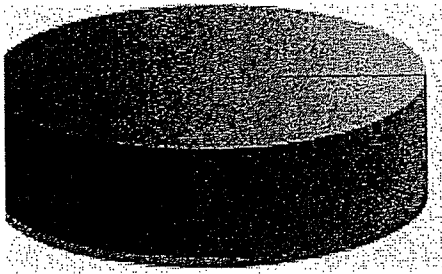
O	<=40Mph:	1,917 - {97.66 %}
-	41- 45Mph:	8 - {0.41 %}
0	46 - 50 Mph:	8 - {0.41 %}
-	51- 55Mph:	8 - {0.41 %}
-	56 - 60Mph:	7 - {0.36 %}
-	61- 65Mph:	5 - {0.25 %}
-	66- 70Mph:	3 - {0.15 %}
-	71 - 75 Mph(et +):	7- {0.36 %}

Start date: Sunday, July 25, 2021 8:30 PM
End date: Tuesday, September 28, 2021 6:30 PM

Location:

Comments:

Outgoing vehicles.



Q <= 40 Mph: 3,058 - (99.67 %)

■ 41- 45 Mph: 9 - (0.29 %)

0 46- 50Mph: 1- (0.03 %)

III 51- 55 Mph : 0 - (0.00 %)

■ 56- 60 Mph: 0 - (0.00 %)

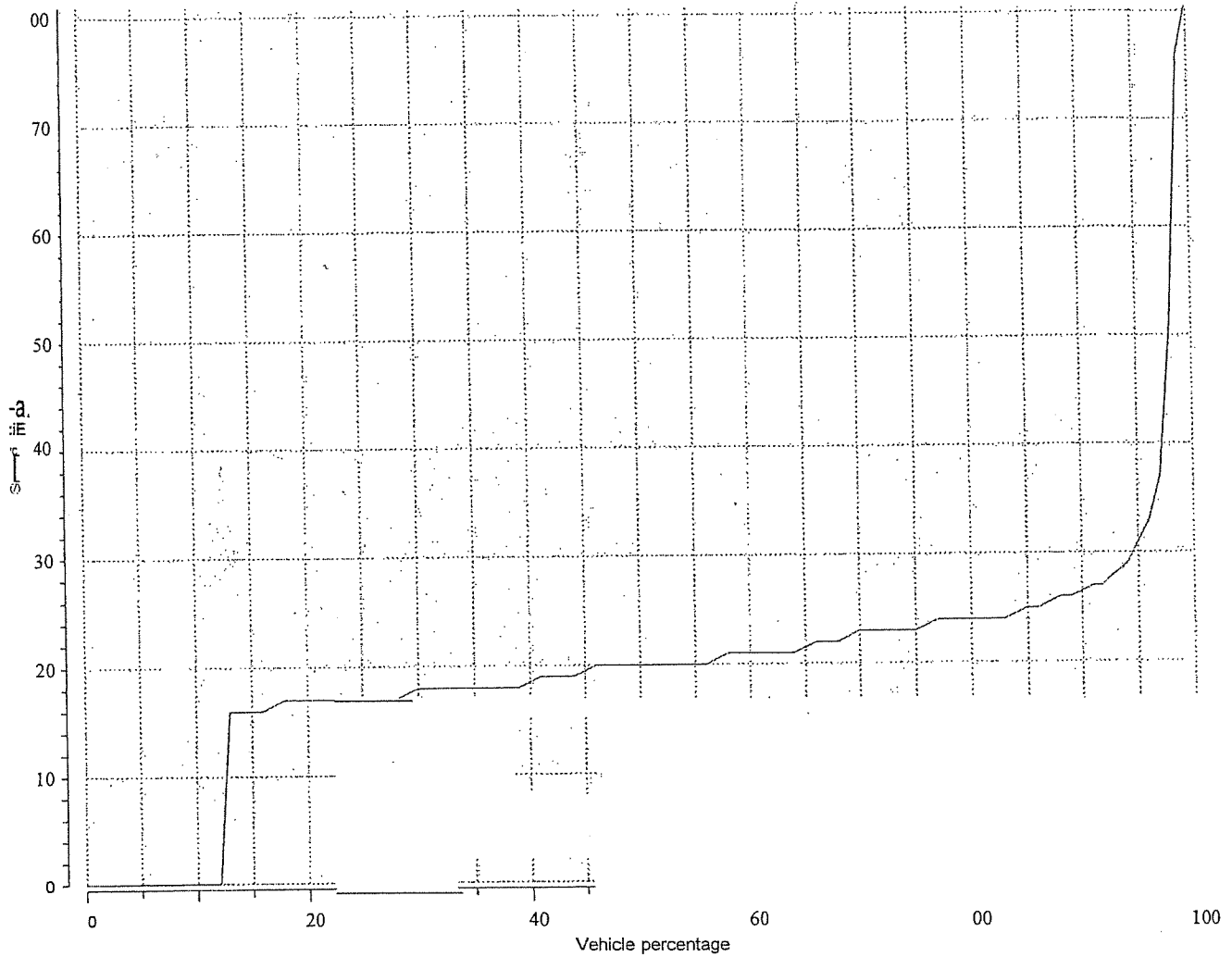
■ 61- 65Mph: 0 - (0.00 %)

■ 66- 70 Moh: 0 - (0.00 %)

Start date: Sunday, July 25, 2021 8:30 PM
End date: Tuesday, September 28, 2021 6:30 PM

Location:

Comments:



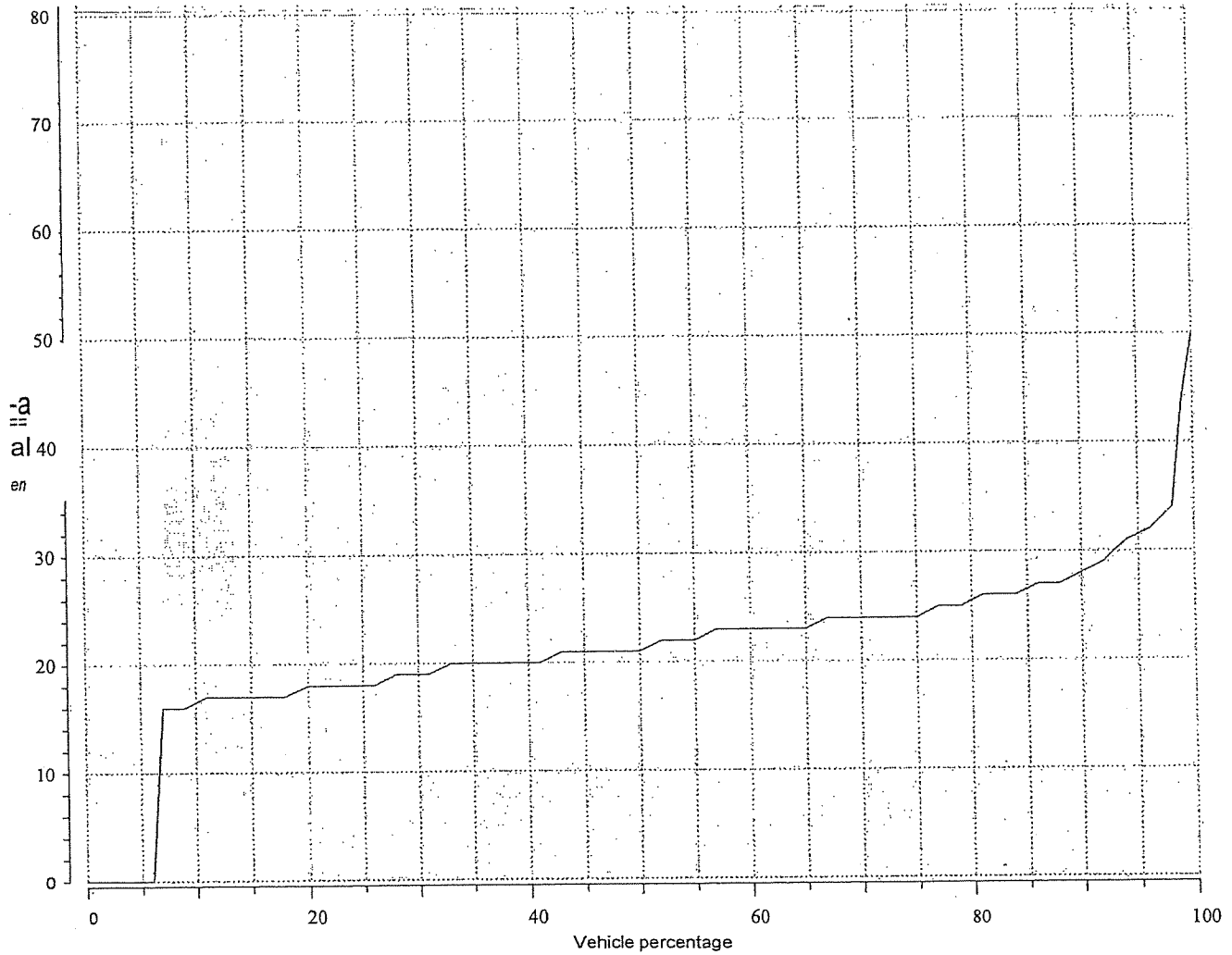
Speed percentiles (incoming)

V30: 18.00Mph V50: 20.00Mph V85: 25.00Mph

Start date: Sunday, July 25, 2021 8:30 PM
End date: Tuesday, September 28, 2021 6:30 PM

Location:

Comments:



Speed percentile(outgoing)

V30: 19.00Mph VS0: 21.00Mph VBS: 26.00Mph

Start date: Sunday, July 25, 2021 8:30 PM
End date: Tuesday, September 28, 2021 6:30 PM

Location:

Comments:

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 9, 2022, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 78.22

A RESOLUTION CALLING FOR PUBLIC HEARING TO AMEND CHAPTER 266 OF THE CODE OF THE TOWN OF ROTTERDAM

THEREFORE, UPON MOTION OF Councilmember DODSON, seconded

By Councilmember **CHRISTOU,**

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

The Town Clerk of the Town of Rotterdam is hereby directed 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 by 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 John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 at 7:00p.m. on the 23rd day of February 2022 for the following purpose:

To amend section 266.52, entitled "Schedule XII: No Parking at Any Time" of the Code of the Town of Rotterdam, as attached.

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

DATED:

Daily Gazette: Please publish once on February 12, 2022

Town Clerk

Post

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera (ABSENT)			
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 10, 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 **February 11, 2022**.

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 25, 2022
TO: Legislative Review Board
FROM: Deputy Chief William Male

TITLE OF REQUEST: Recommend adopting a local law adding "No Parking" signs on the east side of Lawn Avenue between Lilac Street and Tulip Street as well as "No parking here to corner" signs 30 feet from the intersections of Lawn Avenue and Lilac Street and Lawn Avenue and Aster Street.

TOWN BOARD MEETING: February 9, 2022

February 9, 2022: Call for public hearing
February 23, 2022: Hold public hearing
February 23, 2022: Adopt the local law

Background Information: Received a complaint for vehicles parked in the roadway at the above mentioned location creating an unsafe condition.

Evaluation/Analysis: A visual traffic survey was completed on September 11, 2021 recommending a no parking zone.

Recommendation(s): Recommend adding "No Parking" signs on the east side of Lawn Avenue between Lilac Street and Tulip Street as well as "No parking here to corner" signs 30 feet from the intersections of Lawn Avenue and Lilac Street and Lawn Avenue and Aster Street.

Attachment/Document(s): Traffic Survey is attached.

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): Amend 266-20 and 266-52 of the town code

LEGISLATION WILL BE PREPARED BY: RPD



ROTTERDAM POLICE DEPARTMENT UNIFORM DIVISION TRAFFIC SURVEY



ATTN: Chief Brown, Deputy Chief Male, Lieutenant Collins, Lieutenant Girard
LOCATION: Lawn Avenue
DATE: 09/27/2021

REQUEST

Amend the Code of the Town of Rotterdam Chapter 266, "Vehicles and Traffic", Section 52, "No Parking at any time" for a portion of Lawn Avenue as a result of parking in the area of the Rotterdam Pop Warner Field. As a result of a previously amended "No Parking at any time" for the area of Fern Avenue and surrounding streets, vehicles are now parking on both sides of Lawn Avenue. As a result, the residents of Lawn Avenue have called to complain they cannot safely enter and exit their driveways. Additionally, this prevents emergency vehicles as well as passenger vehicles from safely traveling the roadways.

SURVEY

A visual traffic survey was completed on 09/11/2021 and I took photos of vehicles parked on both sides of the street to illustrate the problem.

CONCLUSION

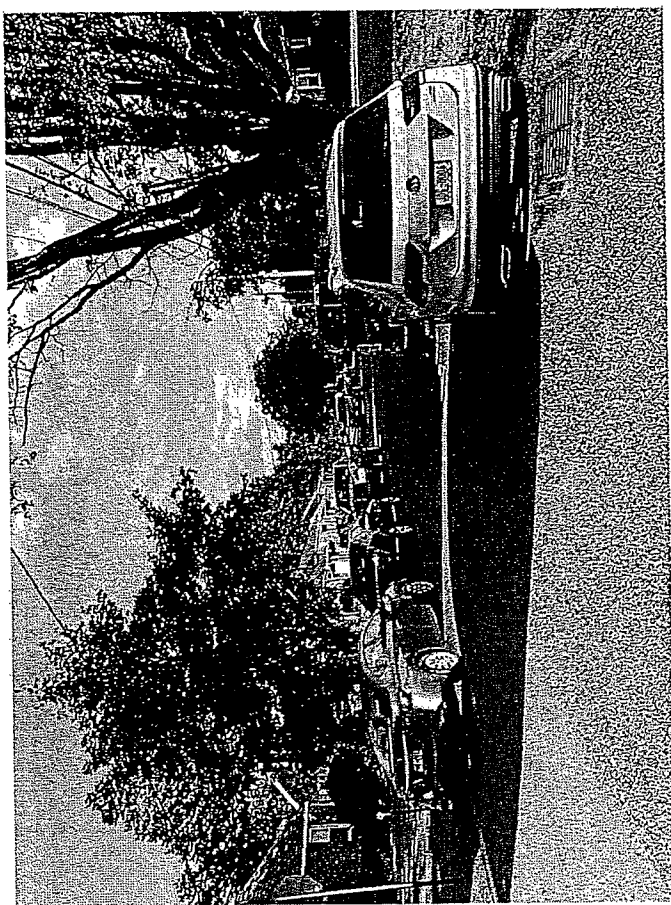
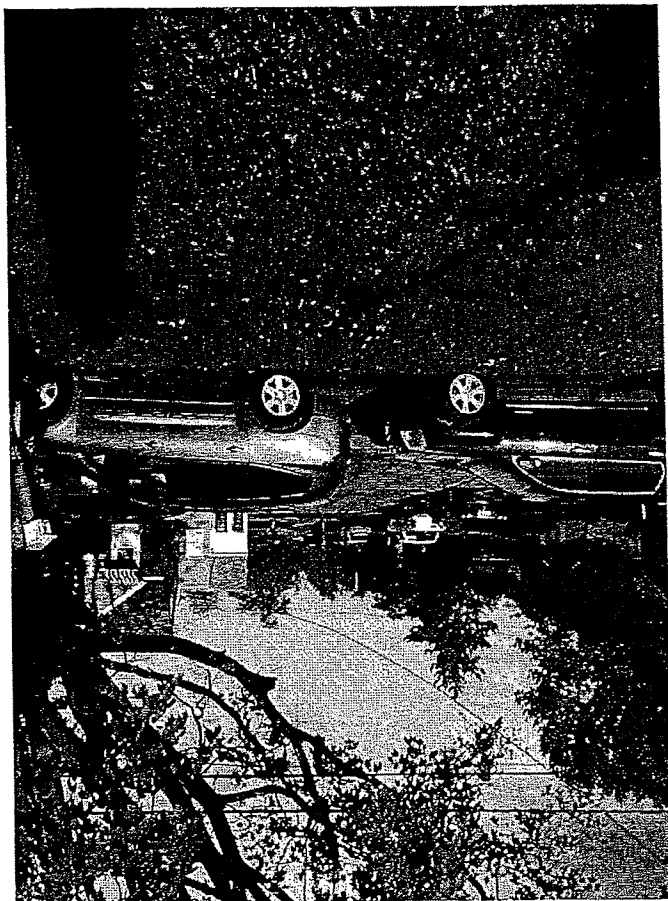
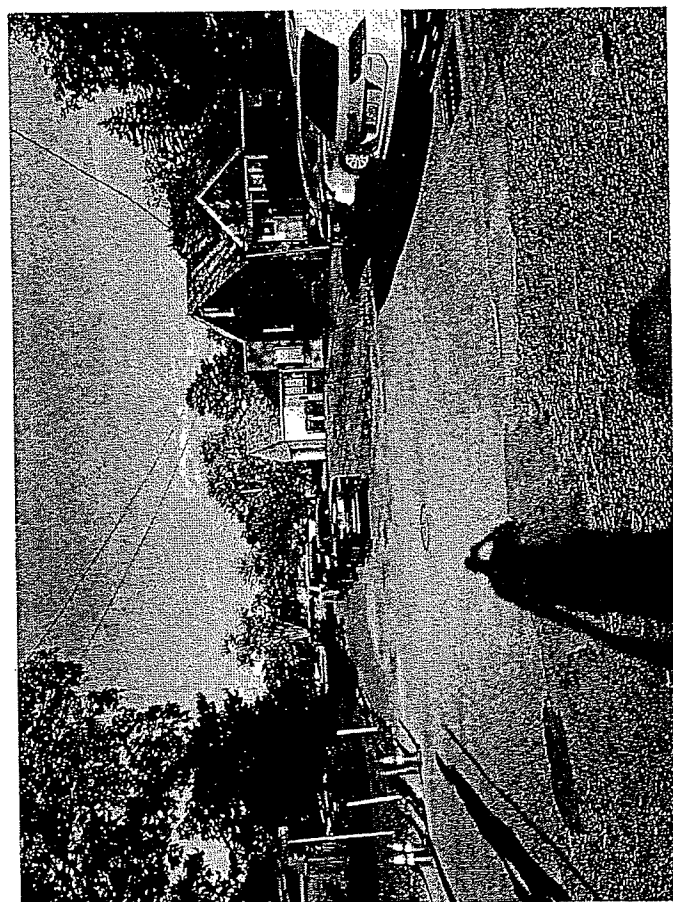
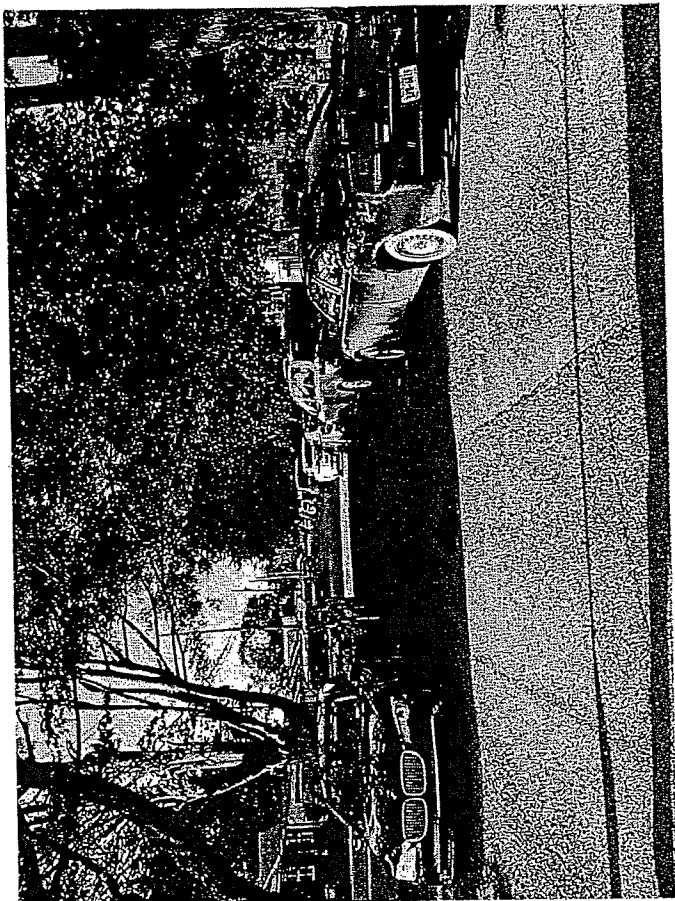
After traveling the roadways, speaking with several residence, and having witnessed vehicles parked in the area in question for an event at the Pop Warner Field, I am requesting an amendment to the Code of the Town of Rotterdam Chapter 266, "Vehicles and Traffic", Section 52, "No Parking at any time" for the following streets:

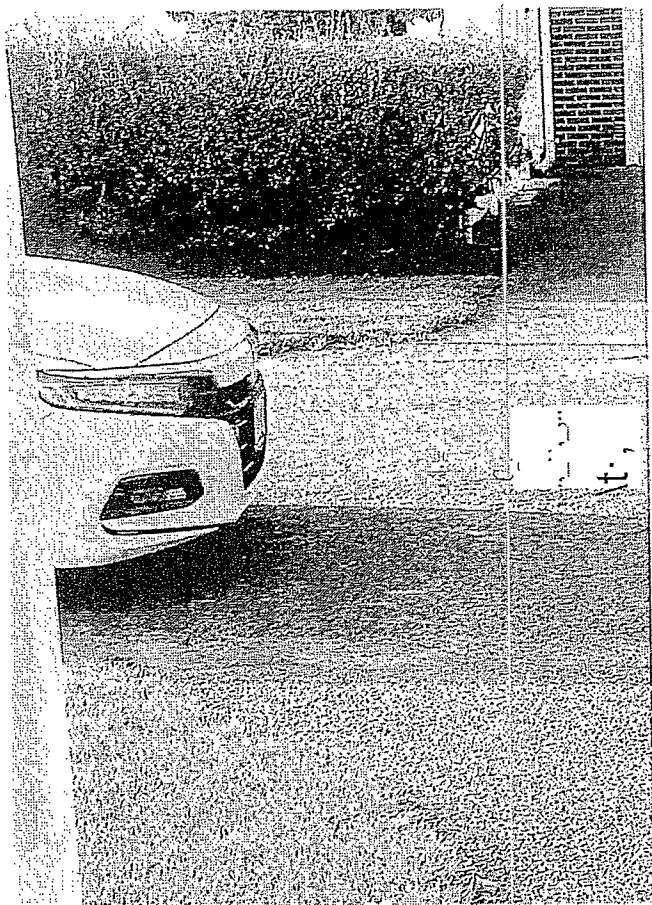
East side of Lawn Avenue, between Lilac Street and Tulip Street

Lawn Avenue "No parking here to corner" Lilac Street, Aster Street,

In conclusion, I believe by limiting parking to one side of the street on Lawn Avenue which is in close proximity to the entrance of the Pop Warner Field, it will allow for vehicles to travel safely in the area. This will also allow the residence to safely enter and exit their driveways.

Respectfully Submitted,
Sgt. Derek J. Reilly
Traffic Sergeant, Rotterdam Police Department





RESOLUTION NO. 84.22

REQUESTING BIDS FOR CHLORINE GAS

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 call for bids for Chlorine Gas.

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 Monday, the 14th day of March 2022, at 11:00 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 same 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:

CHLORINE GAS

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 ELECTRONICALLY OR IN PERSON
PRIOR TO 11:00 A.M., MONDAY, MARCH 14, 2022.**

The town board reserves the right to 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: February 23, 2022

BidNet: Please publish on February 25, 2022

Daily Gazette: Please publish on February 26, 2022

Town Clerk Post

SECTION 3. This resolution shall become effective February 23, 2022.

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: February 14, 2022

TO: Supervisor, Mollie A. Collins

FROM: Justin Peterson, Sr. Water Treatment Plant Operator

TITLE OF LEGISLATIVE REQUEST: Notice to bidders- Chlorine Gas

TO BE PLACED ON TOWN BOARD AGENDA OF: February 23, 2022

TO BE PLACED ON TOWN BOARD MEETING OF: February 23, 2022

Background Information: Water Treatment Plant bids awarded last year expired

Evaluation/Analysis: Re-bid according to Town Policy

Recommendation(s): Town Board pass the resolution and publish in gazette newspaper: Notice to Bidders on February 26, 2022 to be opened on Monday, March 14, 2022 at 11:00am

Attachment/Documents(s): Bid package

Compliance with Purchasing Policy: Yes

Effect(s) on Existing Law(s): None

LEGISLATION WAS PREPARED BY: Town Clerk

Town of Rotterdam

Request for Bids

Chlorine Gas

Bid Opening:

Monday March 14, 2022 @ 11:00 a.m.

INSTRUCTIONS TO BIDDERS

1. All bids must be submitted before **11:00 a.m. on Monday, March 14, 2022**, the day of opening.
2. Electronic proposals for the furnishing and delivery of goods/services as required for the Town of Rotterdam, as set forth in the specifications prepared by the Town Board and received by **11:00a.m.March 14, 2022** will be electronically opened at that time, via Empire State Purchasing Group on the BidNet website (<http://www.bidnetdirect.com/townofrotterdam>). The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet by the close of business the same day, of all bid submissions received. 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.
3. Digital Copies of Drawings and 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 sources. 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(s) 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.
4. Purchases made by the Town of Rotterdam are not subject to State or local taxes or Federal excise taxes. Exemption certificates will be furnished upon request.
5. An "Affidavit of Non-Collusion" is attached and forms a part of this bid proposal. By submission of this bid, each bidder and each person signing on behalf of any bidder, certifies under penalty of perjury, that to the best of his/her knowledge and belief that the prices of the bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter related to such prices with any other bidder or competitor; that the prices quoted have not and will not be disclosed prior to opening, directly or indirectly, to any other bidder or competitor; that no attempt has been or will be made to induce any other person, partnership or corporation to submit or not submit a bid for the purpose of restricting competition. Each bidder must state that no officer of the Town of Rotterdam or member of the Town Board is directly or indirectly interested in the proposal. Failure to sign this statement will constitute grounds for rejection of bid.
6. Each bidder must acknowledge receipt of and comply with the Town's Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace policy.
7. Bid proposals shall remain firm, pending bid award, for a period not to exceed thirty (30) days from the bid opening date.
8. The Town Board reserves the right to reject any or all bids and re-advertise.

9. All bids are to be on the basis of delivery prepaid to destination, which shall be buildings of the Town of Rotterdam as specified.
10. Delivery: Time is of the essence. Material is required as soon as possible and guaranteed date of delivery may be taken into consideration in making award. Upon failure to make delivery as promised, the Town Board of the Town of Rotterdam, New York, may consider the contract breached and will then feel free to go into the open market and to maintain an action against the contractor to recover any differences which the Town Board might stand to lose between the contract price and the market price.
11. Where items or articles or equipment or supplies are designated as manufactured by a specific manufacturer, it is to be understood that the articles as specified represent an accepted standard. Where certain brands of materials, apparatus, or equipment are specified, such goods have been selected in order to establish a standard for the particular service required, but it is not the intention to limit competition thereby. If the bidder proposes to furnish the article which is specified, he is to fill in the amount on the line indicated. If he desires to bid on a substitute for the article specified, which is claimed to be equivalent to the standard specified, the amount should be recorded and also identified as "substitute" bid and furnish the required information relating to the manufacturer. In cases where the bid is based upon a substitute article, the bidder will be asked to submit a sample. Samples will be returned, if desired, as soon as the award is made.
12. The Town Board of the Town of Rotterdam reserves the right to waive any informalities on bids received, and to accept reasonable substitutes for specified items as long as such substitutes in no way affect the performance of the item for which the bid has been requested.
13. The approximate quantities shown in the bidding documents are not meant to imply that said quantities will in fact be purchased. Payment will be based on an "as delivered" basis at the facilities listed using actual quantities received.
14. Failure to adequately and fully complete the bid packet and/or questions contained in the RFP shall be disqualified and the bid shall be rejected.

TOWN OF ROTTERDAM

Bid Form

The undersigned has read, understands, and agrees to all conditions of this proposal and will furnish material as follows:

Chlorine Gas

Unit price per 150 lb cylinder delivered to the Town of Rotterdam Water Treatment Plant, 49 Rice Road, Town of Rotterdam.

\$ _____ per 150 lb cylinder

The entire bid is strictly in accordance with specifications.

I understand if I am chosen as the lowest responsible bidder, that I must comply with all federal, state, and local laws, as well as rules, regulations, policies and guidance, including the State of New York's newly released guidance on sexual harassment. By submitting a bid, I acknowledge receipt of the Town of Rotterdam "Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace" Policy.

Signature

Name of Company or Corporation

Street Address

City

State

Zip

Town of Rotterdam

Chlorine Gas

Detailed Specifications

LIQUID CHLORINE

The approximate quantity required will be 10,000 pounds per year, supplied in 150 pound cylinders.

The successful bidder will not charge deposit fees on cylinders unless those cylinders are held at the plant sites in excess of six (6) months.

All material supplied under this bid shall be in conformance with ANSI/AWWA Standard 301-87 or subsequent revision.

DELIVERY

Delivery shall be to the Town of Rotterdam Water Treatment Plant, 49 Rice Road, within two (2) weeks of placement of the order as ordered by the Senior Water Plant Operator or his designee.

PERIOD OF CONTRACT

The prices shall remain in effect up to and including December 31, 2022.

BID REQUIREMENTS

The Town of Rotterdam has the right to accept or reject any or all bids.

Each bid must contain a Non-Collusion Bidding Certificate as per Section 103-d of the General Municipal Law.

NOTE: Any questions should be submitted in writing to Justin Peterson,
Town of Rotterdam Water Treatment Plant –
jpeterson@rotterdamny.org or by calling 518-393-1131.

TOWN OF ROTTERDAM

NON-COLLUSION BIDDING CERTIFICATION

- A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:
- 1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
 - 2) 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
 - 3) 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 bid for the purpose of restricting competition.
- B. A bid shall not be considered for award nor shall any award be made where (A), (1), (2), and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certifying, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reason therefore. Where (A), (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made or his designee, determines that such disclosure was not made for the purpose of restricting competition.
- C. The fact that the bidder (A) has published price lists, rates or tariffs governing items being procured, (B) has informed prospective customers of proposed or pending publication of new or revised price lists for such items or (C) has sold the same item to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning subparagraph (A)(1).
- D. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or state services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one (1) of this section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

Name of Firm: _____

Signed by: _____ Title: _____

Date: _____

**RESOLUTION AUTHORIZING SUBMISSION OF BIDS BY CORPORATION
AND EXECUTION OF NON-COLLUSION CERTIFICATE AND WAIVER OF
IMMUNITY CLAUSE**

Resolved that _____ be authorized to sign and submit the bid or proposal of this corporation for _____ Town of Rotterdam, New York, Schenectady County, and to include in such bid or proposal the certificate as to non-collusion and waiver of immunity clause required by Section 103 of the General Municipal Law as the act and deed of such corporation, and for any inaccuracies or misstatements in such certificate this corporate bidder shall be liable under the penalties of perjury.

The foregoing is a true and correct copy of the resolution adopted by _____ corporation at a meeting of its board of directors held on the _____ day of _____ 2022

(SEAL OF THE CORPORATION)

Signature of Secretary

**INDIVIDUAL EXECUTION OF NON-COLLUSION CERTIFICATE
AND WAIVER OF IMMUNITY CLAUSE**

I, _____ hereby sign and submit this bid or proposal for _____ Town of Rotterdam, New York, Schenectady County, and to include in such bid or proposal the certificate as to non-collusion and waiver of immunity clause required by Section 103 of the General Municipal Law as the act and deed of this individual, and for any inaccuracies or misstatements in such certificate this individual bidder shall be liable under the penalties of perjury.

Signature of Individual

Date

TOWN OF ROTTERDAM

WAIVER ON IMMUNITY CLAUSE

The undersigned bidder agrees to sign a Waiver of Immunity Clause agreeing if called before a Grand Jury to testify concerning the bid or contract, to sign a Waiver of Immunity against Criminal transaction, bid or contract:

Name of Firm:_____ Signed

by:_____ Title:_____

Date:_____

TOWN OF ROTTERDAM

Acknowledgment and Agreement

Non-Discrimination and Harassment (including Sexual Harassment) in the Workplace

The undersigned bidder acknowledges that they received the Town of Rotterdam Non-Discrimination and Harassment (including Sexual Harassment) in the Workplace policy and agrees to abide by the policy as stated.

Name of Firm: _____

Signed by: _____ Title: _____

Date: _____

903 Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace

Policy Statement - It is the policy of the Town of Rotterdam to promote a productive work environment and to prohibit conduct by any Elected Official or employee (as defined in Section 104 of the Employee Handbook) that disrupts or interferes with another's work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the Town is committed to educate Elected Officials and employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. In short, the Town does not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such activity in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of repercussion to any individual covered by this policy who, in good faith, files such complaint.

Applicability of Policy - This policy applies to all Elected Officials, Appointed Members of Boards and Commissions, employees, supervisors, and Department Heads, whether employed full or part-time, temporary or seasonal, paid or unpaid interns, volunteers, and those employed by companies contracting to provide services in the workplace. Depending on the extent of the Town's exercise of control, this policy may be applied to the conduct of non-Town employees with respect to harassment of Town employees in the workplace.

Prohibited harassment (including sexual harassment) is not limited to the physical workplace itself. It can occur while Elected Officials, employees or other individuals covered by this policy are traveling for Town business or at Town sponsored events or parties. Calls, texts, emails, and social media usage by

employees or other individuals covered by this policy can constitute workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Prohibited Activity - No Elected Official, employee or other individuals covered by this policy shall engage in any of the following:

- **Harassment:** Unwanted, unreasonable verbal or physical conduct directed toward or affecting another person that disturbs, frightens, insults, threatens, intimidates, demeans, or offends that other person, that continues or is repeated after a request to cease, and that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities. Harassment includes offensive or inappropriate images or written materials or electronic communications (e.g. letters, e-mail, text messages, or graffiti) as well as bias-based harassment and sexual harassment (see below).
- **Bias-Based Harassment:** Harassment that denigrates, offends or shows hostility or aversion toward an individual on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Bias-based harassment includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written, electronic, or graphic material that denigrates, ridicules, objectifies, or shows hostility, aversion or contempt toward an individual or group and that is placed on walls, bulletin boards, lockers or elsewhere on or in the Town's premises, vehicles, or equipment, or is circulated in the workplace, including through electronic means.
- **Discrimination:** The Town of Rotterdam is an Equal Opportunity Employer. The Town does not unlawfully discriminate on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Unlawful discrimination based on membership in these categories is prohibited by applicable federal, state, or local laws. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, assignments, compensation, promotion, transfer, training, leave of absence, and termination.

Definition of Sexual Harassment - This policy places special attention on the prohibition of sexual harassment in the workplace. Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance. Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy,

Examples of Sexual Harassment - The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - o Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - o Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - o Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - o Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - o Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - o Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - o Sabotaging an individual's work;
 - o Bullying, yelling, name-calling.

Prohibition Against Retaliation - Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a claim of discrimination or harassment, including sexual harassment. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Unlawful retaliation against any employee who has engaged in "protected activity" is strictly prohibited by this policy as well as (where applicable) federal, state, and local law. Protected activity occurs when a person has:

- made a complaint of harassment or discrimination, either internally or with any anti-discrimination agency;
- opposed harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or management of harassment or discrimination;
- reported that another employee has been subjected to harassment or discrimination;
- encouraged a fellow employee to report harassment or discrimination;
- participated in a workplace investigation regarding harassment or discrimination;

- testified or assisted in a proceeding involving harassment or discrimination under the Human Rights Law or other anti-discrimination laws.

Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination or harassment.

Reporting of Discrimination and Harassment (including Sexual Harassment) - Reports of alleged discrimination and/or harassment (including sexual harassment) or retaliation may be made verbally or in writing. A form for the submission of a written complaint is attached to this policy and individuals are encouraged to use this form. If an individual chooses to submit a verbal complaint, such complaint will be recorded by the receiver of this complaint on this form. Employees are encouraged to report incidents of discrimination, harassment (including sexual harassment), or retaliation to their Department Head and/or the Town Supervisor as soon as possible after their occurrence. If the employee's Department Head is believed to be involved in the incident, or if the employee is not comfortable in addressing the incident with the Department Head, the report should be made directly to the Town Supervisor. If the Town Supervisor is believed to be involved in the incident or the employee is not comfortable reporting the incident to the Town Supervisor, the employee should report the incident to a member of the Town Board. Employees who believe they have been discriminated against or harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, their Department Head, the Town Supervisor, or any member of the Town Board. Employees who work during off-hours are encouraged to contact their supervisor, their Department Head, the Town Supervisor, or any member of the Town Board at home if these individuals do not work during the employee's shift. Non-employees are encouraged to report incidents of alleged discrimination and harassment (including sexual harassment) to either the Department Head of the department where services are being provided, the Town Supervisor, or a member of the Town Board.

Supervisory Responsibility - Supervisory personnel must make every effort to ensure a work environment that is free from discrimination and harassment, including sexual harassment. Any Department Head or supervisor who receives a complaint or information about suspected prohibited activity (as outlined above), observes behavior that may constitute prohibited activity, or for any reason suspects that prohibited activity is occurring, is required to report such suspected prohibited activity to the Town Supervisor, or any member of the Town Board.

In addition to being subject to corrective action or discipline if they engaged in prohibited activity themselves, supervisory personnel will be subject to discipline for failing to report suspected prohibited activity or otherwise knowingly allowing prohibited activity to continue. Supervisory personnel will also be subject to corrective action or discipline for engaging in any form of retaliation prohibited by this policy.

Investigation of Complaint- The Town Supervisor, in consultation with the Town Board, will determine the appropriate individual(s) to conduct the investigation. All complaints pursuant to this policy, whether reported in verbal or written form, will be investigated promptly, thoroughly, and in as impartial a manner as possible. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. All employees are required to cooperate in an investigation, if so directed. All persons involved, including complainants, witnesses and alleged

perpetrators will be accorded due process to protect their rights to a fair and impartial investigation. All relevant materials, including all electronic communications, documents, emails or phone records that are relevant to the allegations will also be considered. A written report will be prepared documenting the results of the investigation. The individual who reported the complaint and the individual about whom the complaint was made will be notified of the final determination.

Confidentiality - Complaints of discrimination and harassment, including sexual harassment, will be handled and investigated promptly and in a manner that is as impartial and confidential as possible. In no event will Information concerning a complaint be released by the Town to third parties or to anyone within the Town employment who is not directly involved in the investigation or handling of the complaint unless otherwise required by law.

Corrective Action and Discipline - Any employee who is found to have violated any aspect of this policy will be subject to corrective or disciplinary action, up to and including termination of employment, as provided by Town operating procedures, including Civil Service Law Section 75, or a collective bargaining agreement. Any Elected Official who violates this policy will be subject to remedial action as provided for and/or allowed under NYS Public Officers Law, as well as any other applicable statutes. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the Town is empowered to take such action.

Legal Protections and External Remedies - Nothing in this policy should be construed as in any way limiting employees' rights to file a formal complaint with the appropriate state or federal agencies responsible for administering anti-discrimination laws. Complainants should be aware that time restrictions may apply and need to be considered.

Harassment (including sexual harassment) is not only prohibited by Town policy but is also prohibited by federal, state, and (where applicable) local law. Aside from the Town's internal process, employees may also choose to pursue legal remedies with the following governmental entities at any time.

New York State Division of Human Rights (OHR)

The Human Rights Law (HRL) applies to employers in New York State with regard to harassment and protects employees and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with OHR or in New York State Supreme Court. Complaints with OHR may be filed any time within one year of the harassment. If an individual did not file at OHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with OHR if they have already filed an HRL complaint in state court. Filing an internal complaint with the Town does not extend the time limits to file with OHR or in court. The one year or three years is counted from date of the most recent incident of harassment. An attorney is not needed to file a complaint with OHR, and there is no cost to file with OHR. OHR will investigate the complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, OHR has the power to award relief, which varies but may include requiring the Town to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. Contact OHR at (888) 392- 3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to OHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC

has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with OHR, OHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Contact the Rotterdam Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the Rotterdam Police Department.

RESOLUTION NO. 85.22

**REQUESTING BIDS FOR HIGHWAY MATERIALS
CONCRETE BLOCKS, CAPS, MANHOLE BLOCKS, MANHOLE GRATES AND
FRAMES**

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 call for bids for highway materials (concrete blocks, caps, manhole blocks, manhole grates and frames).

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 Wednesday, the 23rd day of March, 2022 at 10:00 am, 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 same 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:

**HIGHWAY MATERIALS (CONCRETE BLOCKS, CAPS, MANHOLE BLOCKS,
MANHOLE GRATES AND FRAMES)**

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 ELECTRONICALLY OR IN PERSON
PRIOR TO 10:00 A.M., WEDNESDAY, MARCH 23, 2022**

The town board reserves the right to 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: February 23, 2022

BidNet: Please publish on February 25, 2022

Daily Gazette: Please publish once on February 26, 2022

Town Clerk Post

SECTION 3. This resolution shall become effective February 23, 2022.

DATED: February 23, 2022

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 Ext. 393 • Fax: 518-355-7976 • Website: www.rotterdamny.org



LEGISLATIVE REQUEST FORM

DATE: February 10, 2022

TO: Mollie A. Collins, Supervisor

FROM: Larry LaMora, Highway Superintendent

TITLE OF REQUEST: Call for bids for Highway (**Concrete Blocks, Caps Manhole Blocks, Manhole Frames and Grates**)

TOWN BOARD MEETING: **February 23, 2022**

Background Information: Attached

Evaluation/Analysis: Proper bidding process

Recommendation(s): To place on Town Board Meeting February 23, 2022

Attachment/Document(s): Attached

Compliance with Purchasing Policy: Yes

Effect(s) on Existing Law(s): General Municipal Section 103

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

Town of Rotterdam

Highway Department

***Bid Sheets & Specifications
for***

Highway Materials

***(Concrete Block, Caps, Manhole Blocks,
Manhole Frame and Grates)***

Bid Opening: March 23, 2022 at 10:00 a.m.

INSTRUCTIONS TO BIDDERS

1. All bids must be submitted before **10:00 a.m. on March 23, 2022**, the day of opening.
2. Electronic proposals for the furnishing and delivery of goods/services as required for the Town of Rotterdam, as set forth in the specifications prepared by the Town Board and received by **10:00 a.m. on March 23, 2022**, will be electronically opened at that time, via Empire State Purchasing Group on the BidNet website (<http://www.bidnetdirect.com/townofrotterdam>). The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet by the close of business the same day, of all bid submissions received. 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.
3. Digital Copies of Drawings and 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 sources. 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(s) 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.
4. Purchases made by the Town of Rotterdam are not subject to State or local taxes or Federal excise taxes. Exemption certificates will be furnished upon request.
5. An "Affidavit of Non-Collusion" is attached and forms a part of this bid proposal. By submission of this bid, each bidder and each person signing on behalf of any bidder, certifies under penalty of perjury, that to the best of his/her knowledge and belief that the prices of the bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter related to such prices with any other bidder or competitor; that the prices quoted have not and will not be disclosed prior to opening, directly or indirectly, to any other bidder or competitor; that no attempt has been or will be made to induce any other person, partnership or corporation to submit or not submit a bid for the purpose of restricting competition. Each bidder must state that no officer of the Town of Rotterdam or member of the Town Board is directly or indirectly interested in the proposal. Failure to sign this statement will constitute grounds for rejection of bid.
6. Each bidder must acknowledge receipt of and comply with the Town's Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace policy.

7. Bid proposals shall remain firm, pending bid award, for a period not to exceed thirty (30) days from the bid opening date.
8. The Town Board reserves the right to reject any or all bids and re-advertise.
9. All bids are to be on the basis of delivery prepaid to destination, which shall be buildings of the Town of Rotterdam as specified.
10. Delivery: Time is of the essence. Material is required as soon as possible and guaranteed date of delivery may be taken into consideration in making award. Upon failure to make delivery as promised, the Town Board of the Town of Rotterdam, New York, may consider the contract breached and will then feel free to go into the open market and to maintain an action against the contractor to recover any differences which the Town Board might stand to lose between the contract price and the market price.
11. Where items or articles or equipment or supplies are designated as manufactured by a specific manufacturer, it is to be understood that the articles as specified represent an accepted standard. Where certain brands of materials, apparatus, or equipment are specified, such goods have been selected in order to establish a standard for the particular service required, but it is not the intention to limit competition thereby. If the bidder proposes to furnish the article which is specified, he is to fill in the amount on the line indicated. If he desires to bid on a substitute for the article specified, which is claimed to be equivalent to the standard specified, the amount should be recorded and also identified as "substitute" bid and furnish the required information relating to the manufacturer. In cases where the bid is based upon a substitute article, the bidder will be asked to submit a sample. Samples will be returned, if desired, as soon as the award is made.
12. The Town Board of the Town of Rotterdam reserves the right to waive any informalities on bids received, and to accept reasonable substitutes for specified items as long as such substitutes in no way affect the performance of the item for which the bid has been requested.
13. The approximate quantities shown in the bidding documents are not meant to imply that said quantities will in fact be purchased. Payment will be based on an "as delivered" basis at the facilities listed using actual quantities received.
14. Failure to adequately and fully complete the bid packet and/or questions contained in the RFP shall be disqualified and the bid shall be rejected.

[illegible]

TOWN OF ROTTERDAM

NON-COLLUSIVE BIDDING CERTIFICATION

- A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief:
1. The prices in this 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
 2. 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
 3. 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 bid for the purpose of restricting competition.
- B. A bid shall not be considered for award nor shall any award be made where (A) (1), (2), and (3) above have not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where (A), (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that the bidder (A) has published price lists, rates of tariffs governing items being procured, (B) has informed prospective customers of proposed or pending publication of new or reviewed price lists for such items or (C) has sold the same item to other customers at the same prices being bid, does not constitute without more, a disclosure within the meaning of subparagraph (A)(1).

Any bid hereafter made to any political subdivision of the state of any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one (1) of the section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certification as to non-collusion as the act and deed of the corporation.

Name of Firm: _____

Signed By: _____ Title: _____

Date: _____

TOWN OF ROTTERDAM

**RESOLUTION AUTHORIZING SUBMISSION OF BIDS BY
CORPORATION AND EXECUTION OF NON-COLLUSION CERTIFICATE
AND WAIVER OF IMMUNITY CLAUSE**

Resolved that _ be authorized to sign and submit the bid proposal of this corporation for _____, Town of Rotterdam, the certificate as to non-collusion and waiver of immunity clause required by §103 of the General Municipal Law as the act and deed of such corporation, and for any inaccuracies or misstatements in such certificate this corporate bidder shall be liable under the penalties of perjury.

The foregoing is a true and correct copy of the resolution adopted by:
_____ Corporation at a meeting of its board of directors held on the
_____ day of _____, 2022 _____

(SEAL OF THE CORPORATION)

Signature of Corporate Secretary

INDIVIDUAL EXECUTION OF NON-COLLUSION
CERTIFICATE AND WAIVER OF IMMUNITY CLAUSE

I, _____, hereby sign and submit this bid or proposal for _____, Town of Rotterdam, New York, Schenectady County, and to include in such bid or proposal the certificate as to non-collusion and waiver of immunity clause required by Section 103 of the General Municipal Law as the act and deed of this individual, and for any inaccuracies or misstatements in such certificate this individual bidder shall be liable under the penalties of perjury.

_____ day of _____, 2022 _____

Signature of Individual _____

TOWN OF ROTTERDAM

WAIVER OF IMMUNITY CLAUSE

The undersigned bidder agrees to sign a Waiver of Immunity Clause agreeing if called before a Grand Jury to testify concerning the bid or contract, to sign a Waiver of Immunity against Criminal transaction, bid or contract:

Name of Firm: _____

Signed by: _____ Title: _____

Date: _____

TOWN OF ROTTERDAM

Acknowledgment and Agreement

Non-Discrimination and Harassment (including Sexual Harassment) in the Workplace

The undersigned bidder acknowledges that they received the Town of Rotterdam Non-Discrimination and Harassment (including Sexual Harassment) in the Workplace policy and agrees to abide by the policy as stated.

Name of Firm: _____

Signed by: _____ Title: _____

Date: _____

903 Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace

Policy Statement - It is the policy of the Town of Rotterdam to promote a productive work environment and to prohibit conduct by any Elected Official or employee (as defined in Section 104 of the Employee Handbook) that disrupts or interferes with another's work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the Town is committed to educate Elected Officials and employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. In short, the Town does not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such activity in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of repercussion to any individual covered by this policy who, in good faith, files such complaint.

Applicability of Policy - This policy applies to all Elected Officials, Appointed Members of Boards and Commissions, employees, supervisors, and Department Heads, whether employed full or part-time, temporary or seasonal, paid or unpaid interns, volunteers, and those employed by companies contracting to provide services in the workplace. Depending on the extent of the Town's exercise of control, this policy may be applied to the conduct of non-Town employees with respect to harassment of Town employees in the workplace.

Prohibited harassment (including sexual harassment) is not limited to the physical workplace itself. It can occur while Elected Officials, employees or other individuals covered by this policy are traveling for Town business or at Town sponsored events or parties. Calls, texts, emails, and social media usage by

employees or other individuals covered by this policy can constitute workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Prohibited Activity - No Elected Official, employee or other individuals covered by this policy shall engage in any of the following:

- **Harassment:** Unwanted, unreasonable verbal or physical conduct directed toward or affecting another person that disturbs, frightens, insults, threatens, intimidates, demeans, or offends that other person, that continues or is repeated after a request to cease, and that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities. Harassment includes offensive or inappropriate images or written materials or electronic communications (e.g. letters, e-mail, text messages, or graffiti) as well as bias-based harassment and sexual harassment (see below).
- **Bias-Based Harassment:** Harassment that denigrates, offends or shows hostility or aversion toward an individual on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Bias-based harassment includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written, electronic, or graphic material that denigrates, ridicules, objectifies, or shows hostility, aversion or contempt toward an individual or group and that is placed on walls, bulletin boards, lockers or elsewhere on or in the Town's premises, vehicles, or equipment, or is circulated in the workplace, including through electronic means.
- **Discrimination:** The Town of Rotterdam is an Equal Opportunity Employer. The Town does not unlawfully discriminate on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Unlawful discrimination based on membership in these categories is prohibited by applicable federal, state, or local laws. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, assignments, compensation, promotion, transfer, training, leave of absence, and termination.

Definition of Sexual Harassment - This policy places special attention on the prohibition of sexual harassment in the workplace. Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance. Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy,

Examples of Sexual Harassment - The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - o Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - o Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - o Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - o Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - o Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - o Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - o Sabotaging an individual's work;
 - o Bullying, yelling, name-calling.

Prohibition Against Retaliation - Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a claim of discrimination or harassment, including sexual harassment. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Unlawful retaliation against any employee who has engaged in "protected activity" is strictly prohibited by this policy as well as (where applicable) federal, state, and local law. Protected activity occurs when a person has:

- made a complaint of harassment or discrimination, either internally or with any anti-discrimination agency;
- opposed harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or management of harassment or discrimination;
- reported that another employee has been subjected to harassment or discrimination;
- encouraged a fellow employee to report harassment or discrimination;
- participated in a workplace investigation regarding harassment or discrimination;

- testified or assisted in a proceeding involving harassment or discrimination under the Human Rights Law or other anti-discrimination laws.

Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination or harassment.

Reporting of Discrimination and Harassment (including Sexual Harassment) - Reports of alleged discrimination and/or harassment (including sexual harassment) or retaliation may be made verbally or in writing. A form for the submission of a written complaint is attached to this policy and individuals are encouraged to use this form. If an individual chooses to submit a verbal complaint, such complaint will be recorded by the receiver of this complaint on this form. Employees are encouraged to report incidents of discrimination, harassment (including sexual harassment), or retaliation to their Department Head and/or the Town Supervisor as soon as possible after their occurrence. If the employee's Department Head is believed to be involved in the incident, or if the employee is not comfortable in addressing the incident with the Department Head, the report should be made directly to the Town Supervisor. If the Town Supervisor is believed to be involved in the incident or the employee is not comfortable reporting the incident to the Town Supervisor, the employee should report the incident to a member of the Town Board. Employees who believe they have been discriminated against or harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, their Department Head, the Town Supervisor, or any member of the Town Board. Employees who work during off-hours are encouraged to contact their supervisor, their Department Head, the Town Supervisor, or any member of the Town Board at home if these individuals do not work during the employee's shift. Non-employees are encouraged to report incidents of alleged discrimination and harassment (including sexual harassment) to either the Department Head of the department where services are being provided, the Town Supervisor, or a member of the Town Board.

Supervisory Responsibility - Supervisory personnel must make every effort to ensure a work environment that is free from discrimination and harassment, including sexual harassment. Any Department Head or supervisor who receives a complaint or information about suspected prohibited activity (as outlined above), observes behavior that may constitute prohibited activity, or for any reason suspects that prohibited activity is occurring, is required to report such suspected prohibited activity to the Town Supervisor, or any member of the Town Board.

In addition to being subject to corrective action or discipline if they engaged in prohibited activity themselves, supervisory personnel will be subject to discipline for failing to report suspected prohibited activity or otherwise knowingly allowing prohibited activity to continue. Supervisory personnel will also be subject to corrective action or discipline for engaging in any form of retaliation prohibited by this policy.

Investigation of Complaint- The Town Supervisor, in consultation with the Town Board, will determine the appropriate individual(s) to conduct the investigation. All complaints pursuant to this policy, whether reported in verbal or written form, will be investigated promptly, thoroughly, and in as impartial a manner as possible. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. All employees are required to cooperate in an investigation, if so directed. All persons involved, including complainants, witnesses and alleged

perpetrators will be accorded due process to protect their rights to a fair and impartial investigation. All relevant materials, including all electronic communications, documents, emails or phone records that are relevant to the allegations will also be considered. A written report will be prepared documenting the results of the investigation. The individual who reported the complaint and the individual about whom the complaint was made will be notified of the final determination.

Confidentiality - Complaints of discrimination and harassment, including sexual harassment, will be handled and investigated promptly and in a manner that is as impartial and confidential as possible. In no event will Information concerning a complaint be released by the Town to third parties or to anyone within the Town employment who is not directly involved in the investigation or handling of the complaint unless otherwise required by law.

Corrective Action and Discipline - Any employee who is found to have violated any aspect of this policy will be subject to corrective or disciplinary action, up to and including termination of employment, as provided by Town operating procedures, including Civil Service Law Section 75, or a collective bargaining agreement. Any Elected Official who violates this policy will be subject to remedial action as provided for and/or allowed under NYS Public Officers Law, as well as any other applicable statutes. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the Town is empowered to take such action.

Legal Protections and External Remedies - Nothing in this policy should be construed as in any way limiting employees' rights to file a formal complaint with the appropriate state or federal agencies responsible for administering anti-discrimination laws. Complainants should be aware that time restrictions may apply and need to be considered.

Harassment (including sexual harassment) is not only prohibited by Town policy but is also prohibited by federal, state, and (where applicable) local law. Aside from the Town's internal process, employees may also choose to pursue legal remedies with the following governmental entities at any time.

New York State Division of Human Rights (OHR)

The Human Rights Law (HRL) applies to employers in New York State with regard to harassment and protects employees and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with OHR or in New York State Supreme Court. Complaints with OHR may be filed any time within one year of the harassment. If an individual did not file at OHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with OHR if they have already filed an HRL complaint in state court. Filing an internal complaint with the Town does not extend the time limits to file with OHR or in court. The one year or three years is counted from date of the most recent incident of harassment. An attorney is not needed to file a complaint with OHR, and there is no cost to file with OHR. OHR will investigate the complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, OHR has the power to award relief, which varies but may include requiring the Town to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. Contact OHR at (888) 392- 3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to OHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC

has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with OHR, OHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Contact the Rotterdam Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the Rotterdam Police Department.

RESOLUTION NO. 86.22

**REQUESTING BIDS FOR HIGHWAY MATERIALS
(CRUSHED LIMESTONE, GRAVEL AND SAND)**

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 call for bids for Highway Materials (crushed limestone, gravel and sand).

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 Wednesday, the 23rd day of March, 2022, at 10:15 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 same 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:

HIGHWAY MATERIALS (CRUSHED LIMESTONE, GRAVEL AND SAND)

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 ELECTRONICALLY OR IN PERSON
PRIOR TO 10:15 A.M., WEDNESDAY, MARCH 23, 2022**

The town board reserves the right to 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: February 23, 2022

BidNet: Please publish on February 25, 2022

Daily Gazette: Please publish once on February 26, 2022

Town Clerk Post

SECTION 3. This resolution shall become effective February 23, 2022.

DATED: February 23, 2022

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 Ext. 393 • Fax: 518-355-7976 • Website: www.rotterdamny.org



LEGISLATIVE REQUEST FORM

DATE: February 10, 2022

TO: Mollie A. Collins, Supervisor

FROM: Larry LaMora, Highway Superintendent

TITLE OF REQUEST: Call for bids for Highway Material: (Crushed Limestone, Gravel and Sand)

TOWN BOARD MEETING: February 23, 2022

Background Information: Attached

Evaluation/Analysis: Proper bidding process

Recommendation(s): To place on Town Board Meeting February 23, 2022

Attachment/Document(s): Attached

Compliance with Purchasing Policy: Yes

Effect(s) on Existing Law(s): General Municipal Law Section 103

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

Town of Rotterdam

Bid Sheets & Specifications for Highway Materials (Crushed Limestone, Gravel, Sand)

Bid Opening: March 23, 2022 at 10:15 a.m.

INSTRUCTIONS TO BIDDERS

1. All bids must be submitted before **10:15 a.m. on March 23, 2022**, the day of opening.
2. Electronic proposals for the furnishing and delivery of goods/services as required for the Town of Rotterdam, as set forth in the specifications prepared by the Town Board and received by **10:15 a.m. on March 23, 2022**, will be electronically opened at that time, via Empire State Purchasing Group on the BidNet website (<http://www.bidnetdirect.com/townofrotterdam>). The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet by the close of business the same day, of all bid submissions received. 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.
3. Digital Copies of Drawings and 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 sources. 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(s) 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.
4. Purchases made by the Town of Rotterdam are not subject to State or local taxes or Federal excise taxes. Exemption certificates will be furnished upon request.
5. An "Affidavit of Non-Collusion" is attached and forms a part of this bid proposal. By submission of this bid, each bidder and each person signing on behalf of any bidder, certifies under penalty of perjury, that to the best of his/her knowledge and belief that the prices of the bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter related to such prices with any other bidder or competitor; that the prices quoted have not and will not be disclosed prior to opening, directly or indirectly, to any other bidder or competitor; that no attempt has been or will be made to induce any other person, partnership or corporation to submit or not submit a bid for the purpose of restricting competition. Each bidder must state that no officer of the Town of Rotterdam or member of the Town Board is directly or indirectly interested in the proposal. Failure to sign this statement will constitute grounds for rejection of bid.
6. Each bidder must acknowledge receipt of and comply with the Town's Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace policy.
7. Bid proposals shall remain firm, pending bid award, for a period not to exceed thirty (30) days from the bid opening date.

8. The Town Board reserves the right to reject any or all bids and re-advertise.
9. All bids are to be on the basis of delivery prepaid to destination, which shall be buildings of the Town of Rotterdam as specified.
10. Delivery: Time is of the essence. Material is required as soon as possible and guaranteed date of delivery may be taken into consideration in making award. Upon failure to make delivery as promised, the Town Board of the Town of Rotterdam, New York, may consider the contract breached and will then feel free to go into the open market and to maintain an action against the contractor to recover any differences which the Town Board might stand to lose between the contract price and the market price.
11. Where items or articles or equipment or supplies are designated as manufactured by a specific manufacturer, it is to be understood that the articles as specified represent an accepted standard. Where certain brands of materials, apparatus, or equipment are specified, such goods have been selected in order to establish a standard for the particular service required, but it is not the intention to limit competition thereby. If the bidder proposes to furnish the article which is specified, he is to fill in the amount on the line indicated. If he desires to bid on a substitute for the article specified, which is claimed to be equivalent to the standard specified, the amount should be recorded and also identified as "substitute" bid and furnish the required information relating to the manufacturer. In cases where the bid is based upon a substitute article, the bidder will be asked to submit a sample. Samples will be returned, if desired, as soon as the award is made.
12. The Town Board of the Town of Rotterdam reserves the right to waive any informalities on bids received, and to accept reasonable substitutes for specified items as long as such substitutes in no way affect the performance of the item for which the bid has been requested.
13. The approximate quantities shown in the bidding documents are not meant to imply that said quantities will in fact be purchased. Payment will be based on an "as delivered" basis at the facilities listed using actual quantities received.
14. Failure to adequately and fully complete the bid packet and/or questions contained in the RFP shall be disqualified and the bid shall be rejected.

[illegible]

TOWN OF ROTTERDAM

NON-COLLUSIVE BIDDING CERTIFICATION

- A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief:
1. The prices in this 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
 2. 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
 3. 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 bid for the purpose of restricting competition.
- B. A bid shall not be considered for award nor shall any award be made where (A) (1), (2), and (3) above have not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where (A), (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that the bidder (A) has published price lists, rates of tariffs governing items being procured, (B) has informed prospective customers of proposed or pending publication of new or reviewed price lists for such items or (C) has sold the same item to other customers at the same prices being bid, does not constitute without more, a disclosure within the meaning of subparagraph (A)(1).

Any bid hereafter made to any political subdivision of the state of any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one (1) of the section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certification as to non-collusion as the act and deed of the corporation.

Name of Firm _____

Signe By _____ Title _____

Date _____

TOWN OF ROTTERDAM

**RESOLUTION AUTHORIZING SUBMISSION OF BIDS BY
CORPORATION AND EXECUTION OF NON-COLLUSION CERTIFICATE
AND WAIVER OF IMMUNITY CLAUSE**

Resolved that _____ be authorized to sign and submit
the bid proposal of this corporation for
_____, Town of
Rotterdam, the certificate as to non-collusion and waiver of immunity clause required by §103 of
the General Municipal Law as the act and deed of such corporation, and for any inaccuracies or
misstatements in such certificate this corporate bidder shall be liable under the penalties of
perjury.

The foregoing is a true and correct copy of the resolution adopted by:
_____ Corporation at a meeting of its board of
directors held on the _____ day of _____, 2022 _____.

(SEAL OF THE CORPORATION)

Signature of Corporate Secretary

INDIVIDUAL EXECUTION OF NON-COLLUSION
CERTIFICATE AND WAIVER OF IMMUNITY CLAUSE

I, _____, hereby sign and submit this bid or proposal for
_____, Town of Rotterdam, New York, Schenectady
County, and to include in such bid or proposal the certificate as to non-collusion and waiver
of immunity clause required by Section 103 of the General Municipal Law as the act and
deed of this individual, and for any inaccuracies or misstatements in such certificate this
individual bidder shall be liable under the penalties of perjury.

_____ day of _____, **2022** _____

Signature of Individual: _____

TOWN OF ROTTERDAM

WAIVER OF IMMUNITY CLAUSE

The undersigned bidder agrees to sign a Waiver of Immunity Clause agreeing if called before a Grand Jury to testify concerning the bid or contract, to sign a Waiver of Immunity against Criminal transaction, bid or contract:

Name of Firm: _____

Signed by: _____ Title: _____

Date: _____

TOWN OF ROTTERDAM

Acknowledgment and Agreement

Non-Discrimination and Harassment (including Sexual Harassment) in the Workplace

The undersigned bidder acknowledges that they received the Town of Rotterdam Non-Discrimination and Harassment (including Sexual Harassment) in the Workplace policy and agrees to abide by the policy as stated.

Name of Firm: _____

Signed by: _____ Title: _____

Date: _____

903 Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace

Policy Statement - It is the policy of the Town of Rotterdam to promote a productive work environment and to prohibit conduct by any Elected Official or employee (as defined in Section 104 of the Employee Handbook) that disrupts or interferes with another's work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the Town is committed to educate Elected Officials and employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. In short, the Town does not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such activity in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of repercussion to any individual covered by this policy who, in good faith, files such complaint.

Applicability of Policy - This policy applies to all Elected Officials, Appointed Members of Boards and Commissions, employees, supervisors, and Department Heads, whether employed full or part-time, temporary or seasonal, paid or unpaid interns, volunteers, and those employed by companies contracting to provide services in the workplace. Depending on the extent of the Town's exercise of control, this policy may be applied to the conduct of non-Town employees with respect to harassment of Town employees in the workplace.

Prohibited harassment (including sexual harassment) is not limited to the physical workplace itself. It can occur while Elected Officials, employees or other individuals covered by this policy are traveling for Town business or at Town sponsored events or parties. Calls, texts, emails, and social media usage by

employees or other individuals covered by this policy can constitute workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Prohibited Activity - No Elected Official, employee or other individuals covered by this policy shall engage in any of the following:

- **Harassment:** Unwanted, unreasonable verbal or physical conduct directed toward or affecting another person that disturbs, frightens, insults, threatens, intimidates, demeans, or offends that other person, that continues or is repeated after a request to cease, and that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities. Harassment includes offensive or inappropriate images or written materials or electronic communications (e.g. letters, e-mail, text messages, or graffiti) as well as bias-based harassment and sexual harassment (see below).
- **Bias-Based Harassment:** Harassment that denigrates, offends or shows hostility or aversion toward an individual on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Bias-based harassment includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written, electronic, or graphic material that denigrates, ridicules, objectifies, or shows hostility, aversion or contempt toward an individual or group and that is placed on walls, bulletin boards, lockers or elsewhere on or in the Town's premises, vehicles, or equipment, or is circulated in the workplace, including through electronic means.
- **Discrimination:** The Town of Rotterdam is an Equal Opportunity Employer. The Town does not unlawfully discriminate on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Unlawful discrimination based on membership in these categories is prohibited by applicable federal, state, or local laws. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, assignments, compensation, promotion, transfer, training, leave of absence, and termination.

Definition of Sexual Harassment - This policy places special attention on the prohibition of sexual harassment in the workplace. Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance. Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy,

Examples of Sexual Harassment - The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - o Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - o Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - o Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - o Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - o Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - o Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - o Sabotaging an individual's work;
 - o Bullying, yelling, name-calling.

Prohibition Against Retaliation - Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a claim of discrimination or harassment, including sexual harassment. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Unlawful retaliation against any employee who has engaged in "protected activity" is strictly prohibited by this policy as well as (where applicable) federal, state, and local law. Protected activity occurs when a person has:

- made a complaint of harassment or discrimination, either internally or with any anti-discrimination agency;
- opposed harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or management of harassment or discrimination;
- reported that another employee has been subjected to harassment or discrimination;
- encouraged a fellow employee to report harassment or discrimination;
- participated in a workplace investigation regarding harassment or discrimination;

- testified or assisted in a proceeding involving harassment or discrimination under the Human Rights Law or other anti-discrimination laws.

Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination or harassment.

Reporting of Discrimination and Harassment (including Sexual Harassment) - Reports of alleged discrimination and/or harassment (including sexual harassment) or retaliation may be made verbally or in writing. A form for the submission of a written complaint is attached to this policy and individuals are encouraged to use this form. If an individual chooses to submit a verbal complaint, such complaint will be recorded by the receiver of this complaint on this form. Employees are encouraged to report incidents of discrimination, harassment (including sexual harassment), or retaliation to their Department Head and/or the Town Supervisor as soon as possible after their occurrence. If the employee's Department Head is believed to be involved in the incident, or if the employee is not comfortable in addressing the incident with the Department Head, the report should be made directly to the Town Supervisor. If the Town Supervisor is believed to be involved in the incident or the employee is not comfortable reporting the incident to the Town Supervisor, the employee should report the incident to a member of the Town Board. Employees who believe they have been discriminated against or harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, their Department Head, the Town Supervisor, or any member of the Town Board. Employees who work during off-hours are encouraged to contact their supervisor, their Department Head, the Town Supervisor, or any member of the Town Board at home if these individuals do not work during the employee's shift. Non-employees are encouraged to report incidents of alleged discrimination and harassment (including sexual harassment) to either the Department Head of the department where services are being provided, the Town Supervisor, or a member of the Town Board.

Supervisory Responsibility - Supervisory personnel must make every effort to ensure a work environment that is free from discrimination and harassment, including sexual harassment. Any Department Head or supervisor who receives a complaint or information about suspected prohibited activity (as outlined above), observes behavior that may constitute prohibited activity, or for any reason suspects that prohibited activity is occurring, is required to report such suspected prohibited activity to the Town Supervisor, or any member of the Town Board.

In addition to being subject to corrective action or discipline if they engaged in prohibited activity themselves, supervisory personnel will be subject to discipline for failing to report suspected prohibited activity or otherwise knowingly allowing prohibited activity to continue. Supervisory personnel will also be subject to corrective action or discipline for engaging in any form of retaliation prohibited by this policy.

Investigation of Complaint- The Town Supervisor, in consultation with the Town Board, will determine the appropriate individual(s) to conduct the investigation. All complaints pursuant to this policy, whether reported in verbal or written form, will be investigated promptly, thoroughly, and in as impartial a manner as possible. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. All employees are required to cooperate in an investigation, if so directed. All persons involved, including complainants, witnesses and alleged

perpetrators will be accorded due process to protect their rights to a fair and impartial investigation. All relevant materials, including all electronic communications, documents, emails or phone records that are relevant to the allegations will also be considered. A written report will be prepared documenting the results of the investigation. The individual who reported the complaint and the individual about whom the complaint was made will be notified of the final determination.

Confidentiality - Complaints of discrimination and harassment, including sexual harassment, will be handled and investigated promptly and in a manner that is as impartial and confidential as possible. In no event will Information concerning a complaint be released by the Town to third parties or to anyone within the Town employment who is not directly involved in the investigation or handling of the complaint unless otherwise required by law.

Corrective Action and Discipline - Any employee who is found to have violated any aspect of this policy will be subject to corrective or disciplinary action, up to and including termination of employment, as provided by Town operating procedures, including Civil Service Law Section 75, or a collective bargaining agreement. Any Elected Official who violates this policy will be subject to remedial action as provided for and/or allowed under NYS Public Officers Law, as well as any other applicable statutes. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the Town is empowered to take such action.

Legal Protections and External Remedies - Nothing in this policy should be construed as in any way limiting employees' rights to file a formal complaint with the appropriate state or federal agencies responsible for administering anti-discrimination laws. Complainants should be aware that time restrictions may apply and need to be considered.

Harassment (including sexual harassment) is not only prohibited by Town policy but is also prohibited by federal, state, and (where applicable) local law. Aside from the Town's internal process, employees may also choose to pursue legal remedies with the following governmental entities at any time.

New York State Division of Human Rights (OHR)

The Human Rights Law (HRL) applies to employers in New York State with regard to harassment and protects employees and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with OHR or in New York State Supreme Court. Complaints with OHR may be filed any time within one year of the harassment. If an individual did not file at OHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with OHR if they have already filed an HRL complaint in state court. Filing an internal complaint with the Town does not extend the time limits to file with OHR or in court. The one year or three years is counted from date of the most recent incident of harassment. An attorney is not needed to file a complaint with OHR, and there is no cost to file with OHR. OHR will investigate the complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, OHR has the power to award relief, which varies but may include requiring the Town to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. Contact OHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to OHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC

has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with OHR, OHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Contact the Rotterdam Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the Rotterdam Police Department.

RESOLUTION NO. 87.22

**REQUESTING BIDS FOR TREE CUTTING
AND REMOVAL SERVICES**

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 call for bids for tree cutting and removal services.

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 Wednesday, the 23rd day of March, 2022, at 10:30 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 same 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:

TREE CUTTING AND REMOVAL SERVICES

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 ELECTRONICALLY OR IN PERSON
PRIOR TO 10:30 A.M., WEDNESDAY, MARCH 23, 2022**

The town board reserves the right to 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: February 23, 2022

BidNet: Please publish on February 25, 2022

Daily Gazette: Please publish once on February 26, 2022

Town Clerk Post

SECTION 3. This resolution shall become effective February 23, 2022.

DATED: February 23, 2022

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 Ext. 393 • Fax: 518-355-7976 • Website: www.rotterdamny.org



LEGISLATIVE REQUEST FORM

DATE: February 10, 2022

TO: Mollie A. Collins, Supervisor

FROM: Larry LaMora, Highway Superintendent

TITLE OF REQUEST: Call for bids for Tree Cutting and Removal Services

TOWN BOARD MEETING: February 23, 2022

Background Information: The Highway Department does a Request for Proposals (RFP) each year for items that will be used by the Town.

Evaluation/Analysis: Pricing is needed for these materials for 2022

Recommendation(s): The Town Board to advertise an RFP on the BidNet website following the February 23, 2022 Town Board Meeting and advertise in the official newspaper of the town, the Notice to Bidders on February 23, 2022 to be opened electronically, via BidNet on March 23, 2020 at 10:30am.

Attachment/Document(s): Bid Documents

Compliance with Purchasing Policy: Yes, an RFP is being issued.

Effect(s) on Existing Law(s): General Municipal Law §103

LEGISLATION WILL BE PREPARED BY: Supervisor's office

Town of Rotterdam

Specification and Bid Proposal For Providing

Tree Cutting & Removal Services

Bid Opening: March 23, 2022 at 10:30 a.m.

NOTICE TO BIDDERS

If the information does not have bona fide experience in this line of work, or in the Town's judgment, is not qualified to carry out the obligations of the contract. Conditional bids will not be accepted.

Each bidder must submit with their bid, copies of Workers' Compensation insurance certificates, protective liability insurance and automobile liability insurance in the amount of \$1,000,000.00 The Town of Rotterdam should be named on both policies as additional insured.

The bidder whose bid has been accepted will be required to execute a contract within ten days from the date of service of a notice, delivered in person or mailed to the address given in the bid that the contract has been awarded to him. In the case of failure to execute the contract and meet all other stated requirements within the time slated, the bidder shall be deemed to have abandoned the contract.

At the time of opening of bids each bidder will be presumed to be fully aware of the bidding documents and to have read and to be thoroughly familiar with the specifications. The failure or omission of any bidder to receive or examine any form, instrument, or document shall in no way relieve any bidder from any obligation in respect to the bid.

Bidders will comply with Section 103 of the General Municipal Law which states, in effect, that this contract may be cancelled without liability by the Town and the bidder may be disqualified to contract with any other municipality for a period of five years if the bidder, its officers or directors, when called before a Grand Jury to testify concerning any public transaction or contract, refused to sign a waiver of immunity.

In addition to the other provisions herein contained to be done or performed by the contractor as a part of this agreement, the said contractor certifies, pursuant to the provisions of Sec. 103-d of the General Municipal Law that: a) the bid has been arrived at by the bidder independently and has been submitted without collusions with any other vendor of materials, supplies or equipment of the type described in the invitation for bids; and b) the contents of the bid have not been communicated by the person not an employee or agent of the bidder or its surety on any bond furnished herewith prior to the official opening of the bid.

Sealed proposals for the furnishing and delivery of the items as required for the Town of Rotterdam, as set forth in the specifications prepared by the Town Board, will be opened at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam New York 12306 at **10:30 a.m. on March 23, 2022.**

INSTRUCTIONS TO BIDDERS

1. All bids must be submitted before **10:30 a.m. on March 23, 2022**, the day of opening.
2. Electronic proposals for the furnishing and delivery of goods/services as required for the Town of Rotterdam, as set forth in the specifications prepared by the Town Board and received by **10:30 a.m. on March 23, 2022**, will be electronically opened at that time, via Empire State Purchasing Group on the BidNet website (<http://www.bidnetdirect.com/townofrotterdam>). The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet by the close of business the same day, of all bid submissions received. 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.
3. Digital Copies of Drawings and 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 sources. 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(s) 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.
4. Purchases made by the Town of Rotterdam are not subject to State or local taxes or Federal excise taxes. Exemption certificates will be furnished upon request.
5. An "Affidavit of Non-Collusion" is attached and forms a part of this bid proposal. By submission of this bid, each bidder and each person signing on behalf of any bidder, certifies under penalty of perjury, that to the best of his/her knowledge and belief that the prices of the bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter related to such prices with any other bidder or competitor; that the prices quoted have not and will not be disclosed prior to opening, directly or indirectly, to any other bidder or competitor; that no attempt has been or will be made to induce any other person, partnership or corporation to submit or not submit a bid for the purpose of restricting competition. Each bidder must state that no officer of the Town of Rotterdam or member of the Town Board is directly or indirectly interested in the proposal. Failure to sign this statement will constitute grounds for rejection of bid.
6. Each bidder must acknowledge receipt of and comply with the Town's Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace policy.
7. Bid proposals shall remain firm, pending bid award, for a period not to exceed thirty (30) days from the bid opening date.

8. The Town Board reserves the right to reject any or all bids and re-advertise.
9. All bids are to be on the basis of delivery prepaid to destination, which shall be buildings of the Town of Rotterdam as specified.
10. Delivery: Time is of the essence. Material is required as soon as possible and guaranteed date of delivery may be taken into consideration in making award. Upon failure to make delivery as promised, the Town Board of the Town of Rotterdam, New York, may consider the contract breached and will then feel free to go into the open market and to maintain an action against the contractor to recover any differences which the Town Board might stand to lose between the contract price and the market price.
11. Where items or articles or equipment or supplies are designated as manufactured by a specific manufacturer, it is to be understood that the articles as specified represent an accepted standard. Where certain brands of materials, apparatus, or equipment are specified, such goods have been selected in order to establish a standard for the particular service required, but it is not the intention to limit competition thereby. If the bidder proposes to furnish the article which is specified, he is to fill in the amount on the line indicated. If he desires to bid on a substitute for the article specified, which is claimed to be equivalent to the standard specified, the amount should be recorded and also identified as "substitute" bid and furnish the required information relating to the manufacturer. In cases where the bid is based upon a substitute article, the bidder will be asked to submit a sample. Samples will be returned, if desired, as soon as the award is made.
12. The Town Board of the Town of Rotterdam reserves the right to waive any informalities on bids received, and to accept reasonable substitutes for specified items as long as such substitutes in no way affect the performance of the item for which the bid has been requested.
13. The approximate quantities shown in the bidding documents are not meant to imply that said quantities will in fact be purchased. Payment will be based on an "as delivered" basis at the facilities listed using actual quantities received.
14. Failure to adequately and fully complete the bid packet and/or questions contained in the RFP shall be disqualified and the bid shall be rejected.

BID FORM

The BIDDER proposes and agrees, if this Bid is accepted, to enter into an agreement with OWNER in the form included in the Contract Documents to perform and finish all work as specified or indicated in the Contract Documents for the Unit Prices and within the Contract Time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

BIDDER accepts all of the terms and conditions of the Notice to Bidders and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. The bid will remain subject to acceptance for sixty days after the day of Bid opening. BIDDER will sign and submit the Agreement with the Bonds and other documents required by the Bidding Requirements within fifteen days after the date of OWNER's Notice of Award.

In submitting this Bid, BIDDER represents, as more fully set forth in the Agreement, that:

BIDDER has examined copies of all the Bidding Documents including Addenda.

Bidder has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality and all local conditions and Laws and Regulations that in any manner may affect cost, progress, performance or furnishing of the work.

BIDDER has given the Town of Rotterdam written notice of all conflicts, errors or discrepancies that it has discovered in the Contract Documents and the written resolution thereof by the Town of Rotterdam, if any, is acceptable to BIDDER.

This bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; BIDDER has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; BIDDER has not solicited or induced any person, firm or corporation to refrain from bidding; and BIDDER has not sought by collusion to obtain for itself any advantage over any other Bidder or over OWNER.

If the undersigned fails to execute the contract as stated in the foregoing Notice to Bidders, within fifteen days from the date of notification of the awarding of the contract, the OWNER may, at its option, determine that the undersigned has forfeited the contract.

BID FORM

1. Unit Price Bid Amount

For work of this Contract, which consists of the cutting and removal of trees in the Town of Rotterdam, as directed by the Highway Superintendent or the Acting Director of Public Works, in accordance with the terms and conditions noted herein, complete according to the following price schedule:

1 em	2 Description	3 Hourly Rate/ Worker	x	4 No. of Workers	x	5 Crew Hourly Rate (=Col. 3 x Col. 4)	6 Hours/ Day	7 Daily Rate (=Col. 5 x Col. 6)	
A	Tree Cutting & Removal Labor Costs		x	3	=		x 8 hrs./day	\$	
B	Bucket Truck Rental						x 8 hrs./day	\$	
C	Chipper Equipment Rental						x 8 hrs./day	\$	
D	Tree Removal Truck (rack or comparable)						x 8 hrs./day	\$	
E	Logging Truck						x 8 hrs./day	\$	
F	Crane Rental						x 8 hrs./day	\$	
G	Total Cost Per Day (Sum of Daily Rates for A, B, C, D and E From Column 7)							\$	

Determination of the lowest responsible bid will be based on the total cost/day (Item F in the Bid Form, above), however, charges for services provided will be based on actual hours worked, multiplied by the hourly rate entered on the bid Form in Columns 3 and 5, and as verified by the Highway Superintendent or the Acting Director of Public Works.

The size of the labor crew may vary depending on the size and complexity of the tree to be removed. The successful lowest responsible bidder must obtain Highway Superintendent or Acting Director of Public Works approval for the intended crew size prior to commencing any work. For billing purposes, the hourly labor rate, as provided by the successful lowest responsible bidder in Column 3 of the Bid Form will be the basis for labor charges for services provided.

All work will be performed during normal working hours of the Town of Rotterdam Highway Department or Rotterdam Department of Public Works, unless exceptions are granted by the Highway Superintendent or the Acting Director of Public Works. In these cases, premium overtime rates will not be paid for work performed outside of normal working hours.

In the hourly rate (Column 3), Bidders should include all necessary supplies, materials and equipment used in the tree cutting operation, such as chain saws, ropes, tree climbing equipment, etc.

- The lowest responsible bidder will be allowed to use the disposal facilities of the Town of Rotterdam, at no charge, for **chips** produced from trees removed under the terms of this contract.
- Depending on the availability of Town equipment and staff, the Highway Superintendent or the Acting Director of Public Works may elect to supply some of the labor and equipment to assist with the tree cutting and removal operation. In these cases, the successful lowest responsible bidder will only charge for those items that are authorized and not provided by the Town of Rotterdam.
- For billing purposes, only those hours worked at the site will be considered, subject to verification by the Town of Rotterdam. Travel time, mobilization and demobilization, will not be included as hours worked on a specific tree removal job.
- The equipment rental rates (Items B-E) should not include labor costs, since they will be operated by the same staff included in Item A.

Signature: _____
(print/type name)

Dated: _____

(If Corporation Affix Corporate Seal)

3. Acknowledgment of Receipt of Addenda

Addenda #	Date	Contractor's Signature
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. Address/Telephone Number for Communications Regarding Bid

Name: _____

Address: _____

Telephone: _____

5. Non-collusion Affidavit Signed (Section 04800)

☐ Yes

☐ No

SPECIFICATIONS

The Contractor will be responsible for furnishing all equipment, supplies, materials and manpower to properly cut and remove any and all trees so designated by the Highway Superintendent or the Acting Director of Public Works. It is the responsibility of the Contractor to properly and safely carry out this tree removal operation, and the Town assumes no responsibility for the method, technique, equipment or the safety of the Contractor's staff in the performance of this work.

The Contractor, once notified by the Highway Superintendent or the Acting Director of Public Works, that a tree is to be removed, must complete the tree removal project within five (5) working days. Once work is commenced, the Contractor must work continuously and expeditiously to complete the work.

Each tree will be removed to within 6" or less of the existing ground in close proximity of the tree stump, unless directed otherwise by the Highway Superintendent or the Acting Director of Public Works.

The Contractor will conduct the work in a professional, safe and workmanlike manner, and take due precautions to protect adjacent properties, including, but not limited to, overhead and underground utilities. The Contractor will remove from the site all tree parts and rake the area clean once completed. Any damage to private property caused by the Contractor's employees or equipment will be repaired and restored to its former condition, unless approved otherwise by the Highway Superintendent or the Acting Director of Public Works.

The Contractor must own and operate all necessary equipment to cut, trim and remove trees from any designated area. Such equipment will include, as a minimum:

- 1) An automated bucket truck to trim trees in hard to reach locations,
- 2) Branch and tree limb chipper equipment,
- 3) Hauling trucks to transport tree parts away from the site,
- 4) Logging equipment, including grabbers and logging trucks.

GENERAL REQUIREMENTS:

1. It is the intent of this Request for Bids that all political subdivisions, and districts be entitled to make purchased of materials, equipment, or supplies from the resulting bid award upon mutual agreement with the vendor.
2. Where contractor supplies labor, all New York State labor requirements, including Prevailing Wage Requirements shall be applicable and enforced. Weekly payroll sheets must be submitted prior to payment.
3. The contractor shall, at a minimum carry the following insurance coverage; Liability Insurance \$1 million/occurrence and \$2 million/aggregate; Automotive Coverage \$1 million.; Certificate of Workers Compensation Insurance. Town of Rotterdam shall be named as additional insured. Proof of insurance must be submitted to the Town with bid package.
4. In the event of a breach by CONTRACTOR, CONTRACTOR shall pay to the TOWN all direct and consequential damages caused by such breach, including, but not limited to, all sums expended by the TOWN to procure a substitute contractor to satisfactorily complete the contract work.
5. 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.
6. Non-Appropriations Clause: Notwithstanding anything contained herein to the contrary, no default shall be deemed to occur in the event no funds or insufficient funds are appropriated and budgeted by or are otherwise unavailable to the Town for payment under this Agreement. The Town will immediately notify the Contractor of such occurrence and this Agreement shall terminate on the last day of the fiscal period for which appropriations were received without penalty or expense to the Town of any kind whatsoever, except as to those portions herein agreed upon for which funds shall have been appropriated and budgeted.
7. Qualifications of Bidder: The Town may make such investigations as it deems necessary to determine the ability of the Bidder to perform the work. The bidder shall furnish the Town, within five (5) days of a request, all such information requested to complete the investigation. Conditional bids will not be accepted.
8. Disqualifications
 - a. Bids received from bidders who have previously failed to complete contracts within the time required, or who have previously performed similar work in an unsatisfactory manner, may be rejected. A bid may be rejected if the bidder cannot show that it has the necessary ability, plant, and equipment to commence the work at the time prescribed and thereafter to perform and complete the work

at the rate or within the time specified. A bid may be rejected if the bidder is already obligated for the performance of other work which would delay the commencement, performance or completion of the work.

- b. The Town reserves the right to reject any bid if the information submitted by, or investigation of, such bidder fails to satisfy the Town that such bidder is properly qualified to carry out the obligations of the contract and to complete the work contemplated therein.
- c. Bids may be considered irregular and may be subject to rejection for the following reasons:
 - i. If bid is on a form other than that furnished by the Town, is altered, or if any part of the bidding documents is detached.
 - ii. If there are unauthorized additions conditions or alternate pay items, or irregularities of any kind which make the bid incomplete, indefinite, or otherwise ambiguous.

9. Non-Collusive Bidding Certificate: All bidders bidding under the provisions of the specifications are subject to the provisions of Section 103 of the General Municipal Law of the State of New York. A signed Non-Collusive Bidding Certificate is required to be submitted with each bid on the form provided by the Town.

10. Bid Form

- a. Bid form is attached hereto.
- b. Bids must be made on the Bid Form provided by the Town. The Bid Form must be completed in ink or by typewriter. The Bid Form must also be signed by an authorized representative of the bidder.
- c. Bids by corporations must be executed in the corporate name by the president or a vice president (or other corporate officer accompanied by evidence of authority to sign on behalf of the corporation) and the corporate seal must be affixed by the secretary or an assistant secretary. The corporate address and state of incorporation must be shown below the signature.
- d. Bids by partnerships must be executed in the partnership name and signed by a partner, whose title must appear under the signature. The official address of the partnership must be shown below the signature.
- e. All names must be printed or typed below the signature.
- f. The bid must contain an acknowledgement of receipt of all Addenda (the number of which will be filled in on the Bid Form).
- g. The address to which communications regarding the bid are to be directed must be included on the Bid Form.

11. Bid Evaluation

- a. Bids shall remain valid until:
 - i. The execution of a contract by the Town
 - ii. The award of a purchase order by the Town
 - iii. As otherwise rejected by the Town; or
 - iv. 45 days after bid opening

- b. Bids received will be evaluated by the Town of Rotterdam and will be based, as a minimum, upon the following criteria:
 - i. Lowest total bid cost and projected timetable for completion of services and/or delivery of goods described herein;
 - ii. Completeness of the bid

12. Modification and Withdrawal of Bids

- a. Bids may be modified or withdrawn at any time prior to the opening of bids by an appropriate document duly executed (in the matter that a bid must be executed) and delivered to the place where bids are to be submitted.
- b. If, prior to awarding of the contract or within three (3) days after opening, whichever period is shorter, any bidder files a duly signed written notice with the Town and promptly thereafter demonstrates to the reasonable satisfaction of the Town that there was a material and substantial mistake in the preparation of its bid, that bidder may withdraw its bid.

13. Award of Bid

- a. Award will be made as determined to be in the best interest of the Town.
- b. All offers received shall be net cost to the Town. The Town shall not be responsible for any additional costs; including, but not limited to, overtime required by the vendor to meet the appropriate deadlines.
- c. The apparent successful Bidder will be issued a Notice of Award in the form of a Town purchase order or contract. Purchase orders are issued with an expected term of thirty (30) days from receipt of all items.
- d. The Town reserves the right to purchase items pursuant to General Municipal Law 104 from New York State Contracts, County Contracts, or New York State Preferred Sources within its discretion.
- e. No successful bidder to whom a contract or purchase order is let, granted or awarded, shall assign, transfer, convey, sublet, or otherwise dispose of same, or of its right, title, and interest herein, including the performance of the contract or purchase order or the right to receive monies due or to become due, or of its power to execute the contract or purchase order without prior written consent of the Town. In the event the contractor shall without prior written consent assign, transfer, convey, sublet, or otherwise dispose of the contract or purchase order or of its right, title and interest therein, including the performance of the contract or purchase order or the right to receive monies due or to become due, or its power to execute such contract or purchase order to any other person or corporations, or upon receipt by the Town of an attachment against the Successful Bidder, the Town shall be relieved and discharges from any and all liability and obligation growing out of such contract or purchase order to such contractor, and the person or corporation to which such contract or purchase order shall have been assigned, its assignees, transferees or sub leases shall forfeit and lose all monies theretofore assigned under the contract or purchase order, except so much as may be required to pay its employees.

14. Delivery and Payment

- a. All bid prices shall include freight and shall be quoted F.O.B. destination.
- b. Town of Rotterdam operates a formal Purchase Order System. Under NO circumstances will the vendor or contractor be paid without a purchase order. Contractor shall deliver only the items specified on the purchase order. Any Contractor, who delivers items which are not ordered, or who duplicates or over ships items, does so entirely at his own expense. Such shipments will be at no cost or responsibility to the Town.
- c. All deliveries shall be made within ten (10) business days of vendor's receipt of purchase order, unless otherwise specified in the Bid Specifications or Summary Sheet, or as otherwise agreed upon between the vendor and the Town.
- d. Orders will be placed on an "As Needed" basis by the Town. There will be no minimum order amounts required. Bids stipulating minimum quantity of dollar value orders may be rejected by the Town at its sole discretion.
- e. Prior to payment, the items furnished and or work performed will be inspected by the Town to determine their conformity to specification. No payment will be made for items or work not meeting specifications.
- f. THE TOWN IS NOT SUBJECT TO FEDERAL, STATE, OR LOCAL TAXES.

15. Indemnification: The successful bidder shall indemnify, save, and hold harmless the Town of Rotterdam, its officers, agents, servants, and employees from any and all liability for anything and everything whatsoever arising from loss or damage due to any act or omission of the Contractor, its clients, agents, or employees.

16. Anti-Discrimination Clause

- a. Pursuant to Section 220-E of the NYS Labor Law, regarding provisions in contracts prohibiting discrimination on account of race, creed, color, or national origin in employment of citizens upon public works, the Contractor agrees;
- b. That in the hiring of employees for the performance of work under this contract or any subcontract hereunder, no contractor, subcontractor, nor any person acting on behalf of such contractor or subcontractor, shall by reason of race, creed, color, disability, gender, marital status, military status, sexual orientation, or national origin discriminate against any citizen of the state of New York who is qualified and available to perform the work which the employment relates;
- c. That no contractor, subcontractor, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under this contract on account of race, creed, color, disability, gender, marital status, military status, sexual orientation or national origin.

NON-COLLUSIVE BIDDING CERTIFICATION

- A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief:
1. The prices in this 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
 2. 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
 3. 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 bid for the purpose of restricting competition.
- B. A bid shall not be considered for award nor shall any award be made where (A) (1), (2), and (3) above have not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. Where (A), (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that the bidder (A) has published price lists, rates of tariffs governing items being procured, (B) has informed prospective customers of proposed or pending publication of new or reviewed price lists for such items or (C) has sold the same item to other customers at the same prices being bid, does not constitute without more, a disclosure within the meaning of subparagraph (A)(1).

Any bid hereafter made to any political subdivision of the state of any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one (1) of the section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certification as to non-collusion as the act and deed of the corporation.

Name of Firm _____

Signed By _____

Title _____

Date _____

**RESOLUTION AUTHORIZING SUBMISSION OF BIDS BY
CORPORATION AND EXECUTION OF NON-COLLUSION CERTIFICATE
AND WAIVER OF IMMUNITY CLAUSE**

Resolved that _____ be authorized to sign and
submit the bid proposal of this corporation for
_____ Town
of Rotterdam, the certificate as to non-collusion and waiver of immunity clause
required by §103 of the General Municipal Law as the act and deed of such
corporation, and for any inaccuracies or misstatements in such certificate this
corporate bidder shall be liable under the penalties of perjury.

The foregoing is a true and correct copy of the resolution adopted by:

_____ Corporation at a meeting of its board of directors held on the
_____ day of _____, 2022 _____

(SEAL OF THE CORPORATION)

Signature of Corporate
Secretary

INDIVIDUAL EXECUTION OF NON-COLLUSION
CERTIFICATE AND WAIVER OF IMMUNITY CLAUSE

I, _____, hereby sign
and submit this bid proposal for
_____, Town of Rotterdam,
New York, Schenectady County, and to include in such bid or proposal the
certificate as to non-collusion and waiver of immunity clause required by Section
103 of the General Municipal Law as the act and deed of this individual, and for any
inaccuracies or misstatements in such certificate this individual bidder shall be liable
under the penalties of perjury.

Signature of Individual: _____

Date _____

WAIVER OF IMMUNITY CLAUSE

The undersigned bidder agrees to sign a Waiver of Immunity Clause agreeing if called before a Grand Jury to testify concerning the bid or contract, to sign a Waiver of Immunity Against Criminal Prosecution or to answer any relevant question concerning the transaction, bid or contract:

Name of Firm_____

Signed By_____

Title_____

Date_____

TOWN OF ROTTERDAM

Acknowledgment and Agreement

Non-Discrimination and Harassment (including Sexual Harassment) in the Workplace

The undersigned bidder acknowledges that they received the Town of Rotterdam Non-Discrimination and Harassment (including Sexual Harassment) in the Workplace policy and agrees to abide by the policy as stated.

Name of Firm: _____

Signed by: _____ Title: _____

Date: _____

903 Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace

Policy Statement - It is the policy of the Town of Rotterdam to promote a productive work environment and to prohibit conduct by any Elected Official or employee (as defined in Section 104 of the Employee Handbook) that disrupts or interferes with another's work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the Town is committed to educate Elected Officials and employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. In short, the Town does not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such activity in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of repercussion to any individual covered by this policy who, in good faith, files such complaint.

Applicability of Policy - This policy applies to all Elected Officials, Appointed Members of Boards and Commissions, employees, supervisors, and Department Heads, whether employed full or part-time, temporary or seasonal, paid or unpaid interns, volunteers, and those employed by companies contracting to provide services in the workplace. Depending on the extent of the Town's exercise of control, this policy may be applied to the conduct of non-Town employees with respect to harassment of Town employees in the workplace.

Prohibited harassment (including sexual harassment) is not limited to the physical workplace itself. It can occur while Elected Officials, employees or other individuals covered by this policy are traveling for Town business or at Town sponsored events or parties. Calls, texts, emails, and social media usage by

employees or other individuals covered by this policy can constitute workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Prohibited Activity - No Elected Official, employee or other individuals covered by this policy shall engage in any of the following:

- **Harassment:** Unwanted, unreasonable verbal or physical conduct directed toward or affecting another person that disturbs, frightens, insults, threatens, intimidates, demeans, or offends that other person, that continues or is repeated after a request to cease, and that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities. Harassment includes offensive or inappropriate images or written materials or electronic communications (e.g. letters, e-mail, text messages, or graffiti) as well as bias-based harassment and sexual harassment (see below).
- **Bias-Based Harassment:** Harassment that denigrates, offends or shows hostility or aversion toward an individual on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Bias-based harassment includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written, electronic, or graphic material that denigrates, ridicules, objectifies, or shows hostility, aversion or contempt toward an individual or group and that is placed on walls, bulletin boards, lockers or elsewhere on or in the Town's premises, vehicles, or equipment, or is circulated in the workplace, including through electronic means.
- **Discrimination:** The Town of Rotterdam is an Equal Opportunity Employer. The Town does not unlawfully discriminate on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Unlawful discrimination based on membership in these categories is prohibited by applicable federal, state, or local laws. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, assignments, compensation, promotion, transfer, training, leave of absence, and termination.

Definition of Sexual Harassment - This policy places special attention on the prohibition of sexual harassment in the workplace. Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance. Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy,

Examples of Sexual Harassment - The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - o Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - o Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - o Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - o Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - o Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - o Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - o Sabotaging an individual's work;
 - o Bullying, yelling, name-calling.

Prohibition Against Retaliation - Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a claim of discrimination or harassment, including sexual harassment. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Unlawful retaliation against any employee who has engaged in "protected activity" is strictly prohibited by this policy as well as (where applicable) federal, state, and local law. Protected activity occurs when a person has:

- made a complaint of harassment or discrimination, either internally or with any anti-discrimination agency;
- opposed harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or management of harassment or discrimination;
- reported that another employee has been subjected to harassment or discrimination;
- encouraged a fellow employee to report harassment or discrimination;
- participated in a workplace investigation regarding harassment or discrimination;

- testified or assisted in a proceeding involving harassment or discrimination under the Human Rights Law or other anti-discrimination laws.

Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination or harassment.

Reporting of Discrimination and Harassment (including Sexual Harassment) - Reports of alleged discrimination and/or harassment (including sexual harassment) or retaliation may be made verbally or in writing. A form for the submission of a written complaint is attached to this policy and individuals are encouraged to use this form. If an individual chooses to submit a verbal complaint, such complaint will be recorded by the receiver of this complaint on this form. Employees are encouraged to report incidents of discrimination, harassment (including sexual harassment), or retaliation to their Department Head and/or the Town Supervisor as soon as possible after their occurrence. If the employee's Department Head is believed to be involved in the incident, or if the employee is not comfortable in addressing the incident with the Department Head, the report should be made directly to the Town Supervisor. If the Town Supervisor is believed to be involved in the incident or the employee is not comfortable reporting the incident to the Town Supervisor, the employee should report the incident to a member of the Town Board. Employees who believe they have been discriminated against or harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, their Department Head, the Town Supervisor, or any member of the Town Board. Employees who work during off-hours are encouraged to contact their supervisor, their Department Head, the Town Supervisor, or any member of the Town Board at home if these individuals do not work during the employee's shift. Non-employees are encouraged to report incidents of alleged discrimination and harassment (including sexual harassment) to either the Department Head of the department where services are being provided, the Town Supervisor, or a member of the Town Board.

Supervisory Responsibility - Supervisory personnel must make every effort to ensure a work environment that is free from discrimination and harassment, including sexual harassment. Any Department Head or supervisor who receives a complaint or information about suspected prohibited activity (as outlined above), observes behavior that may constitute prohibited activity, or for any reason suspects that prohibited activity is occurring, is required to report such suspected prohibited activity to the Town Supervisor, or any member of the Town Board.

In addition to being subject to corrective action or discipline if they engaged in prohibited activity themselves, supervisory personnel will be subject to discipline for failing to report suspected prohibited activity or otherwise knowingly allowing prohibited activity to continue. Supervisory personnel will also be subject to corrective action or discipline for engaging in any form of retaliation prohibited by this policy.

Investigation of Complaint- The Town Supervisor, in consultation with the Town Board, will determine the appropriate individual(s) to conduct the investigation. All complaints pursuant to this policy, whether reported in verbal or written form, will be investigated promptly, thoroughly, and in as impartial a manner as possible. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. All employees are required to cooperate in an investigation, if so directed. All persons involved, including complainants, witnesses and alleged

perpetrators will be accorded due process to protect their rights to a fair and impartial investigation. All relevant materials, including all electronic communications, documents, emails or phone records that are relevant to the allegations will also be considered. A written report will be prepared documenting the results of the investigation. The individual who reported the complaint and the individual about whom the complaint was made will be notified of the final determination.

Confidentiality - Complaints of discrimination and harassment, including sexual harassment, will be handled and investigated promptly and in a manner that is as impartial and confidential as possible. In no event will Information concerning a complaint be released by the Town to third parties or to anyone within the Town employment who is not directly involved in the investigation or handling of the complaint unless otherwise required by law.

Corrective Action and Discipline - Any employee who is found to have violated any aspect of this policy will be subject to corrective or disciplinary action, up to and including termination of employment, as provided by Town operating procedures, including Civil Service Law Section 75, or a collective bargaining agreement. Any Elected Official who violates this policy will be subject to remedial action as provided for and/or allowed under NYS Public Officers Law, as well as any other applicable statutes. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the Town is empowered to take such action.

Legal Protections and External Remedies - Nothing in this policy should be construed as in any way limiting employees' rights to file a formal complaint with the appropriate state or federal agencies responsible for administering anti-discrimination laws. Complainants should be aware that time restrictions may apply and need to be considered.

Harassment (including sexual harassment) is not only prohibited by Town policy but is also prohibited by federal, state, and (where applicable) local law. Aside from the Town's internal process, employees may also choose to pursue legal remedies with the following governmental entities at any time.

New York State Division of Human Rights (OHR)

The Human Rights Law (HRL) applies to employers in New York State with regard to harassment and protects employees and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with OHR or in New York State Supreme Court. Complaints with OHR may be filed any time within one year of the harassment. If an individual did not file at OHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with OHR if they have already filed an HRL complaint in state court. Filing an internal complaint with the Town does not extend the time limits to file with OHR or in court. The one year or three years is counted from date of the most recent incident of harassment. An attorney is not needed to file a complaint with OHR, and there is no cost to file with OHR. OHR will investigate the complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, OHR has the power to award relief, which varies but may include requiring the Town to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. Contact OHR at (888) 392- 3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to OHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC

has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with OHR, OHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Contact the Rotterdam Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the Rotterdam Police Department.

RESOLUTION NO. 88.22

**REQUESTING BIDS FOR HIGHWAY
PIPES(WATER TIGHT & END SECTIONS,
ROUND CORRUGATED PLASTIC PIPE, AND
PLASTIC UNDERGROUND PERFORATED PIPE)**

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 call for bids for Highway Pipes (Water tight & end sections, Round corrugated plastic pipe, and Plastic underground pipe).

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 Wednesday, the 23rd day of March, 2022, at 10:45 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 same 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:

HIGHWAY PIPES (WATER TIGHT & END SECTIONS, ROUND CORREGATED PLASTIC PIPE, AND PLASTIC UNDERGROUND PERFORATE PIPE)

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 ELECTRONICALLY OR IN PERSON
PRIOR TO 10:45 A.M.,
WEDNESDAY, MARCH 23, 2022**

The town board reserves the right to 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: February 23, 2022

BidNet: Please publish on February 25, 2022

Daily Gazette: Please publish once on February 26, 2022

Town Clerk Post

SECTION 3. This resolution shall become effective February 23, 2022.

DATED: February 23, 2022

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 Ext. 393 • Fax: 518-355-7976 • Website: www.rotterdamny.org



LEGISLATIVE REQUEST FORM

DATE: February 9, 2022

TO: Mollie A. Collins, Supervisor

FROM: Larry LaMora, Highway Superintendent

TITLE OF LEGISLATIVE REQUEST: Call for bids for Highway Materials:(water tight and end sections,
round corrugated plastic pipe, plastic underdrain perforated pipe)

TO BE PLACED ON TOWN BOARD MEETING OF: February 23,2022

Background Information: Attached

Evaluation/Analysis: Proper bidding process

Recommendation(s): To place on Town Board Meeting February 23, 2022

Attachment/Document(s): Attached

Compliance with Purchasing Policy: Yes

Effect(s) on Existing Law(s): General Municipal Law Section 103

LEGISLATION WILL BE PREPARED BY: Supervisor's office

Town of Rotterdam

Highway Department

***Bid Sheets & Specifications
for
Highway Materials***

***(Watertight & End Section, Round Corrugated Plastic
Pipe, and Plastic Underdrain Perforated Pipe)***

Bid Opening: March 23, 2022 at 10:45 a.m.

INSTRUCTIONS TO BIDDERS

1. All bids must be submitted before **10:45 a.m. on March 23, 2022**, the day of opening.
2. Electronic proposals for the furnishing and delivery of goods/services as required for the Town of Rotterdam, as set forth in the specifications prepared by the Town Board and received by **10:45 a.m. on March 23, 2022**, will be electronically opened at that time, via Empire State Purchasing Group on the BidNet website (<http://www.bidnetdirect.com/townofrotterdam>). The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet by the close of business the same day, of all bid submissions received. 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.
3. Digital Copies of Drawings and 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 sources. 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(s) 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.
4. Purchases made by the Town of Rotterdam are not subject to State or local taxes or Federal excise taxes. Exemption certificates will be furnished upon request.
5. An "Affidavit of Non-Collusion" is attached and forms a part of this bid proposal. By submission of this bid, each bidder and each person signing on behalf of any bidder, certifies under penalty of perjury, that to the best of his/her knowledge and belief that the prices of the bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter related to such prices with any other bidder or competitor; that the prices quoted have not and will not be disclosed prior to opening, directly or indirectly, to any other bidder or competitor; that no attempt has been or will be made to induce any other person, partnership or corporation to submit or not submit a bid for the purpose of restricting competition. Each bidder must state that no officer of the Town of Rotterdam or member of the Town Board is directly or indirectly interested in the proposal. Failure to sign this statement will constitute grounds for rejection of bid.
6. Each bidder must acknowledge receipt of and comply with the Town's Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace policy.

7. Bid proposals shall remain firm, pending bid award, for a period not to exceed thirty (30) days from the bid opening date.
8. The Town Board reserves the right to reject any or all bids and re-advertise.
9. All bids are to be on the basis of delivery prepaid to destination, which shall be buildings of the Town of Rotterdam as specified.
10. Delivery: Time is of the essence. Material is required as soon as possible and guaranteed date of delivery may be taken into consideration in making award. Upon failure to make delivery as promised, the Town Board of the Town of Rotterdam, New York, may consider the contract breached and will then feel free to go into the open market and to maintain an action against the contractor to recover any differences which the Town Board might stand to lose between the contract price and the market price.
11. Where items or articles or equipment or supplies are designated as manufactured by a specific manufacturer, it is to be understood that the articles as specified represent an accepted standard. Where certain brands of materials, apparatus, or equipment are specified, such goods have been selected in order to establish a standard for the particular service required, but it is not the intention to limit competition thereby. If the bidder proposes to furnish the article which is specified, he is to fill in the amount on the line indicated. If he desires to bid on a substitute for the article specified, which is claimed to be equivalent to the standard specified, the amount should be recorded and also identified as "substitute" bid and furnish the required information relating to the manufacturer. In cases where the bid is based upon a substitute article, the bidder will be asked to submit a sample. Samples will be returned, if desired, as soon as the award is made.
12. The Town Board of the Town of Rotterdam reserves the right to waive any informalities on bids received, and to accept reasonable substitutes for specified items as long as such substitutes in no way affect the performance of the item for which the bid has been requested.
13. The approximate quantities shown in the bidding documents are not meant to imply that said quantities will in fact be purchased. Payment will be based on an "as delivered" basis at the facilities listed using actual quantities received.
14. Failure to adequately and fully complete the bid packet and/or questions contained in the RFP shall be disqualified and the bid shall be rejected.

HIGHWAY MATERIALS	UNIT COST	DEL. COST	F.O.B. POINT
PIPE COLLAR BANDS & BOLTS 8" x 16 GA			
PIPE COLLAR BANDS & BOLTS 12" x 16 GA			
PIPE COLLAR BANDS & BOLTS 15" x 16 GA			
PIPE COLLAR BANDS & BOLTS 18" x 16 GA			
PIPE COLLAR BANDS & BOLTS 24" x 16 GA			
PIPE COLLAR BANDS & BOLTS 24" x 14 GA			
PIPE COLLAR BANDS & BOLTS 30" x 14 GA			
PIPE COLLAR BANDS & BOLTS 48" x 12 GA			
PIPE COLLAR BANDS & BOLTS 60" x 10 GA			
POLYETHYLENE SMOOTH INTERIOR PIPE, 12" x P33 OR P34			
POLYETHYLENE SMOOTH INTERIOR PIPE, 15" x GRADE P33 OR P34			
POLYETHYLENE SMOOTH INTERIOR PIPE, 18" x GRADE P33 OR P34			
POLYETHYLENE SMOOTH INTERIOR PIPE, 24" x GRADE P33 OR P34			
POLYETHYLENE SMOOTH INTERIOR PIPE, 30" x GRADE P33 OR P34			
POLYETHYLENE SMOOTH INTERIOR PIPE, 36" x GRADE P33 OR P34			
POLYETHYLENE PERFORATED PIPE, 12" x P33 OR P34			
POLYETHYLENE PERFORATED PIPE, 15" x P33 OR P34			
POLYETHYLENE PERFORATED PIPE, 18" x P33 OR P34			
POLYETHYLENE PERFORATED PIPE, 24" x P33 OR P34			
POLYETHYLENE PERFORATED PIPE, 30" x P33 OR P34			
POLYETHYLENE PERFORATED PIPE, 36" x P33 OR P34			

WATER TIGHT COUPLING & END SECTION, 12 x P33 OR P34			
WATER TIGHT COUPLING & END SECTION, 15 x P33 OR P34			
WATER TIGHT COUPLING & END SECTION, 18 x P33 OR P34			
WATER TIGHT COUPLING & END SECTION, 24 x P33 OR P34			
WATER TIGHT COUPLING & END SECTION, 30 x P33 OR P34			
WATER TIGHT COUPLING & END SECTION, 36 x P33 OR P34			
ROUND CORRUGATED PLASTIC PIPE, 8x16 GA, PER FOOT			
ROUND CORRUGATED PLASTIC PIPE, 12x16 GA, PER FOOT			
ROUND CORRUGATED PLASTIC PIPE, 15x16 GA, PER FOOT			
ROUND CORRUGATED PLASTIC, 18x16 GA, PER FOOT			
ROUND CORRUGATED PLASTIC PIPE, 24x16 GA, PER FOOT			
ROUND CORRUGATED PLASTIC PIPE, 24x14 GA, PER FOOT			
ROUND CORRUGATED PLASTIC PIPE, 30x14 GA, PER FOOT			
ROUND CORRUGATED PLASTIC PIPE, 48x12 GA, PER FOOT			
ROUND CORRUGATED PLASTIC PIPE, 60x10 GA, PER FOOT			
PLASTICUNDERDRAIN PERFORATED 8" x 16 GA, PER FOOT			
PLASTIC UNDERDRAIN PERFORATED 12" x 16 GA, PER FOOT			
PLASTIC UNDERDRAIN PERFORATED 15" x 16 GA, PER FOOT			
PLASTIC UNDERDRAIN PERFORATED 18" x 16 GA, PER FOOT			
PLASTIC UNDERDRAIN PERFORATED 24" x 16 GA, PER FOOT			
PLASTICUNDERDRAIN PERFORATED 30" x 14 GA, PER FOOT			
PLASTIC UNDERDRAIN PERFORATED 48" x 12 GA, PER FOOT			
PLASTIC UNDERDRAIN PERFORATED 60" x 10 GA, PER FOOT			
PLASTIC UNDERDRAIN PERFORATED 24" x 14 GA, PER FOOT			

TOWN OF ROTTERDAM

NON-COLLUSIVE BIDDING CERTIFICATION

- A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief:
1. The prices in this 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
 2. 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
 3. 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 bid for the purpose of restricting competition.
- B. A bid shall not be considered for award nor shall any award be made where (A) (1), (2), and (3) above have not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where (A), (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that the bidder (A) has published price lists, rates of tariffs governing items being procured, (B) has informed prospective customers of proposed or pending publication of new or reviewed price lists for such items or (C) has sold the same item to other customers at the same prices being bid, does not constitute without more, a disclosure within the meaning of subparagraph (A)(1).

Any bid hereafter made to any political subdivision of the state of any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one (1) of the section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certification as to non-collusion as the act and deed of the corporation.

Name of Firm: _____

Signed By: _____ Title: _____

Date: _____

TOWN OF ROTTERDAM

**RESOLUTION AUTHORIZING SUBMISSION OF BIDS BY
CORPORATION AND EXECUTION OF NON-COLLUSION CERTIFICATE
AND WAIVER OF IMMUNITY CLAUSE**

Resolved that _ be authorized to sign and submit the bid proposal of this corporation for _____, Town of Rotterdam, the certificate as to non-collusion and waiver of immunity clause required by §103 of the General Municipal Law as the act and deed of such corporation, and for any inaccuracies or misstatements in such certificate this corporate bidder shall be liable under the penalties of perjury.

The foregoing is a true and correct copy of the resolution adopted by:

Corporation at a meeting of its board of directors held on the _____ day of _____, **2022**_____

(SEAL OF THE CORPORATION)

Signature of Corporate
Secretary

INDIVIDUAL EXECUTION OF NON-COLLUSION
CERTIFICATE AND WAIVER OF IMMUNITY CLAUSE

I, _____, hereby sign and submit this bid or proposal for _____, Town of Rotterdam, New York, Schenectady County, and to include in such bid or proposal the certificate as to non-collusion and waiver of immunity clause required by Section 103 of the General Municipal Law as the act and deed of this individual, and for any inaccuracies or misstatements in such certificate this individual bidder shall be liable under the penalties of perjury.

_____ day of _____, **2022**_____

Signature of Individual_____

TOWN OF ROTTERDAM
WAIVER OF IMMUNITY CLAUSE

The undersigned bidder agrees to sign a Waiver of Immunity Clause agreeing if called before a Grand Jury to testify concerning the bid or contract, to sign a Waiver of Immunity against Criminal transaction, bid or contract:

Name of Firm: _____

Signed by: _____ Title: _____

Date: _____

TOWN OF ROTTERDAM

Acknowledgment and Agreement

Non-Discrimination and Harassment (including Sexual Harassment) in the Workplace

The undersigned bidder acknowledges that they received the Town of Rotterdam Non-Discrimination and Harassment (including Sexual Harassment) in the Workplace policy and agrees to abide by the policy as stated.

Name of Firm: _____

Signed by: _____ Title: _____

Date: _____

903 Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace

Policy Statement - It is the policy of the Town of Rotterdam to promote a productive work environment and to prohibit conduct by any Elected Official or employee (as defined in Section 104 of the Employee Handbook) that disrupts or interferes with another's work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the Town is committed to educate Elected Officials and employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. In short, the Town does not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such activity in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of repercussion to any individual covered by this policy who, in good faith, files such complaint.

Applicability of Policy - This policy applies to all Elected Officials, Appointed Members of Boards and Commissions, employees, supervisors, and Department Heads, whether employed full or part-time, temporary or seasonal, paid or unpaid interns, volunteers, and those employed by companies contracting to provide services in the workplace. Depending on the extent of the Town's exercise of control, this policy may be applied to the conduct of non-Town employees with respect to harassment of Town employees in the workplace.

Prohibited harassment (including sexual harassment) is not limited to the physical workplace itself. It can occur while Elected Officials, employees or other individuals covered by this policy are traveling for Town business or at Town sponsored events or parties. Calls, texts, emails, and social media usage by

employees or other individuals covered by this policy can constitute workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Prohibited Activity - No Elected Official, employee or other individuals covered by this policy shall engage in any of the following:

- **Harassment:** Unwanted, unreasonable verbal or physical conduct directed toward or affecting another person that disturbs, frightens, insults, threatens, intimidates, demeans, or offends that other person, that continues or is repeated after a request to cease, and that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities. Harassment includes offensive or inappropriate images or written materials or electronic communications (e.g. letters, e-mail, text messages, or graffiti) as well as bias-based harassment and sexual harassment (see below).
- **Bias-Based Harassment:** Harassment that denigrates, offends or shows hostility or aversion toward an individual on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Bias-based harassment includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written, electronic, or graphic material that denigrates, ridicules, objectifies, or shows hostility, aversion or contempt toward an individual or group and that is placed on walls, bulletin boards, lockers or elsewhere on or in the Town's premises, vehicles, or equipment, or is circulated in the workplace, including through electronic means.
- **Discrimination:** The Town of Rotterdam is an Equal Opportunity Employer. The Town does not unlawfully discriminate on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Unlawful discrimination based on membership in these categories is prohibited by applicable federal, state, or local laws. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, assignments, compensation, promotion, transfer, training, leave of absence, and termination.

Definition of Sexual Harassment - This policy places special attention on the prohibition of sexual harassment in the workplace. Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance. Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy,

Examples of Sexual Harassment - The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - o Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - o Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - o Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - o Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - o Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - o Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - o Sabotaging an individual's work;
 - o Bullying, yelling, name-calling.

Prohibition Against Retaliation - Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a claim of discrimination or harassment, including sexual harassment. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Unlawful retaliation against any employee who has engaged in "protected activity" is strictly prohibited by this policy as well as (where applicable) federal, state, and local law. Protected activity occurs when a person has:

- made a complaint of harassment or discrimination, either internally or with any anti-discrimination agency;
- opposed harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or management of harassment or discrimination;
- reported that another employee has been subjected to harassment or discrimination;
- encouraged a fellow employee to report harassment or discrimination;
- participated in a workplace investigation regarding harassment or discrimination;

- testified or assisted in a proceeding involving harassment or discrimination under the Human Rights Law or other anti-discrimination laws.

Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination or harassment.

Reporting of Discrimination and Harassment (including Sexual Harassment) - Reports of alleged discrimination and/or harassment (including sexual harassment) or retaliation may be made verbally or in writing. A form for the submission of a written complaint is attached to this policy and individuals are encouraged to use this form. If an individual chooses to submit a verbal complaint, such complaint will be recorded by the receiver of this complaint on this form. Employees are encouraged to report incidents of discrimination, harassment (including sexual harassment), or retaliation to their Department Head and/or the Town Supervisor as soon as possible after their occurrence. If the employee's Department Head is believed to be involved in the incident, or if the employee is not comfortable in addressing the incident with the Department Head, the report should be made directly to the Town Supervisor. If the Town Supervisor is believed to be involved in the incident or the employee is not comfortable reporting the incident to the Town Supervisor, the employee should report the incident to a member of the Town Board. Employees who believe they have been discriminated against or harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, their Department Head, the Town Supervisor, or any member of the Town Board. Employees who work during off-hours are encouraged to contact their supervisor, their Department Head, the Town Supervisor, or any member of the Town Board at home if these individuals do not work during the employee's shift. Non-employees are encouraged to report incidents of alleged discrimination and harassment (including sexual harassment) to either the Department Head of the department where services are being provided, the Town Supervisor, or a member of the Town Board.

Supervisory Responsibility - Supervisory personnel must make every effort to ensure a work environment that is free from discrimination and harassment, including sexual harassment. Any Department Head or supervisor who receives a complaint or information about suspected prohibited activity (as outlined above), observes behavior that may constitute prohibited activity, or for any reason suspects that prohibited activity is occurring, is required to report such suspected prohibited activity to the Town Supervisor, or any member of the Town Board.

In addition to being subject to corrective action or discipline if they engaged in prohibited activity themselves, supervisory personnel will be subject to discipline for failing to report suspected prohibited activity or otherwise knowingly allowing prohibited activity to continue. Supervisory personnel will also be subject to corrective action or discipline for engaging in any form of retaliation prohibited by this policy.

Investigation of Complaint- The Town Supervisor, in consultation with the Town Board, will determine the appropriate individual(s) to conduct the investigation. All complaints pursuant to this policy, whether reported in verbal or written form, will be investigated promptly, thoroughly, and in as impartial a manner as possible. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. All employees are required to cooperate in an investigation, if so directed. All persons involved, including complainants, witnesses and alleged

perpetrators will be accorded due process to protect their rights to a fair and impartial investigation. All relevant materials, including all electronic communications, documents, emails or phone records that are relevant to the allegations will also be considered. A written report will be prepared documenting the results of the investigation. The individual who reported the complaint and the individual about whom the complaint was made will be notified of the final determination.

Confidentiality - Complaints of discrimination and harassment, including sexual harassment, will be handled and investigated promptly and in a manner that is as impartial and confidential as possible. In no event will Information concerning a complaint be released by the Town to third parties or to anyone within the Town employment who is not directly involved in the investigation or handling of the complaint unless otherwise required by law.

Corrective Action and Discipline - Any employee who is found to have violated any aspect of this policy will be subject to corrective or disciplinary action, up to and including termination of employment, as provided by Town operating procedures, including Civil Service Law Section 75, or a collective bargaining agreement. Any Elected Official who violates this policy will be subject to remedial action as provided for and/or allowed under NYS Public Officers Law, as well as any other applicable statutes. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the Town is empowered to take such action.

Legal Protections and External Remedies - Nothing in this policy should be construed as in any way limiting employees' rights to file a formal complaint with the appropriate state or federal agencies responsible for administering anti-discrimination laws. Complainants should be aware that time restrictions may apply and need to be considered.

Harassment (including sexual harassment) is not only prohibited by Town policy but is also prohibited by federal, state, and (where applicable) local law. Aside from the Town's internal process, employees may also choose to pursue legal remedies with the following governmental entities at any time.

New York State Division of Human Rights (OHR)

The Human Rights Law (HRL) applies to employers in New York State with regard to harassment and protects employees and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with OHR or in New York State Supreme Court. Complaints with OHR may be filed any time within one year of the harassment. If an individual did not file at OHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with OHR if they have already filed an HRL complaint in state court. Filing an internal complaint with the Town does not extend the time limits to file with OHR or in court. The one year or three years is counted from date of the most recent incident of harassment. An attorney is not needed to file a complaint with OHR, and there is no cost to file with OHR. OHR will investigate the complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, OHR has the power to award relief, which varies but may include requiring the Town to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. Contact OHR at (888) 392- 3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to OHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC

has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with OHR, OHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Contact the Rotterdam Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the Rotterdam Police Department.

RESOLUTION NO. 89.22

TO AMEND AND RESTATE RESOLUTION NO 21.22 OF THE YEAR 2022

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/restated to various additional duties and/or part time positions at the indicated rates of pay, on an as needed basis as directed by the Supervisor or his/her designee, with no employee benefits for the year 2022 as follows:

ADA Compliance Officer/Safety Officer

James Keith Annual Stipend \$ 3,000

Grant Coordinator

Peter Comenzo Annual Stipend \$ 3,500

Clerk- Part Time

Donna Larsen Hourly Rate \$ 19.50

Traffic Liaison

Edward H. Scholz, Jr. Hourly Rate \$ 29.86

(Maximum of \$12,500.00 for the year 2022)

School Traffic Officer

Floyd Rorick Hourly Rate \$ 15.00

(Maximum of 4 hours daily)

DPW Advisor-Part-Time

Michael Maher Hourly Rate \$38.50

COVID Compliance

Megan Griffin Annual Stipend \$2,500

Administrative Records Specialist – Part Time

Lynn Fiorillo Hourly Rate \$19.50

Public Works Advisor – Part Time

Michael T. Maher Hourly Rate \$38.50

(Maximum of 17.5 hours per week)

Assistant Director to Public Works

Matt Lupi Annual Stipend \$3,500

Social Media

VACANT Annual Stipend \$2,000

Clerk- Part Time

Phyllis Horvath Hourly Rate \$19.00

Storm Water Officer

Ryan Coulter Annual Stipend \$3,500

Storm Water Manager – Part-Time

Mary Barrie Hourly Rate \$25.00

Senior Payroll Audit Clerk

Carol Connelly Hourly Rate \$35.00

(Not to exceed 12 hours per week)

Water Treatment Plant Operator

Clark Collins Hourly Rate \$35.00

Water Treatment Plant Operator

Ian Bonthron Hourly Rate \$35.00

SECTION 2. This resolution shall become effective February 23, 2022

DATED: February 23, 2022

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: February 15, 2022

TO: Mollie A. Collins, Town Supervisor

FROM: Megan Griffin, Confidential Secretary

TITLE OF REQUEST: Amend Resolution 21.22, Appoint two Water Treatment Plant Operators for an as needed basis

TOWN BOARD MEETING: February 23, 2022

Background Information: Ian Bonthron and Clark Collins both have 1B Licenses and have previously worked within the treatment plant.

Evaluation/Analysis: See attached documents regarding payments for service given by an outside company previously

Recommendation(s): Recommend to hire Ian Bontron and Clark Collins to fill in as needed when the operator is out of the facility for an extended amount of time at an hourly rate of \$35.00 per hour.

Attachment/Document(s): See attached licenses and background

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisors Office

February 18, 2022

By Email

Town Board of the Town of Rotterdam

Town Clerk of the Town of Rotterdam

Re: Resolution No. 89.22

Dear Town Board Members and Town Clerk:

In accordance with the N.Y. General Municipal Law and the Town of Rotterdam Code of Ethics, I am disclosing to you that Resolution No. 89.22, currently on the agenda for the Town Board meeting scheduled for February 23, 2022, would appoint my husband, Clark Collins, as part-time water treatment plant operator. If approved, my husband's rate of pay would be \$35.00 per hour.

Because this Resolution would appoint my husband, I am providing this written disclosure that I may be deemed to have an interest in this appointment. This disclosure is being sent to the Town Board, the Town Clerk, and I am asking that it be included within the agenda materials in advance of the meeting. I am also asking that this letter be included in the official record of the Town Board's February 23, 2022 meeting.

Finally, in addition to making written disclosure in this letter, I have also chosen to recuse myself from any discussion or vote on this Resolution. I will not be participating in any discussion or vote on this matter at the February 23, 2022 meeting.

Very truly yours,

A handwritten signature in cursive script that reads "Mollie A. Collins".

Mollie A. Collins, Supervisor

Public Water System Operator Certification



**STATE OF NEW YORK
DEPARTMENT OF HEALTH**

Bureau of Water Supply Protection

ESP - Corning Tower RM 1168

Albany, NY 12237

Ian Bonthron

**possesses the qualifications prescribed by Subpart 5-4 of the State
Sanitary Code, for the following grades of Water System
Operator; IB-GW or SW with Filtration Avoidance Plant, D-
Distribution System**

Certificate Number
NY0030585

Expiration Date
5/31/2023

Issuance Date
6/1/2020

Public Water System Operator Certification



STATE OF NEW YORK
DEPARTMENT OF HEALTH
Bureau of Water Supply Protection
ESP - Corning Tower RM 1168
Albany, NY 12237

Clark A. Collins

possesses the qualifications prescribed by Subpart 5-4 of the State
Sanitary Code, for the following grades of Water System
Operator: IB-GW or SW with Filtration Avoidance Plant, C-Plant
or Distribution System

Certificate Number	Expiration Date	Issuance Date
NY0031552	1/31/2023	1/2/2020

This is to certify that the person named on the reverse side
certified pursuant to Subpart 5-4 of Part 5 of the State
Sanitary Code.

Issued for the State Commissioner of Health

Tina Hunt

By
Tina Hunt, P.E., Assistant Director
Bureau of Water Supply Protection

**Barton
& Loguidice, D.P.C.**

443 Electronics Parkway
Liverpool, NY 13088
315-457-5200

Mickey Maher
Building Inspector
Town of Rotterdam
John F. Kirvin Governmental Center
1100 Sunrise Boulevard
Rotterdam, NY 12306

September 23, 2021
Project No: 904.042.001
Invoice No: 120095

Project 904.042.001 Operations Assistance - WTP

Professional Services thru August 21, 2021

Professional Personnel

	Hours	Rate	Amount
Executive Manager	██████	██████	██████
Manager III	██████	██████	██████
Manager I	██████	██████	██████
Totals	██████		██████
Total Labor			5,093.50
Total Amount Due			<u>\$5,093.50</u>

RESOLUTION NO. 90.22

TO APPOINT A SENIOR BUILDING INSPECTOR

THEREFORE, UPON MOTION OF Councilmember _____,
seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. James Keith, of Rotterdam New York 12306, is hereby appointed provisionally and promoted to the position of Senior Building Inspector for the Department of Public Works, full time, with full employee benefits, with an annual salary of eighty-eight thousand dollars (\$88,000.00) effective February 23, 2022

SECTION 2. This resolution shall become effective February 23, 2022

DATED: February 23, 2022

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: February 14, 2022

TO: Mollie A. Collins, Supervisor

FROM: Megan Griffin, Confidential Secretary

TITLE OF REQUEST: SENIOR BUILDING INSPECTOR (TOWN)

TOWN BOARD MEETING: To be placed on the Town Board Agenda, and Town Board Meeting of February 23, 2022.

Background Information: Mr. Keith has 15 years of experience at the NYS Thruway with heavy equipment, has run his own construction/renovation company and has been a code enforcement officer/building inspector for the town of Rotterdam since 2012.

Evaluation/Analysis: This position will delegate the work for the building/code/zone officers and the clerical staff.

Recommendation(s): To promote Mr. James Keith as the Senior Building Inspector

Attachment/Document(s): See attached

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s):

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

SENIOR BUILDING INSPECTOR (TOWN)

DISTINGUISHING FEATURES OF THE CLASS: This position exists in a town building department and involves responsibility for supervising the overall operation of the building department including building construction, engineering functions, zoning enforcement and building inspection. Duties are performed under the general supervision of the Town Supervisor in accordance with established policies and procedures with allowance for the exercise of independent judgment in carrying out details of the work. Direct supervision is exercised over the work of Building Inspectors and a small clerical staff. The incumbent does related work as required.

TYPICAL WORK ACTIVITIES:

- Reviews, checks and approves, plans and inspects building construction which includes single family dwellings, multiple family dwellings, commercial buildings and industrial complexes;
- Oversees and examines various acoustical, lighting, heating, ventilation, safety and electrical aspects of construction as prescribed and required by New York State Uniform Fire Prevention and Building and Energy Code, as well as local laws and ordinances;
- Oversees, coordinates, and supervises municipal projects such as landfill expansion, design, sewage and water treatment plant modifications and recreational facility construction;
- Directs any necessary surveying, field layout or design related to municipal projects as well as the compiling of detailed reports and presentations as required;
- Directs the inspection of plumbing, sewer, and drainage installation;
- Interprets and applies town ordinances to new construction, alterations and occupancies;
- Directs the issuance of building permits and furnishes the prescribed certificates of occupancy upon application;
- Prepares periodic reports of buildings and structures erected or altered, of permits issued, of fees collected and estimated costs of work covered by such permits, for presentation to the local governing body;
- Directs the inspection of buildings and structures in the process of construction or repair for compliance with approved plans and specifications and requirements of applicable laws and ordinances;
- Explains the requirements of local building code, local zoning ordinance and the New York State Multiple Residence Law and other applicable ordinances to building contractors or the general public;
- Provides for removal of illegal and unsafe conditions and secures the necessary safeguards for construction;
- Orders unsafe conditions in existing structures to be removed and arranges for condemnation notices to owners and builders of improper or hazardous structures;
- Directs the inspection of existing buildings and structures to insure their conformity with code safety standards;
- Directs the investigation of complaints and assists in prosecuting violations of the building code, zoning ordinance, housing standards and the New York State Multiple Residence Law;
- Answers questions dealing with Building or Zoning Codes;
- Performs a variety of related duties.

CHARACTERISTICS: Thorough knowledge of the modern practices, principles, materials and tools used in building construction or structure alteration; thorough knowledge of local building codes and ordinances; Thorough knowledge of the New York State Multiple Residence Law and Building, Fire and Energy Codes; Ability to prepare calculations and review engineering drawings plans and specifications; ability to apply relevant provisions of applicable codes and laws in inspection procedures; ability to supervise the work of Building Inspectors.

MINIMUM QUALIFICATIONS:

- A. Graduation from a regionally accredited or New York State registered college or university with a Bachelor's Degree in Engineering, Architecture, Construction, Engineering or Architectural Technology or related field and four years' experience in the construction and/or repair of buildings which shall have involved the review and interpretation of plans, sketches and blueprints; OR
- B. Graduation from a regionally accredited or New York State registered college or university with an Associate's Degree in Construction, Engineering or Architectural Technology and six years experience as outlined in (A) above; OR
- C. Eight years of experience as outlined in (A) above; OR
- D. An equivalent combination of training and experience as defined by the limits of (A), (B) and (C) above.

NOTE: The essential functions of this job are determined by the department/jurisdiction where the job is located.

Adopted
CSC 03/10/92

JC: COMPETITIVE

RESOLUTION NO. 91.22

**AUTHORIZE THE SUPERVISOR TO EXECUTE A CONTRACT WITH THE ARTS
CENTER AND THEATRE(OPEN STAGE MEDIA)**

THEREFORE, UPON MOTION OF Councilmember _____, seconded by Councilmember

_____ ,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Supervisor is hereby authorized to execute a contract with the Arts Center and Theatre of Schenectady, doing business as Proctors, located at 423 State Street, Schenectady, New York 12305, in an amount not to exceed five thousand and 0/100 dollars (\$5,000.00), annually for the year 2022.

SECTION 2. This resolution shall become effective February 23, 2022.

DATED: February 23, 2022

NAME	AYES	NOES	ABSTAIN
Christou			
Miller-Herrera			
Dodson			
Mastroianni			
Collins			

Agreement

This Agreement made this ____ day of February, 2022 by and between the Town of Rotterdam ("Town"), having offices at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306, and Arts Center and Theatre of Schenectady, d.b.a. Proctors ("Proctors"), having offices at 432 State Street, Schenectady, New York 12305.

WHEREAS, Proctor's Open Stage Media (OSM) operates a public access channel and a government access channel on Spectrum channels Thirteen Zero One (1301) and Thirteen Zero Three (1303), respectively as well as Verizon Fios Channels Thirty-Six (36) and Thirty-Eight (38) respectively, available to all residents of Schenectady County, and

WHEREAS, the Town pursuant to Resolution No. _____ authorizes the Town Supervisor to negotiate and execute an agreement, in the form of a contract, with Proctors regarding public and government television access,

NOW THEREFORE, the Town and Proctors do hereby enter into this Agreement, in consideration of the mutual covenants provided herein, as follows:

1. The Town hereby designates Proctors to operate and administer the public access channel and government access channel on Spectrum Channels Sixteen (16) and Eighteen (18) as well as Verizon Fios Channels Thirty-Six (36) and Thirty-Eight (38) in the Town of Rotterdam.
2. Proctors agrees to provide access to its studio(s), located at 432 State Street, Schenectady, New York 12305, to all Town residents for noncommercial use on a first-come, first-served, nondiscriminatory basis for filming, recording and dissemination of public access television shows on Spectrum Channels Sixteen (16) and Verizon Fios Channel Thirty-Six (36), ("public access channel") programming.

Agreement

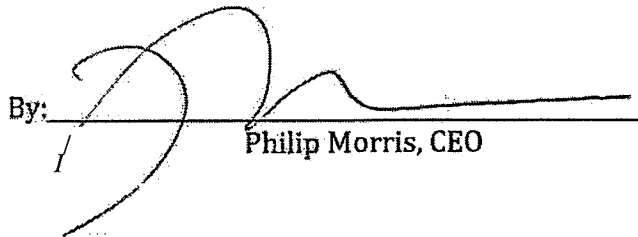
3. Proctors shall provide notice to the Town's residents of the opportunity to use such public access channel including periodic messages transmitted on such channel. Notices shall include the name, address and telephone number of Proctors for use of the public access channel.
4. The Town shall not exercise editorial control over any use by the public of the public access channel, except as may be permitted by law.
5. Proctors shall maintain a record of the use of such public access channel which shall include the names and addresses of all persons using or requesting the use of any such channel and which record shall be available for public inspection for a minimum of two (2) years. Video archival meetings are also available at openstagemedia.org.
6. Proctors agrees to provide access to its studio(s) and training to Town employees/residents to produce public service announcements and government access television shows.
7. Proctors agrees to replay filmed meetings of the Town Board each and every Sunday at 3:00 o'clock p.m., each and every Monday at 12:00 o'clock p.m., each and every at Wednesday 12:00 o'clock p.m., each and every Thursday at 7:00 o'clock a.m., and each and every Friday at 7:00 o'clock p.m. on Spectrum channel Eighteen (18) and Verizon Fios channel Thirty-Eight (38) ("government access channel"). Local use of the government access channel by the Town of Rotterdam shall have preferred status over non governmental entities in the event of competing requests for channel time.

Agreement

8. The Town agrees to provide an amount of five thousand and 00/100 dollars (\$5,000.00) annually each April to Proctors with such amount being renewed for one (1) year upon review and approval by resolution of the Town Board.

In Witness whereof, the parties have caused this agreement to be executed
by
their proper officers this ____ day of February, 2022.

ARTS CENTER AND THEATER OF SCHENECTADY

By:  _____
Philip Morris, CEO

TOWN OF ROTTERDAM

By: _____
Mollie A. Collins, Supervisor

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: February 14, 2022

TO: Mollie A. Collins, Supervisor

FROM: Diane M. Marco, Town Clerk

TITLE OF LEGISLATIVE REQUEST: To approve the Open Stage Media Contract

TO BE PLACED ON TOWN BOARD AGENDA OF: February 23, 2022

TO BE PLACED ON TOWN BOARD MEETING OF: February 23, 2022

Background Information: Attached. To approve the Open Stage Media Contract for 1 year
January 1, 2022-December 31, 2022

Evaluation/Analysis: N/A

Recommendation(s): To place on Town Board agenda and Town Board meeting of
February 23, 2022.

Attachment/Document(s): Attached

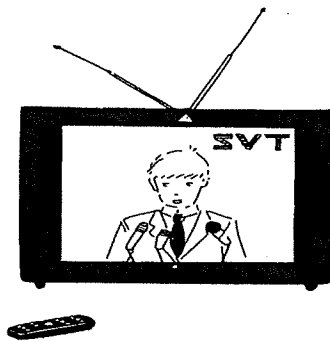
Compliance with Purchasing Policy: YES

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

LEGISLATION WAS PREPARED BY: Town Clerk Diane M. Marco

OPEN STAGE MEDIA
PUBLIC ACCESS CHANNELS

**Rotterdam Town Board Meetings can be seen on
Spectrum Channels 16, 18, 1301 & 1303 and
Verizon Fios Channels 36 & 38
at the following times below.**



<u>Day</u>	<u>Time</u>
Sunday	3:00 pm
Monday	12:00 pm
Wednesday	12:00 pm
Thursday	7:00 am
Friday	7:00 pm

RESOLUTION NO. 92.22

**A RESOLUTION BY THE TOWN OF ROTTERDAM ADOPTING UPDATES TO
THE SCHENECTADY COUNTY HAZARD MITIGATION PLAN**

WHEREAS, NYSDHSES and Schenectady County, led an update to the Schenectady County Hazard Mitigation Plan adopted in 2016; and,

WHEREAS, the Schenectady County Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and,

WHEREAS, the Town of Rotterdam is a local unit of government that has afforded the citizens an opportunity to comment and provide input on the plan and the actions in the plan; and,

WHEREAS, the Town of Rotterdam has reviewed the plan and the proposed updates and affirms that the plan will be updated no less than every five years; and,

WHEREAS, the Town of Rotterdam Planning Department proposes adoption of the updated Draft Hazard Mitigation Plan available for viewing at:
<https://schenectady.mitigateny.org>

THEREFORE, UPON MOTION OF Councilmember _____, seconded by Councilmember _____,

SECTION 1. The Town Board of the Town of Rotterdam hereby adopts the Schenectady County Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the plan.

SECTION 2. This resolution shall become effective February 23, 2022.

NAME	AYES	NOES	ABSTAIN
Christou			
Miller-Herrera			
Dodson			
Mastroianni			
Collins			

TOWN OF ROTTERDAM

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LEGISLATIVE REQUEST FORM

DATE: February 14, 2022

TO: Mollie Collins, Town Supervisor

FROM: Peter Comenzo, Senior Planner

TITLE OF REQUEST: Adopt updates to the Schenectady County Multi-Jurisdictional Hazard Mitigation Plan

TOWN BOARD MEETING: February 23, 2022

Background Information: The Disaster Mitigation Act was enacted in 2000. The Town of Rotterdam along with Schenectady County and adjoining municipalities has a Hazard Mitigation Plan in place that was adopted in 2016. In 2021, NYSDHSES and Schenectady County led an update to the Schenectady County Hazard Mitigation Plan that involved the Town of Rotterdam Planning Department.

Evaluation/Analysis: In order to receive any grant funding through such programs as Hazard Mitigation Grant Program (HMGP), Building Infrastructure and Communities (BRIC), Flood Mitigation Assistance (FMA) and/or High Potential Dam (HHPD), counties and local municipalities must adopt and maintain plans in order to be eligible for funding.

Recommendation(s): Adopt Multi-Jurisdictional Hazard Mitigation Plan

Attachment/Document(s): Link to Draft Plan at:
<https://schenectady.mitigateny.org>

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: DPW

SCHENECTADY COUNTY HAZARD MITIGATION PLAN



PLANNING PROCESS

Description

The foundation for a plan begins with the process. It is critical to identify a wide range of planning participants to contribute to the process. Significant outreach must be conducted to ensure members of the community are given the opportunity to engage in the discussion. Existing resources must be identified and integrated into the planning process to promote comprehensive, community wide solutions. Documentation throughout is key, not just to meet planning requirements, but to ensure transparency and foster continued plan maintenance.

Features

- Planning Context
- Participation/Meetings
- Integration
- Maintenance
- Adoptions



RISK

Description

Risk is the potential for damage, loss or other impacts created by the interaction of natural hazard with community assets. Risk identifies exposure to hazards and evaluates vulnerability to that hazard. Particular attention is given to risk to critical infrastructure. Recent changes in development are identified and assessed for impact to hazard risk, and a community's capacity to respond to and recover from potential events is considered.

Features

- Vulnerability
- Critical Infrastructure
- Changes in Development
- Response



STRATEGIES

Description

Mitigation strategies bolster a community's established goals and objectives by identifying a range of specific mitigation actions to be implemented during the lifecycle of the plan. The framework includes an inventory of capabilities to be both leveraged and enhanced to support actions to reduce risk to hazards.

Features

- Goals
- Capabilities
- Actions

Schenectady County Context

Population
154,859

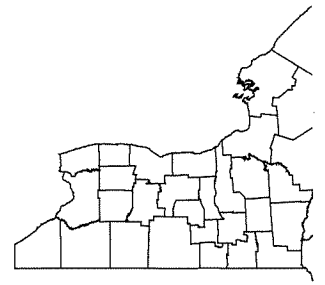
Household Income
Below Poverty Level
11%

Median Household
Income
\$65,499

Median Property
Value
\$169,600

Median Age
40

Number of
Employees
66,964



Schenectady County Hazard Mitigation Representative

MITIGATION PLANNER

Yi-Mei Han

Natural
Resources /
Environmental
Protection
Personnel

Schenectady E
County e
County \

Schenectady Co

• [REDACTED] ▶

Hazard Loss

Hazard Risk Annual Average Loss by Hazard Type (1996-2017)



FLOODING

\$367K



WIND

\$234K



SNOW STORM

\$35K



LIGHTNING

\$3,760



HAIL

\$1,280

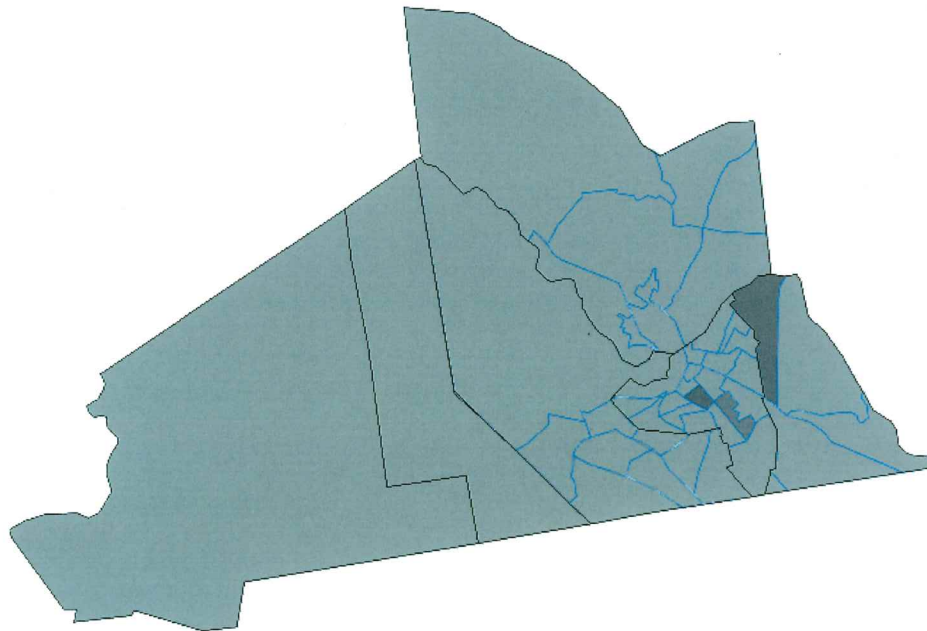


WILDFIRE

\$200

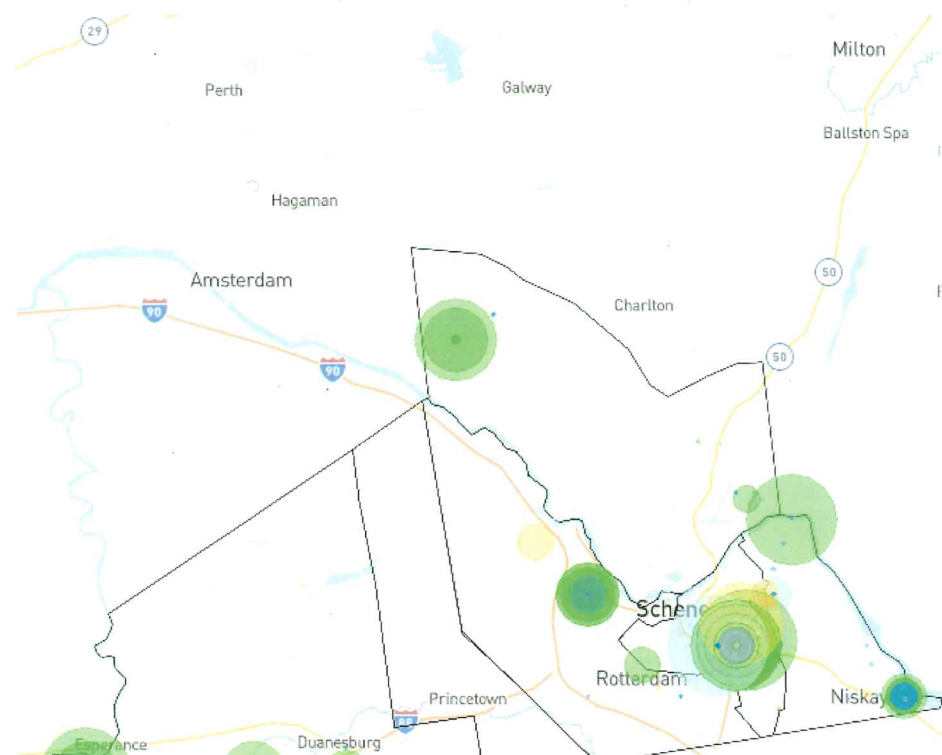
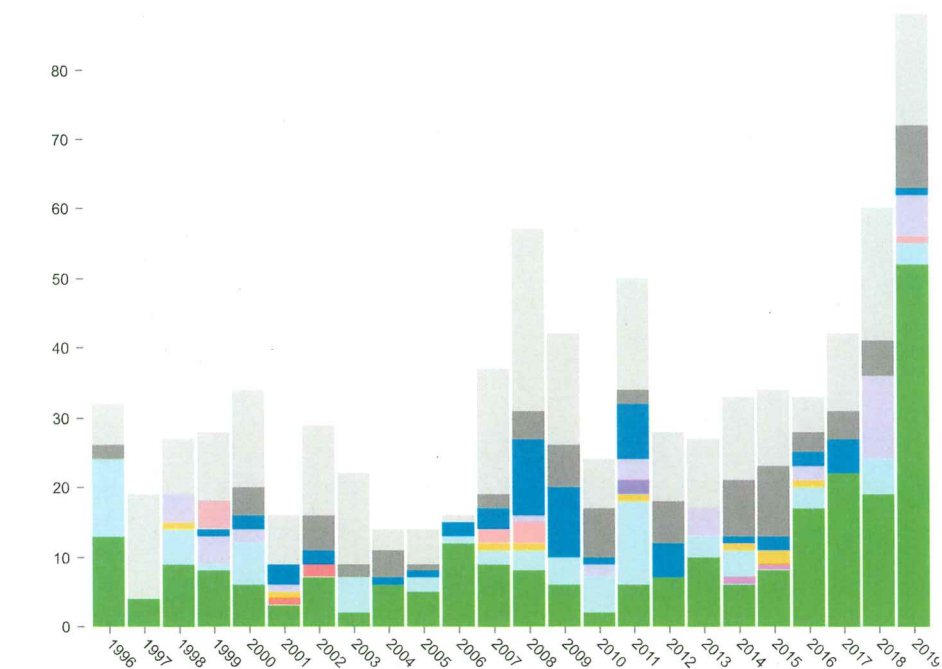
FLOODING LOSS

\$0 \$23K \$28K \$33K \$2.02M



Schenectady County Hazard Events

Hazard Events Number of Events by Hazard Type (1996-2017)





Schenectady County National Flood Insurance Program (NFIP) Claims

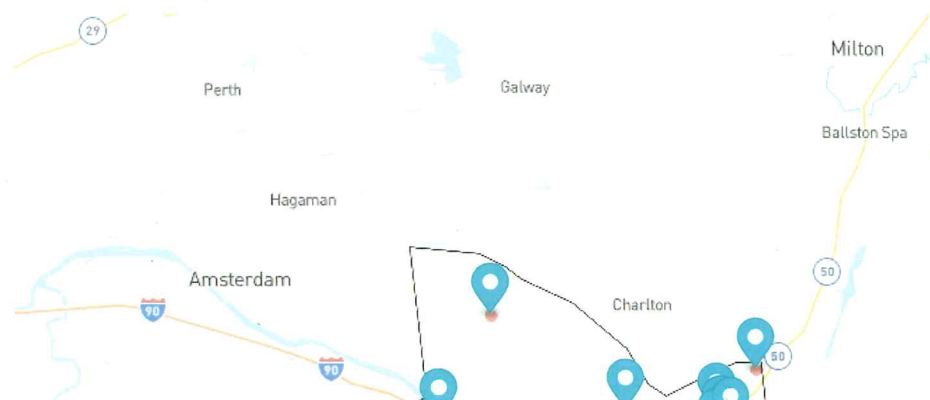
JURISDICTION	TOTAL CLAIMS	PAID CLAIMS	TOTAL PAYMENTS
Duanesburg (Town)	8	8	\$498K
Glenville (Town)	41	36	\$536K
Niskayuna (Town)	55	45	\$385K
Princtown (Town)	0	0	\$0
Rotterdam (Town)	44	38	\$2.01M
Schenectady city (City)	148	125	\$3.20M
Total	296	252	\$6.62M

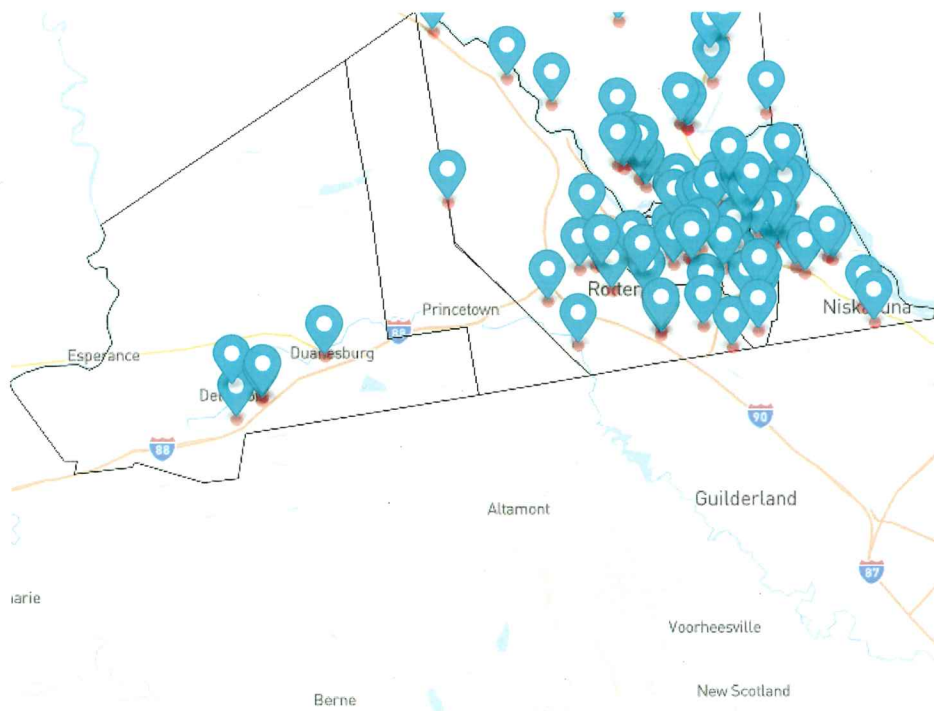
NFIP TOTAL PAYMENTS

\$10K \$100K \$1.00M \$10.0M \$100.0M

Critical Assets in Floodplain

MUNICIPALITY Search 7 records...	TOTAL #	TOTAL REPLACEMENT \$	FLOOD 100 #	FLOOD 100 REPLACEMENT \$	FLOOD 500 #	FLOOD 500 REPLACEMENT \$
Duanesburg (Town)	5	\$8.90M	0	\$0	0	\$0
Glenville (Town)	20	\$37.6M	0	\$0	0	\$0
Niskayuna (Town)	13	\$78.0M	0	\$0	0	\$0
Princeton (Town)	1	\$109K	0	\$0	0	\$0
Rotterdam (Town)	15	\$57.6M	1	\$142K	0	\$0
Schenectady city (City)	32	\$166.7M	3	\$1.21M	0	\$0
Total	86	\$348.9M	4	\$1.35M	0	\$0





STRATEGY OVERVIEW

GOALS AND OBJECTIVES

Capabilities

Capabilities are the tools and resources used by a community to minimize hazard impacts. Capabilities are categorized as: Planning and Regulatory, Administrative and Technical, Education and Outreach, and Financial assets. The information displayed in the table below includes the selected jurisdiction's hazard mitigation capabilities. When the county is selected, the table includes capabilities for all jurisdictions in the plan, otherwise the table filters to the selected jurisdiction.

JURISDICTION	NAME	CATEGORY	TYPE	RESPONSIBLE AUTHOR
--------------	------	----------	------	--------------------

Search 350 records...	Search 350 records...	Search 350 Records...	Search 350 Records...	Search 350 records...
Rotterdam (Town)	Continuity of Operations Plan	Planning and Regulatory	Continuity of Operations Plan	
Countywide	National Oceanographic & Atmospheric Administration (NOAA) National Weather Radio (NWR)	Education and Outreach	Other	
Rotterdam (Town)	Fire Codes	Planning and Regulatory	Fire Code	
Countywide	RAVE	Education and Outreach	Education and outreach-Other	
Rotterdam (Town)	Floodplain Management Plan	Planning and Regulatory	Floodplain Management Plan	
Countywide	Emergency Service Vehicles	Education and Outreach	Other	
Rotterdam (Town)	Floodplain Ordinance	Planning and Regulatory	Floodplain Ordinance	
Countywide	Door-to-Door Public Warning	Education and Outreach	Issue Advisory/Warning	
Rotterdam (Town)	Water Conservation Standards	Planning and Regulatory	Water Conservation Standards	
Countywide	CEMP Response Standard Operating Guidelines and Other Supporting Plans	Planning and Regulatory	Planning/Regulatory Other - Other	
Rotterdam (Town)	Land Conservation District (LC Zone)	Planning and Regulatory	Other	
Rotterdam (Town)	Chief Building Official	Administrative and Technical	Chief Building Official	
Countywide	Mutual Aid: WMD/Haz Mat Team Agreement	Administrative and Technical	Mutual Aid Agreements	City of Schenectady Fire Department, Schenectady County Fire Department
Rotterdam (Town)	Mutual Aid Agreements	Administrative and Technical	Mutual Aid Agreements	
Countywide	Arson Control Plan - Revision #2	Planning and Regulatory	Planning/Regulatory Other - Other	Schenectady County Office of Fire Coordinator

Proposed Actions

ACTION_JURISDICTION	ACTION_NAME	ASSOCIATED_HAZARDS	PRIORITY_SCORE	ESTIMATED_TIMEFRAME_FOR_ACTION_IM
Search 69 records...	Search 69 records...	Search 69 records...	Search 69 records...	Search 69 records...

ACTION_JURISDICTION Search 69 records...	ACTION_NAME Search 69 records...	ASSOCIATED_HAZARDS Search 69 records...	PRIORITY_SCORE Search 69 records...	ESTIMATED_TIMEFRAME_FOR_ACTION_IM Search 69 records...
Countywide	SCCC Emergency Generators	Flooding,Tornado,Ice Storm	16	1 Year depending on funding
Countywide	enforcement	Flooding	15	ongoing
Countywide	Incremental Development stormwater treatment through landscaping guidelines		18	1 year
Countywide	Establish an Inter - County Mutual Aid and Assistance Agreement		16	Ongoing
Delanson	Village Hall Heating System Elevation	Flooding	15	3 weeks
Delanson	Stream and Culvert Maintenance Program	Flooding	17	6 weeks
Delanson	Normanskill Creek Flood Mitigation Study	Flooding	12	6 months
Delanson	NFIP Education and Outreach	Flooding	17	6 months
Delanson	Village Upper Reservoir Transmission Main	Drought	12	1 year
Delanson,Duanesburg town	Covers for 2 SBR Tanks and 2 Digester Tanks	Coldwave,Snow Storm	6	5-10 years
Duanesburg town	Emergency Generators for Town Hall	Flooding,Tornado,Ice Storm,Snow Storm,Wind	11	2 years
Duanesburg town	Culvert Improvements/ Upgrades Feuz Lane and Van Patten Road	Flooding	9	1-2 years
Duanesburg town	Obtain Emergency Generator For Highway Department	Flooding,Tornado,Ice Storm,Wind,Snow Storm	11	2 years
Duanesburg town	Building Code Enhancements	Tornado	10	1-2 years
Duanesburg town	Establish Tree-Trimming Program	Tornado,Wind	8	6 months - 1 year
Duanesburg town	Long-Term Improvement Projects for Sewer	Coldwave,Snow Storm		

RESOLUTION NO. 93.22

TO APPROVE BUDGET TRANSFERS OF THE 2021 BUDGET

THEREFORE, UPON MOTION of Councilmember _____, seconded by Councilmember _____,

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 2021 are hereby audited and approved:

GENERAL FUND

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A-1355.4302 Assessor	A 5132.4304	\$
A-1620.4302 Buildings	"	
A-3120.4302 Police	"	18,144.82
A-3310.4302 Traffic	"	417.43
A-3410.4302 Fire Dist. & Ambul	"	2,557.66
A-3510.4302 Control of Dogs	"	
A-3620.4302 DPW Gasoline	"	464.39
A-7110.4302 Parks	"	1,518.91
A-8189.4302 Landfill	"	
A-6772-4302 Sr.Center	"	

HIGHWAY FUND

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
DA-5140.4304 Unleaded Gas for Trucks	A 5132.4304	\$ 1,354.20
DA-5142.4304 Unleaded Gas for Trucks	"	1,821.27

SEWER DISTRICT NO. 2 O & M

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
SS2-8120.4302 Gasoline	A 5132.4304	\$ 1,131.18

WATER DISTRICT NO. 5 O & M

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
SW5-8340.4302 Gasoline	A 5132.4304	\$ 1,286.27

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 2021 are hereby audited and approved:

GENERAL FUND

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
	DA 5148.4304	
A-3410.4302 Fire Dist. & Ambul"		\$1,487.52
A-8160.4162 Compost	"	
A-7110.4302 Parks		38.04
A-8189.4302 Landfill	"	1,870.63

HIGHWAY FUND

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
DA-5142.4304 Diesel for Trucks	DA 5148.4304	\$4,990.87
DA-5140.4304 Diesel for Trucks	"	7,947.04

SEWER DISTRICT NO. 2 O & M

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
SS2-8120.4302 Gasoline	DA 5148.4304	\$ 423.35

WATER DISTRICT NO. 5 O & M

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
SW5-8340.4302 Gasoline	DA 5148.4304	\$ 422.88

SECTION 3. This resolution shall become effective February 23, 2022.

DATED: February 23, 2022

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 Ext. 393 • Fax: 518-355-7976 • Website: www.rotterdamny.org



LEGISLATIVE REQUEST FORM

DATE: **February 7, 2022**

TO: **Mollie A. Collins, Supervisor**

FROM: Larry LaMora, Highway Superintendent

TITLE OF LEGISLATIVE REQUEST: To transfer Expense of Gasoline and Diesel between proper appropriation lines

TO BE PLACED ON TOWN BOARD AGENDA OF: **February 23, 2022**

TO BE PLACED ON TOWN BOARD MEETING OF **February 23, 2022**

Background Information: All departments fuel at one location and costs needs to be distributed to the correct departments.

Evaluation/Analysis: Fourth Quarter transfers are ready to be made.

Recommendation(s): Transfer proper usage to each department within the Town for the period from October 1, 2021 through and including December 31, 2021

Attachment/Document(s): Fourth Quarter Fuel Usage

Compliance with Purchasing Policy: NA

Effect(s) on Existing Law(s): General Municipal Law 36

LEGISLATION WILL BE PREPARED BY: Town Attorney

RESOLUTION NO. 94.22

TO APPROVE BUDGET TRANSFERS TO THE 2022 BUDGET

THEREFORE, UPON MOTION OF Councilmember _____,
seconded by Councilmember _____,

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 2022 are hereby audited and approved:

Traffic Control

From: A 3310 4115 Traffic Safety Lights and Cones Amount \$49.24
To: A 3310 4111 Signs Posts Paints ETC Amount \$49.24

Garage

From: A 5132 2000 Office Equipment Amount \$1600.00
To: A 5132 4303 Gas pump Maint Garage Amount \$1600.00

SECTION 2. This resolution shall become effective February 23, 2022

DATED: February 23, 2022

NAME	AYES	NOES	ABSTAIN
Christou			
Miller-Herrera			
Dodson			
Mastroianni			
Collins			

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LEGISLATIVE REQUEST FORM

DATE: **February 16, 2022**

TO: **Mollie A. Collins, Supervisor**

FROM: **Megan Griffin, Confidential Secretary**

TITLE OF REQUEST: To approve a budget transfer from the 2022 budget.

TOWN BOARD MEETING: To be placed on the Town Board Agenda, and Town Board Meeting of February 23, 2022

Background Information: Please transfer the following amount:

From:	A 5132 2000 Office Equipment	Amount \$1600.00
To:	A 5132 4303 Gas pump Maint Garage	Amount \$1600.00

Evaluation/Analysis: Current pedestal is rusted and about to fall over which would result in having no fuel access for the town employees.

Recommendation(s): To be placed on the Town Board agenda and Town Board meeting of February 23, 2022.

Attachment/Document(s): Proposal/Contract for Pedestal Assembly with R.M. Dalrymple Co. Inc.

Compliance with Purchasing Policy: Yes

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

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

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LEGISLATIVE REQUEST FORM

DATE: **February 14, 2022**

TO: **Mollie A. Collins, Supervisor**

FROM: **Michael T. Maher, DPW Advisor**

TITLE OF REQUEST: To approve a budget transfer from the 2022 budget.

TOWN BOARD MEETING: To be placed on the Town Board Agenda, and Town Board Meeting of February 23, 2022

Background Information: Please transfer the following amount:

<i>From:</i>	<i>A 3310 4115 Traffic Safety Lights and Cones</i>	<i>Amount \$49.24</i>
<i>To:</i>	<i>A 3310 4111 Signs Posts Paints ETC</i>	<i>Amount \$49.24</i>

Evaluation/Analysis: N/A

Recommendation(s): To be placed on the Town Board agenda and Town Board meeting of February 23, 2022.

Attachment/Document(s): N/A

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

Memorandum

To: Mollie Collins
From: Michael T. Maher, DPW Advisor
Subject: Budget Transfer
Date: February 9, 2022

Please transfer the following funds to cover expenses:

From	A3310 4115 Traffic Safety Lights & Cones	Amount \$49.24
To	A3310 4111 Signs Posts Paint ETC	Amount \$49.24

Thank you.

RESOLUTION NO. 95.22

**TO AUTHORIZE AN AMENDMENT OF PROFESSIONAL SERVICES CONTRACT FOR
CARMAN ROAD-SEWER 7 EXT. 2**

THEREFORE, UPON MOTION OF Councilmember _____ **seconded by**
Councilmember _____, **NOW**

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to sign an agreement with LaBella not to exceed \$60,000 for the modifications of their professional services for Carman Road- Sewer 7 Ext. 2.

SECTION 2. This resolution shall become effective February 23, 2022.

DATED: February 23, 2022

NAME	AYES	NOES	ABSTAIN
Christou			
Miller-Herrera			
Dodson			
Mastroianni			
Collins			

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LEGISLATIVE REQUEST FORM

DATE: February 16, 2022

TO: Mollie Collins, Town Supervisor

FROM: Michael T. Maher, DPW Advisor

TITLE OF REQUEST: Proposal for Professional Services- Modification of Proposal-Carman Road Sewer 7 Ext. 2

TOWN BOARD MEETING: February 23, 2022

Background Information: LaBella has submitted a modification to their original proposal to provide additional Professional Engineering Services for the Carman Road Sewer 7 Ext. 2 project.

Evaluation/Analysis: Labella has provided additional time to assist the Town with acquiring easements. LaBella will also be designing the sewer lateral connection for the Sunoco property.

Recommendation(s): Authorize the Supervisor to enter into an agreement with LaBella for an amount not to exceed \$60,000.00

Attachment/Document(s): LaBella proposal dated February 16, 2022.

Compliance with Purchasing Policy:

Effect(s) on Existing Law(s):

LEGISLATION WILL BE PREPARED BY: Supervisors Office



February 16, 2022

Mollie A. Collins, Supervisor
Town of Rotterdam
1100 Sunrise Boulevard
Rotterdam, NY 12306

Re: Proposal for Professional Services
Hamburg Street Sewer District No. 7, Extension No. 2 (Carman Road)
Town of Rotterdam, Schenectady County, New York
LaBella Project #: 31892.01

Dear Supervisor Collins and Town Board:

The LaBella Companies (LaBella) is pleased to provide this professional services modification proposal associated with Sewer District #7 Extension #2. As recently discussed with the Town, LaBella has spent significant effort assisting the Town in obtaining easements for the project. These services were not included in our scope, but were requested by the Town. Additionally, the Town has requested that our office design the proposed lateral connection from the Sunoco Gas Station to the proposed sewer conveyance system, as a consideration of Sunoco providing a voluntary easement.

Please find below, our current project understanding as it relates to this professional services modification, along with an associated scope of services.

PROJECT UNDERSTANDING

1. LaBella has supported the Town's efforts in obtaining easements from individual property owners, via the EDPL process for the proposed project. Efforts have included extensive coordination with the Town and Town attorneys and a multitude of meetings with individual property owners to describe the project, the need for easements and ultimately to assist the Town in securing easements voluntarily. To date, LaBella has assisted the Town in securing all required easements over a period of nearly 2-years. These efforts were not contemplated or included in our contract for this project (e.g., our office prepared survey descriptions and maps, the Town was responsible for sewer easement agreements, easement acquisition and filing). It is noted that the appraised value for the easements was \$317,438 and all easements are now secured and only one payment made in the amount of \$25,000.
2. In lieu of compensation for the easement to be provided to the Town by Sunoco, LLC (Sunoco Gas Station), Sunoco, LLC has agreed to provide the easement to the Town in consideration of a sewer connection to the proposed sewer conveyance system at no cost to Sunoco (e.g., design and construction of the service connection by the Town). For reference, the appraised value of the Sunoco easement is \$67,000 (as appraised by the Town's independent appraiser). The Town has asked LaBella to provide said design. It is anticipated that the design will incorporate a low-pressure pump station and LPS lateral that will connect to the existing lateral stub installed during the Hamburg Street project.
3. Following design of the Sunoco lateral connection, LaBella will seek a proposal from the project contractor for the installation of the lateral and subsequently the cost will be incorporated into a change

order for the construction contract, funding by the project contingency (e.g., not included in the current contract).

Scope of Services

The following represents the scope of work we believe is required to achieve the Town's objective. Please note that both the easement assistance provided to date, the easement assistance remaining and the design services needed for the Sunoco connection will be provided under a new task (described below). This new task is consecutively numbered following previously approved tasks. Please refer to the Fee and Time Schedule Summary table near the end of this proposal for the costs and time schedules associated with each work task described below. Please note that task numbering identified herein follows, sequentially, task numbers previously established as part of this project as identified in our initial services contract.

SCOPE OF SERVICES

Task 15 – Easement Acquisition Assistance and Sunoco Sewer Lateral Design

Easement Acquisition Assistance

As previously described herein, LaBella has provided professional services supporting the acquisition of easements for the project at the request of the Town. These services were not included in LaBella's contract to date. As of the date of this proposal modification, LaBella has put forth at least 245 hours in services associated with assisting the Town in obtaining easements. This has included at least 15 property owner meetings, significant number of phone calls with the Town and property owners regarding easement acquisition and additionally, making design modifications to the project contract documents to accommodate to the extent practical property owner's requests (completed to support voluntary conveyance of easements). This includes extensive re-design at the Towne TV property, design of multiple laterals to accommodate the Pine Grove Apartments properties, and design changes to accommodate several users, including the motel site. To date, LaBella has assisted the Town in acquiring all required easements. The additional fee for assisting with easement acquisition is \$40,000.

Sunoco Sewer Connection

Also under this task, LaBella will design a sewer lateral connection for the Sunoco property. It is anticipated that this connection will be made via low pressure sewer which incorporates a low-pressure sewer pump station. LaBella will provide engineering services, including electrical engineering services to design the connection. Survey services will not be provided, LaBella will utilize the survey information previously acquired as part of the project as well as record plans for the Sunoco site provided by the Town. Since this work will be incorporated into the construction contract, LaBella will also provide construction administration, construction observation, and closeout services. This item of work will be administrated as a change order to the contract requiring Town Board approval of a later date. The fee associated with this scope is \$20,000.

The total fee for this additional task is \$60,000 and the design services associated with this task will be completed within 90-days of authorization.

Limitations

This proposal includes the cost for only those services specifically outlined above. Additional items not addressed as part of this proposal include but are not limited to:

1. Boundary survey of individual parcels.
2. Construction stakeout.
3. The client will arrange for all necessary permissions, to allow LaBella and their employees to enter upon the lands of others as necessary to complete this proposed project, and to save and hold harmless LaBella its agents, servants, and employees from any claims for damages for trespass on the subject premises and adjoining lands.

Substantive Revisions

This Scope of Services was developed based on known conditions of the project as of the date of this proposal. Should conditions change that effect the scope, schedule, or fee so described above, LaBella will prepare a technical service change order for your review and will commence work upon receipt of an executed copy of same.

Professional Services Fee Schedule

Task 15 will be billed on a lump sum basis. The fee for task 15 is \$60,000. Invoices will continue to be issued monthly for all services performed during that month and are payable upon receipt. Lump Sum tasks will be billed commensurately with the percentage of the task which has been completed. With respect to the proposed design services to be completed under task 15, LaBella will provide finalized design as noted above within 90-days of the execution of this proposal modification.

Agreement

As formal authorization to proceed, please sign and date the authorization below and return a copy for our files. If you have any questions or require additional information, please contact me at (518)266-7305.

Sincerely,



Joseph M. Lanaro, PE
Vice President, Civil Division, Municipal Discipline Leader

cc: File

Authorization to Proceed:

Authorized Representative
Town of Rotterdam

Date

RESOLUTION NO. 96.22

TO ENACT INTRODUCTORY LOCAL LAW NO. 1 OF 2022 (VERSION 2)

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. 1 of 2022 (Version 2)

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. The Senior Planner is hereby directed, following consultation with the Attorney to the Town, to file a report of final action with the Schenectady County Department of Economic Development and Planning.

SECTION 4. This resolution shall become effective February 23, 2022.

DATED: February 23, 2022

NAME	AYES	NOES	ABSTAIN
Christou			
Miller-Herrera			
Dodson			
Mastroianni			
Collins			

TOWN OF ROTTERDAM

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DATE: February 15, 2022

TO: Mollie A. Collins, Supervisor
FROM: Megan Griffin, Confidential Secretary

TITLE OF LEGISLATIVE REQUEST: To enact Introductory Local Law No. 1 of 2022(version 2),
a 12-month moratorium on multiple family dwelling
applications.

ON TOWN BOARD MEETING: February 23, 2022

Background Information: See attached Local Law No. 1 Version 2

Evaluation/Analysis: N/A

Recommendation(s): To approve Local Law No.1 of 2022

Attachment/Document(s): Attached

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s):

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

Introductory Local Law No. 1 of the year 2022 (version 2)

**A LOCAL LAW TO ESTABLISH A 12-MONTH MORATORIUM ON LAND USE
APPLICATIONS FOR MULTIPLE FAMILY DWELLINGS**

Be it enacted by the Town Board of the Town of Rotterdam as follows:

See attached.

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

TOWN OF ROTTERDAM

INTRODUCTORY LOCAL LAW NO. 1 OF THE YEAR 2022 (version 2)

A LOCAL LAW TO ESTABLISH A 12-MONTH MORATORIUM ON LAND USE APPLICATIONS FOR MULTIPLE FAMILY DWELLINGS

SECTION 1 - TITLE

This local law shall be referred to as “A Local Law to Establish a 12-Month Moratorium on Land Use Applications for Multiple Family Dwellings”.

SECTION 2 - PURPOSE

The Town of Rotterdam is currently engaged in a process to update its current Comprehensive Plan, which was adopted in 2001. The process to update the current Comprehensive Plan began in 2019, when a Comprehensive Plan Advisory Committee was established and a planning consultant was engaged. Since that time, the Comprehensive Plan Advisory Committee, with the assistance of the planning consultant and Town of Rotterdam staff, has worked on collecting data and input from a number of sources, including from the public, developing a draft vision, goals, and recommendations. As the process was underway, the COVID-19 pandemic arose. With the onset of the COVID-19 pandemic, the Comprehensive Plan Advisory Committee continued working on the update, albeit in a different format, having shifted from in-person meetings, forums, and stakeholder interviews to virtual and socially distanced formats. Notwithstanding this continued effort, the onset of the COVID-19 pandemic delayed the Comprehensive Plan Advisory Committee's progress on updating the 2001 Comprehensive Plan for consideration by the Town Board. Most recently, the Comprehensive Plan Advisory Committee authorized the draft Comprehensive Plan Update for release to the public for purposes of the Committee holding a public hearing in early 2022.

As the process to update the Comprehensive Plan was unfolding but not yet completed, the Town witnessed increased pressure from developers seeking approval to construct apartment communities. Under the Town's current zoning, multiple family dwellings are permitted in the R-3 Multiple Family zoning district. However, all or nearly all properties that are zoned R-3 in the Town are

either already improved with apartment communities, or have already received necessary land use approvals to construct apartment communities.

This has led to several requests by developers seeking to build new apartment communities to change the zoning for specific properties to R-3 to permit multiple family dwellings. These requests take the form of Change of Zone applications, which if approved, then result in additional land use applications, such as site plan applications, in furtherance of developing the apartment communities.

Development of apartment communities through Change of Zone applications on a property-by-property basis can lead to piecemeal development of apartment communities throughout the Town. Although there may be areas that are appropriate for multiple family dwellings in Town, using the Change of Zone process to site multiple family dwellings poses the risk of siting an apartment community in an area where it is not consistent with the surrounding neighborhood, in conflict with the character of the immediate area, and in locations where existing infrastructure and roadways are not sufficient for the proposed use.

In light of the current status of the Comprehensive Plan update process, the lack of available vacant property currently zoned R-3 for development of new apartment communities, and the increasing pressure for changes of zone to permit multiple family dwellings, the Town Board finds it to be prudent to impose a temporary moratorium on accepting, processing, and deciding land use applications for multiple family dwellings in order to provide the Town Board with time to consider whether and where apartment communities should be sited in Town and, if and as appropriate, to take appropriate legislative action in that regard.

SECTION 3 – AUTHORITY

This local law is enacted by the Town Board of the Town of Rotterdam pursuant to the N.Y. Municipal Home Rule Law.

SECTION 4 – MORATORIUM

- A. For a period of twelve (12) months following the effective date of this local law, unless earlier repealed by the Town Board, no person shall file, and no Board, body, officer, or employee of the Town of Rotterdam shall consider,

entertain, or accept for review, continue to review, hold a hearing upon, make any decision or determination upon, or issue any approval upon, any application for a Change of Zone to R-3 Multiple Family District or any application for site plan approval for multiple family dwelling(s) in an R-3 Multiple Family District. This moratorium shall apply to all such applications or proposals, whether pending or received prior to or after the effective date of this local law. Any statutory or locally-enacted time periods for processing and making decisions on all aspects of the aforesaid applications are hereby suspended and stayed while this local law is in effect.

- B. This moratorium shall not apply to the issuance of site development and/or building permits for multiple family dwelling projects for which all required municipal zoning approvals (whether conditional or final) have been issued prior to the effective date of this local law, or to any Certificate of Occupancy for any such multiple family dwelling project, or to any Certificate of Occupancy for any construction pursuant to building permits issued prior to the effective date of this local law.

SECTION 5 – WAIVER

The Town Board of the Town of Rotterdam shall have the power to waive, in whole or in part, or modify the application of, any provision of this local law upon a determination, in its absolute legislative discretion, after public hearing and notice, that this local law would impose extraordinary hardship upon the party seeking such waiver and that a waiver from this local law will not adversely affect the health, safety, and general welfare of the Town of Rotterdam. Any request for a waiver, along with an application fee of \$250.00, shall be filed in writing with the Town of Rotterdam Department of Public Works, which shall forward such written request to the Town Board. Upon receipt of any such written request for a waiver, the Town Board shall promptly refer such written request to the Planning Commission. The Planning Commission shall issue a recommendation on the waiver within sixty (60) days of the Planning Commission's receipt of such request. The Town Board shall hold a public hearing within thirty (30) days after the receipt of the Planning Commission's recommendation, upon five (5) days' notice published in the official newspaper of the Town. At such public hearing, the party requesting the waiver and any other parties wishing to present evidence with regard to the waiver request shall have a reasonable opportunity to be heard. The Town Board shall render a decision on such waiver request within sixty (60) days of the close

of the public hearing. If the Town Board determines that the party making the waiver request will suffer an unnecessary hardship if this local law is strictly applied to the particular property, then the Town Board shall waive the application of this local law to the minimum extent necessary to provide the requesting party relief from the strict application of this local law.

SECTION 6 - VIOLATIONS

Except to the extent that a waiver is granted by the Town Board pursuant to Section 5, above, any action while this local law is in effect by any Board, body, official, or employee of the Town of Rotterdam to consider, entertain, or accept for review, continue to review, hold a hearing upon, make any decision or determination upon, or issue any approval upon any application or proposal for any multiple family dwelling shall constitute a violation of this local law, and such action shall be deemed ultra vires and shall be null and void. This local law may be enforced through an action seeking declaratory, injunctive, and/or equitable relief in a court of competent jurisdiction.

SECTION 7 - SUPERSESSSION

To the extent this local law is inconsistent with any state or local statute or regulation, it is the intent of this local law to supersede such statute or regulation, including without limitation the following: (i) Town Law § 274-a with respect to procedures and timeframes for processing applications for site plan review; (ii) Town of Rotterdam Code, Chapter 270, Article XIII, with respect to procedures and timeframes for processing applications for Planned Residential Development districts for garden apartments or multiple family dwellings; (iii) Town of Rotterdam Code, Chapter 270, Article XVII, with respect to procedures and timeframes for processing applications for site plan review; (iv) Town of Rotterdam Code, Chapter 270, Article XIX, with respect to procedures and timeframes for processing applications for special use permit review that involves multiple family dwelling(s); (v) Town Law §§ 267, 267-a, and 267-b, with respect to procedures and timeframes for processing applications for use variances, waivers or other relief from the Town of Rotterdam Code with respect to multiple family dwelling proposals; and (vi) Town of Rotterdam Code, Chapter 270, § 270-177, with respect to procedures and timeframes for processing applications for use variances, waivers or other relief from the Town of Rotterdam Code with respect to multiple family dwelling proposals.

SECTION 8 - SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 9 – EFFECTIVE DATE

This Local Law shall become effective upon filing with the New York Secretary of State.

(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 2022 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board of the Town of Rotterdam on _____, 2022 in accordance with the applicable 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____ in accordance with 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) (repassed after disapproval) by the _____ on _____ 20____. 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) (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 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 _____ 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 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 1, above.

Diane Marco, Town of Rotterdam Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: _____

RESOLUTION NO. 49.22

At the Organizational 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 Saturday, January 1, 2022, at 1:00 p.m., the following resolution was duly adopted:

**TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW NO. 1
OF 2022 TO ESTABLISH A 12-MONTH MORATORIUM ON LAND USE
APPLICATIONS FOR MULTIPLE FAMILY DWELLINGS AND SCHEDULING A
PUBLIC HEARING THEREON.**

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board recognizes the introduction of Introductory Local Law No. 1 of 2022 to establish a twelve (12) month moratorium on land use applications for multiple family dwellings.

SECTION 2. The Town Board hereby determines that the proposed enactment of Local Law No. 1 of 2022 is a Type II action under the State Environmental Quality Review Act pursuant to 6 NYCRR § 617.5 (c) (36), and therefore no further SEQRA review is required.

SECTION 3. The Town Board hereby refers Introductory Local Law No. 1 of 2022 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

SECTION 4. The Town Board hereby authorizes and directs the Senior Planner to refer Introductory Local Law No. 1 of 2022 to the Schenectady County Department of Economic Development & Planning pursuant to N.Y. General Municipal Law 239-m and to circulate such other notices as may be required by law.

SECTION 5. The Town Clerk of the Town of Rotterdam is hereby directed 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 John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 at 7:00 p.m. on the 9th day of February 2022 for the following purpose:

For the enactment of Introductory Local Law No. 1 of 2022 relating to the establishment of a 12-month moratorium on land use applications for multiple family dwellings.

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

DATED: January 1, 2022

Daily Gazette: Please publish once on January 8, 2022

Town Clerk

Post

SECTION 6. This resolution shall become effective January 1, 2022.

DATED: January 1, 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 at the Organizational Meeting on January 1, 2022, and that the foregoing is a true and correct transcript of the original resolution and of the whole thereof and that said original 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 January 7, 2022.



Diane M. Marco

Diane M. Marco, Town Clerk

At the Organizational 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 Saturday, January 1, 2022, at 1:00 p.m., the following motion passed:

MOTION NO. 7.22 PASSED

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I would like to make a motion to fill the dates in I believe its February 9, according to our meeting schedule and addition to that I would like to make the fee \$250.00.

SECTION 2. This motion shall become effective January 1, 2022.

DATED: January 1, 2022 PASSED

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 at the Organizational Meeting on January 1, 2022 and that the foregoing is a true and correct transcript of the original motion and of the whole thereof and that said original 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 January 7, 2022.



Diane M. Marco

Diane M. Marco, Town Clerk

"A Nice Place to Live"

"A Nice Place to Do Business"



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 7-2022

Moved by Member Collins seconded by Member Flansburg

**Resolution Adopting a Report and Recommendation on Proposed
Introductory Local Law 1 of 2022 to Establish a
12-Month Moratorium on Land Use Applications for Multiple Family Dwellings**

WHEREAS, the Town Board of the Town of Rotterdam ("Town Board") is currently considering Introductory Local Law No. 1 of 2022, a local law to establish a 12-month moratorium on land use applications for multiple family dwellings;

WHEREAS, the Town Board referred the proposed local law to the Planning Commission on January 1, 2022 for a report and recommendation thereon; and

WHEREAS, the Planning Commission reviewed the proposed local law at its regularly scheduled meeting held on February 1, 2022; and

WHEREAS, the Planning Commission has deliberated on the proposed local law;

NOW, THEREFORE, upon motion of Member Collins, seconded by Member Flansburg,

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 on the proposed local law:

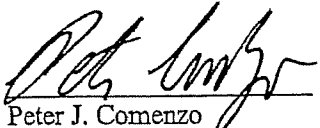
The proposed local law would establish a 12-month moratorium on the acceptance, review, continued review, holding of a hearing, or decision, on any application seeking approval to construct multiple family dwelling units. Accordingly, if adopted, no applications falling within the scope of the moratorium could move forward in the review process, whether currently pending or newly received, until the moratorium expires (12 months after it becomes effective).

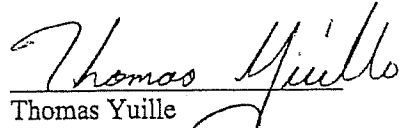
The proposed local law expressly exempts from its scope the issuance of site development and/or building permits for multiple family dwelling projects for which all required municipal approvals (e.g., change of zone, site plan) have already been obtained. Accordingly, by its terms, the proposed local law would not affect a developer's ability to construct a previously approved project.

The proposed local law would provide for a process that would allow the Town Board to waive the applicability of the moratorium with respect to a particular proposal where the moratorium imposed an extraordinary hardship on the applicant and the waiver from the moratorium would not adversely affect the health, safety and general welfare of the Town of Rotterdam. The proposed moratorium spells out the process for an applicant to seek, and the Town Board to consider, a waiver in any given case. This waiver process would permit a project applicant seeking approval for multiple family dwelling units during the 12-month term of the moratorium to proceed through the normal land use review process, notwithstanding the moratorium, where the Town Board determines, in its legislative discretion, to allow it to do so.

2. The Planning Commission hereby adopts a **positive recommendation** on the proposed local for the following reasons and with the following suggestions:
- The Planning Commission recognizes the importance of examining whether and how the Town's Zoning should be modified to address multiple family dwelling developments, including with respect to design standards, particularly in light of the number of existing apartments currently in Town and the additional ones proposed and/or under construction, in relation and in comparison to nearby and comparable municipalities.
 - The Planning Commission views the proposed 12-month moratorium period as a reasonable amount of time in light of the status of the development of the Comprehensive Plan update that is currently in progress.
 - The Planning Commission recommends that the Town Board modify the moratorium, however, so as to strictly apply it to land use applications seeking change of zone to R-3 and site plan applications for multiple family developments within R-3 zoning districts.

<u>Member</u>	<u>Aye</u>	<u>Nav</u>
John Denny III	X	
Wayne Calder	X	
Mark D'Alessandro (ABSENT)		
Clark Collins	X	
Joseph Signore	X	
Lynn Flansburg	X	
Thomas Yuille	X	


Peter J. Comenzo
Senior Planner


Thomas Yuille
Planning Commission Chairman

**Comments of the Comprehensive Plan Advisory Committee
in Response to Town Board Resolution 200.21
January 31, 2022**

In Town Board Resolution 200.21, the Town Board referred to the Comprehensive Plan Advisory Committee “the issue of adding additional multiple family dwelling units outside existing R-3 Multiple Family District, as well as this application [referring to the Change of Zone Application for 2625 Curry Road seeking rezoning to R-3 to facilitate development of 208 apartments], . . . for additional comment.” This document, once approved by the Committee, constitutes the Committee’s response to such referral.

1. The Role of the Comprehensive Plan Advisory Committee on this Matter

The Comprehensive Plan Advisory Committee was formed to undertake the task of developing of new proposed comprehensive plan update under Town Law § 272-a. Throughout the process, which has now spanned multiple years and about fifteen meetings, the Committee has understood that its role was to examine planning from a comprehensive perspective, not to opine on specific zoning matters or specific applications.

However, the Committee also understands that the Town Board, which formed this Committee, has specifically and formally asked for the Committee’s comment on two particular items: (1) the issue of adding additional multiple-family dwelling units in Town outside of existing R-3 zoning districts, and (2) the specific application for multiple family dwelling units for property located at 2625 Curry Road.

Given that the Town Board has requested its comment on these two issues, the Committee has prepared this document to respectfully provide its input. This input should be considered for what it is: merely advisory comment on the issues presented.

2. Addition of Multiple Family Dwelling Units Outside Existing R-3 Zoning Districts

The Committee provides the following comments on the issue of adding additional multiple family dwelling units outside existing R-3 Zoning Districts:

The Town’s current comprehensive plan was adopted in 2001, with periodic, area-specific updates made since then. Reflective of the Town’s current comprehensive plan is the Town’s current zoning map. The Town’s current comprehensive plan recognizes a need for diverse housing options and the Town’s current zoning map reflects that there are a number of specific properties zoned R-3 distributed somewhat sporadically throughout the Town.

In some respect, this sporadic distribution of R-3 zoning on specific properties in various parts of the Town may be a function of the fact that many R-3 zoned properties arise from the Change of Zone process, whereby a developer seeks R-3 zoning for a specific property in order to develop multiple family dwelling units. In this respect, there is (and

has been) little or no vacant land zoned R-3 for multiple family development. Without areas already zoned for multiple family development, developers are left to use the Change of Zone process to facilitate their projects.

The Committee believes that the current comprehensive plan adopted in 2001 recognizes the Town's responsibility to facilitate a variety of housing options, including single family residential and multiple family residential, whether owner-occupied or non-owner occupied. A number of factors may weigh on any given person's decision to own or rent, and if owning, what style of home to own, including among others, stage of life, family size, and income and available resources. Demand appears to continue to be present for multiple family units, given that applications for Changes of Zone seeking R-3 zoning continue to be submitted.

The assessor's office has provided information to the Committee that shows that there are currently approximately 10,574 single-family residential units in Town, as compared to approximately 2,332 multiple family dwelling units (not including two-family and three-family residential units, and appearing to not include owner occupied multiple family dwelling units). This reflects of an approximate "rental apartment" to "single family home" ratio of 20%, or 1 rental apartment unit for every 5 single family homes.

The ratio of 1 rental apartment for every 5 single family homes may seem, to some, to be the appropriate mix. To others, it may seem too high or it may seem too low. However, the demand for multiple family residential appears to remain. If desired, the existing ratio can be maintained, even with adding additional apartment units, by also encouraging and providing for the addition of new single-family homes.

The Committee believes that the Town—whether it seeks to maintain the existing ratio or seeks to cause a change in that ratio—should give consideration to proactively designating specific areas in Town where it deems multiple-family development to be appropriate, rather than reactively considering the issue in response to specific Change of Zone applications for particular properties. By designating areas for multiple family development, the Town will have proactively considered the appropriateness of various areas for multiple family development, which may lead to more uniformity and consistency in land use development patterns. Proactively addressing this issue also gives developers and residents (prospective and current) an opportunity to understand more clearly whether and where multiple family development may occur.

3. The 2625 Curry Road Application

On the specific application for a Change of Zone of property located at 2625 Curry Road, the Committee offers the following comments:

The existing comprehensive plan adopted in 2001 seems to provide for zoning of that area that is generally consistent with the current zoning of that area. There have been a number of changes that have occurred in that area since 2001, however, including the construction of the traffic circle at the intersection of Hamburg Street, Carman Road, and Curry Road, as well as the traffic, safety and utility improvements more recently made along the Hamburg Street corridor.

The existing comprehensive plan adopted in 2001 recognizes the need to preserve a residential buffer along Knox Drive and Eugene Drive. The existing comprehensive plan does not distinguish between single-family, two-family, and multiple family residential with respect to what constitutes an appropriate residential "buffer" for those streets/neighborhoods.

The question of whether 2625 Curry Road should be rezoned to R-3 to facilitate multiple family development should consider appropriate land use considerations. One consideration is traffic flow and control. During the afternoon commuting hour, traffic exiting I-890 and entering Curry Road headed westbound often backs up significantly from the traffic circle located at the intersection of Curry Road, Hamburg Street, and Carman Road. At times, the traffic backs up during such period all the way to the I-890 off-ramp. On the other hand, at other times besides the afternoon commuting hour, the traffic in that area seems to flow freely without significant back-ups. In considering whether a Change of Zone is appropriate for that area, the Town should consider the existing traffic conditions and whether the proposed Change of Zone would complement or exacerbate existing traffic conditions in that area. In addition, the Town should also consider whether the surrounding area has developed in a manner consistent with the needs of multiple family dwelling community, such as by having a variety of compatible and conveniently located uses nearby that are accessible by walking, biking, or are otherwise easily accessible to the residents of the apartment community.

At a meeting held by the Comprehensive Plan Advisory Committee on January 31, 2022, motion made by Member Tingley to adopt the foregoing as the comments of the Comprehensive Plan Advisory Committee, seconded by Campoli, approved by a vote of 5-0, with 2 absences.

RESOLUTION NO. 97.22

TO ENACT INTRODUCTORY LOCAL LAW NO. 2 OF 2022

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. 2 of 2022

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 February 23, 2022.

DATED: February 23, 2022

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 Ext. 393 • Fax: 518-355-7976 • Website: www.rotterdamny.org



DATE: February 15, 2022

TO: Mollie A. Collins, Supervisor

FROM: Megan Griffin, Confidential Secretary

TITLE OF LEGISLATIVE REQUEST: To enact Introductory Local Law No. 2 of 2022,
to amend chapter 60, residency requirements, of the Town Code
of The Town of Rotterdam.

ON TOWN BOARD MEETING: February 23, 2022

Background Information: See attached Local Law No. 2

Evaluation/Analysis: N/A

Recommendation(s): To approve Local Law No.2 of 2022

Attachment/Document(s): Attached

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s):

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

Introductory Local Law No. 2 of the year 2022

**A LOCAL LAW TO AMEND CHAPTER 60, RESIDENCY REQUIREMENTS, OF THE
TOWN CODE OF THE TOWN OF ROTTERDAM**

Be it enacted by the Town Board of the Town of Rotterdam as follows:

See attached.

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

TOWN OF ROTTERDAM

INTRODUCTORY LOCAL LAW NO. 2 OF THE YEAR 2022

A LOCAL LAW TO AMEND CHAPTER 60, RESIDENCY REQUIREMENTS, OF THE TOWN CODE OF THE TOWN OF ROTTERDAM

SECTION 1 – TITLE

This local law shall be referred to as “A Local Law to Amend Chapter 60, Residency Requirements, of the Town Code of the Town of Rotterdam”.

SECTION 2 – PURPOSE

The purpose of this local law is to clarify and ensure the effectiveness of the residency requirements for employees and town officers in the Town of Rotterdam.

SECTION 3 – AUTHORITY

This local law is enacted by the Town Board of the Town of Rotterdam pursuant to the N.Y. Municipal Home Rule Law.

SECTION 4 – AMENDMENT

Chapter 60, Residency Requirements, is hereby amended to read in its entirety as follows:

Chapter 60. Residency Requirements

Article I. General Provisions

§ 60-1. Employees.

Any person hired and employed by the Town of Rotterdam must, during the period of his or her employment with Town,

maintain his or her residence or dwelling within the boundaries and corporate limits of Schenectady County or an adjoining county.

§ 60-2. Exemptions.

The provisions of this article shall not apply to elected officials, all other officials or employees whose residency requirements are established by law, or to employees during a leave of absence duly granted.

§ 60-3. Failure to comply.

Failure of any employee to comply with any of the provisions of this article shall constitute misconduct and shall be cause for removal in the manner provided by law.

Article II. Town Comptroller

§ 60-4. Requirements for Town Comptroller.

Any person holding the office of Town Comptroller need not be a resident nor an elector of the Town of Rotterdam; provided, however, that such person shall reside in Schenectady County or in an adjoining county. This section shall supersede N.Y. Town Law § 23 and N.Y. Public Officers Law § 3.

Article III. Town Engineer

§ 60-5. Requirements for Town Engineer.

Any person holding the office of Town Engineer need not be a resident nor an elector of the Town of Rotterdam; provided, however, that such person shall reside in Schenectady County or in an adjoining county. This section shall supersede N.Y. Town Law § 23 and N.Y. Public Officers Law § 3.

Article IV. Town Assessor

§ 60-6. Requirements for Town Assessor.

Any person holding the office of Town Assessor need not be a resident nor an elector of the Town of Rotterdam; provided, however, that such person shall reside in the State of New York. This section shall supersede N.Y. Town Law § 23 and N.Y. Public Officers Law § 3.

Article V. Town Attorney

§ 60-7. Requirements for Town Attorney.

Any person holding the office of Town Attorney need not be a resident nor an elector of the Town of Rotterdam; provided, however, that such person shall reside in the State of New York. This section shall supersede N.Y. Town Law § 23 and N.Y. Public Officers Law § 3.

SECTION 5 – SUPERSESSION

To the extent this local law is inconsistent with any state or local statute or regulation, it is the intent of this local law to supersede such statute or regulation, including without limitation the following: (i) N.Y. Town Law § 23; and (ii) N.Y. Public Officers Law § 3.

SECTION 6 – SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 7 – EFFECTIVE DATE

This Local Law shall become effective upon filing with the New York Secretary of State.

RESOLUTION NO. 98.22

TO ENACT INTRODUCTORY LOCAL LAW NO. 3 OF 2022

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. 3 of 2022

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 February 23, 2022.

DATED: February 23, 2022

NAME	AYES	NOES	ABSTAIN
Christou			
Miller-Herrera			
Dodson			
Mastroianni			
Collins			

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

Introductory Local Law No. 3 of the year 2022

**A LOCAL LAW TO AMEND CHAPTER 266, § 266-46, SCHEDULE VI: STOP
INTERSECTIONS, OF THE TOWN CODE OF THE TOWN OF ROTTERDAM**

Be it enacted by the Town Board of the Town of Rotterdam as follows:

See attached.

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

TOWN OF ROTTERDAM

INTRODUCTORY LOCAL LAW NO. 3 OF THE YEAR 2022

A LOCAL LAW TO AMEND CHAPTER 266, § 266-46, SCHEDULE VI: STOP INTERSECTIONS, OF THE TOWN CODE OF THE TOWN OF ROTTERDAM

SECTION 1 – TITLE

This local law shall be referred to as “A Local Law to Amend Chapter 266, § 266-46, Schedule VI: Stop Intersections, of the Town Code of the Town of Rotterdam”.

SECTION 2 – AUTHORITY

This local law is enacted by the Town Board of the Town of Rotterdam pursuant to the N.Y. Municipal Home Rule Law and N.Y. Vehicle and Traffic Law § 1660 (a) (1).

SECTION 3 – AMENDMENT

Chapter 266, § 266-46, Schedule VI: Stop Intersections shall be amended as follows:

- A. The existing entry in Schedule VI: Stop Intersections for Bayberry Road at the intersection of Puritan Drive is amended to read as follows:

Stop Sign on *Four-way stop	Direction of Travel	At Intersection of
Bayberry Road*	Both	Puritan Drive

B. A new entry for Puritan Drive at the intersection of Bayberry Road is added to Schedule VI: Stop Intersections to read as follows:

Stop Sign on *Four-way stop	Direction of Travel	At Intersection of
Puritan Drive*	Both	Bayberry Road

SECTION 4 – EFFECTIVE DATE

This Local Law shall become effective upon filing with the New York Secretary of State.

(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 2022 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board of the Town of Rotterdam on _____, 2022 in accordance with the applicable 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 ____ in accordance with 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) (repassed after disapproval) by the _____ on _____ 20 ____.

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) (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 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 _____ 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 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 1, above.

Diane Marco, Town of Rotterdam Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: _____

RESOLUTION NO. 99.22

TO ENACT INTRODUCTORY LOCAL LAW NO. 4 OF 2022

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. 4 of 2022

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 February 23, 2022.

DATED: February 23, 2022

NAME	AYES	NOES	ABSTAIN
Christou			
Miller-Herrera			
Dodson			
Mastroianni			
Collins			

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

Introductory Local Law No. 4 of the year 2022

**A LOCAL LAW TO AMEND CHAPTER 266, § 266-52, SCHEDULE XII: NO PARKING
AT ANY TIME, OF THE TOWN CODE OF THE TOWN OF ROTTERDAM**

Be it enacted by the Town Board of the Town of Rotterdam as follows:

See attached.

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

TOWN OF ROTTERDAM

INTRODUCTORY LOCAL LAW NO. 4 OF THE YEAR 2022

A LOCAL LAW TO AMEND CHAPTER 266, § 266-52, SCHEDULE XII: NO PARKING AT ANY TIME, OF THE TOWN CODE OF THE TOWN OF ROTTERDAM

SECTION 1 – TITLE

This local law shall be referred to as “A Local Law to Amend Chapter 266, § 266-52, Schedule XII: No Parking at Any Time, of the Town Code of the Town of Rotterdam”.

SECTION 2 – AUTHORITY

This local law is enacted by the Town Board of the Town of Rotterdam pursuant to the N.Y. Municipal Home Rule Law and N.Y. Vehicle and Traffic Law § 1660 (a) (18).

SECTION 3 – AMENDMENT

Chapter 266, § 266-52, Schedule XII: No Parking at Any Time, shall be amended to add the following entries:

Name of Street	Side	Location
Lawn Avenue	East	Between Lilac Street and Tulip Street
Lawn Avenue	West	30 feet to Lilac Street
Lawn Avenue	West	30 feet to Aster Street

SECTION 4 – EFFECTIVE DATE

This Local Law shall become effective upon filing with the New York Secretary of State.

(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 2022 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board of the Town of Rotterdam on _____, 2022 in accordance with the applicable 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____ in accordance with 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) (repassed after disapproval) by the _____ on _____ 20____.

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) (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 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.

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Diane Marco, Town of Rotterdam Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: _____