# MEETING OF THE
# ROTTERDAM TOWN BOARD

February 14, 2024
7:00 PM
*Agenda Review 6:30 PM*

**CALL TO ORDER**
**ROLL CALL**
**PLEDGE OF ALLEGIANCE**
**SUPERVISOR'S REMARKS:** Supervisor Mollie A. Collins
**EXECUTIVE SESSION**
**PROCLAMATIONS**
**PRESENTATIONS**
**PUBLIC HEARING**

**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**
**RESOLUTIONS**

**89.24** To accept Town Board meeting minutes.

**90.24** To appoint Alison Grace to the position of Comptroller.

**91.24** To approve budget transfers to the 2024 budget.

**92.24** To accept revenue for Town Clerk's office for January 2024.

**93.24** Authorize the Supervisor to negotiate and execute an agreement with Cintas Corporation.

**94.24** To recognize the introduction of Introductory Local Law ___ of 2024; To amend chapter 270, Zoning, of the Town Code, relating to a change of zone from Single Family Residential (R-1) to Light Industrial (I-1) and refer to the Planning Commission for report and recommendation.

**95.24** To authorize a release of retainage to Consulting Engineering Inc.

**96.24** Call for bids for Highway Materials: Crushed Limestone, Gravel, & Sand.

**97.24** Call for bids for Highway Materials: Manhole Grates & Frames and Manhole Round Risers.

**98.24** Call for bids for On Call Maintenance Contract Services.

**99.24** Call for bids for On Call Plumbing Construction Services.

**100.24** To extend the bid contract for Tree Cutting and Removal Services with Harmony Tree Service LLC.

**101.24** To declare lead agency for SEQR review on a change of zone request of ±1.86 acres from Single Family Residential (R-1) and Retail Business (B-1) to General Business (B-2) for property located at Highbridge road, Mercer Street, and Sherman Street.

**102.24** To call for a public hearing on the proposed Introductory Local Law __ of 2024; To amend chapter 270, Zoning, of the Town Code relating to a change of zone from Single Family Residential (R-1) and Retail Business (B-1) to General Business (B-2) for property located at Highbridge Road, Mercer Street, and Sherman Street.

**103.24** To authorize the purchase of one excavator for the Highway Department.

**104.24** To negotiate and execute an agreement with Laberge Group for professional grant writing services for the 2023-24 DHSES V-Fire Grant Program.

**105.24** To recognize the introduction of Introductory Local Law No. __ of 2024; To amend §255-2 of article I, Senior Citizens Exemptions; implementation of statutory provisions, and schedule a public hearing thereon.

DRAFT

**LIAISON REPORTS**
**MISCELLANEOUS**
**EXECUTIVE SESSION**

- Personnel matter related to employee 02142024 with invited guest Nathaniel Nichols Esq.

**ADJOURNMENT**

**Mollie A. Collins, Supervisor**

DRAFT

**RESOLUTION NO. 89.24**

**TO ACCEPT TOWN BOARD MEETING MINUTES**

**THEREFORE, UPON MOTION OF** Councilmember _____,

seconded by Councilmember _____,

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** The Town Board of the Town of Rotterdam hereby adopts the minutes of the January 24, 2024 and February 5, 2024 town board meetings as attached.

**SECTION 2.** This resolution shall become effective February 14, 2024.

**DATED:** February 14, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | | | |
| Mastroianni | | | |
| Gallucci | | | |
| Schlag | | | |
| Collins | | | |

DRAFT

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 7, 2024
TO**:** Mollie A. Collins, Supervisor

FROM: Diane M. Marco, Town Clerk

TITLE OF LEGISLATIVE REQUEST: To adopt meeting minutes from the January 24, 2024, and February 5, 2024 Town Board Meetings.

TO BE PLACED ON TOWN BOARD AGENDA OF: February 14, 2024.

TO BE PLACED ON TOWN BOARD MEETING OF**:** February 14, 2024.

Background Information: Attached. To adopt the meeting minutes from the January 24, 2024, and February 5, 2024 Town Board Meetings.

Evaluation/Analysis: N/A

Recommendation(s): To place on Town Board agenda and Town Board meeting of February 14, 2024.

Attachment/Document(s): Attached

Compliance with Purchasing Policy: N/A

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

LEGISLATION WAS PREPARED BY: Town Clerk Diane M. Marco

# TOWN OF ROTTERDAM

## DIANE M. MARCO

## Town Clerk

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

January 26, 2024

Certified Resolutions: #69-#84 for the year 2024 was duly adopted at the Town Board Meeting held at J.F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, NY 12306 that was held Wednesday, January 24, 2024 at 7:00 p.m. The Town Board Agenda Meeting started at approximately 6:38 p.m. and was adjourned at approximately 6:47 p.m. by Councilmember Dodson and seconded by Councilmember Mastroianni. All agreed to adjourn the Town Board Agenda Meeting. Motion #8 was made by Councilmember Dodson and seconded by Councilmember Gallucci. The Town Board Meeting started at approximately 7:00 p.m. and was adjourned at approximately 7:54 p.m.

Councilmember Schlag was absent

Diane M. Marco

Diane M. Marco, Town Clerk

# MEETING OF THE
# ROTTERDAM TOWN BOARD

January 24, 2024
7:00 PM
*Agenda Review 6:30 PM*

**CALL TO ORDER**
**ROLL CALL**
**PLEDGE OF ALLEGIANCE**
**SUPERVISOR'S REMARKS:** Supervisor Mollie A. Collins
**EXECUTIVE SESSION**
**PROCLAMATIONS**
**PRESENTATIONS**

- Schalmont High School - Syracuse University Project Advance Policy Studies class - Presentation on the potential future use of the Phillips Road Park Land.

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

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

**INTRODUCTION OF MOTIONS, ORDERS AND RESOLUTIONS**

**MOTIONS**

**8.24** Motion made to add to the agenda and accept the amendment to resolution 14.24.

**RESOLUTIONS**

**69.24** Accepting Town Board meeting minutes. *(pg. 3)*

**70.24** Appointing Christopher Amorosi to the position of Fire Inspector – Part Time. *(pg. 39)*

**71.24** Reappointment of dog control officers. *(pg. 46)*

**72.24** To amend Resolution 18.24 of the year 2024; Appoint Jody Binkley to Clerk –Part Time. *(pg. 50)*

**73.24** To declare equipment obsolete. *(pg.55)*

**74.24** To approve budget transfers to the 2023 and 2024 budget. *(pg. 58)*

**75.24** To negotiate and execute an agreement with Bellamy Construction for boring services. *(pg. 65)*

**76.24** To authorize the purchase and replacement of a gate valve and swing check for the Water Treatment Plant. *(pg.71)*

**77.24** To authorize the purchase and replacement of a 12-inch gate valve for the Water Treatment Plant. *(pg.77)*

**78.**24 Establishing the intent of the Town of Rotterdam as Lead Agency for the design and construction of the Kiwanis Park Waterfront Access Improvements. *(pg. 84)*

**79.24** To recognize the introduction of Introductory Local Law ___ of 2024; To amend Chapter 270, Zoning, of the Town Code, relating to a change of zone from single family residential (R-1) and retail business (B-1) to general business (B-2) and refer to the Planning Commission for report and recommendation. *(pg. 90)*

**80.24** To authorize a yearly service agreement with TRANE U.S. INC. *(pg. 102)*

**81.24** Authorizing Change Order No. 1 with VAD Contractors Inc. for the Senior Center Roof Replacement Project. *(pg. 118)*

**82.24** Authorizing Change Order No. 2 deduction with VAD Contractors Inc. for the Senior Center Roof Replacement Project. *(pg. 123)*

**83.24** Allowance for the installation of a small-scale solar array for use by the Hungry Chicken Country Store located in the AO Aquifer Area Overlay District at 661 River Road in Rotterdam, New York. *(pg. 128)*

**84.24** To amend Resolution 14.24 of the year 2024.

**LIAISON REPORTS**
**MISCELLANEOUS**
**EXECUTIVE SESSION**
**ADJOURNMENT**
**Mollie A. Collins, Supervisor**

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 Boulevard, Rotterdam, New York 12306 on Wednesday, January 24, 2024, at 7:00 p.m., the following motion passed:

**MOTION 8.24**

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** I make a motion to add to the agenda and accept the amendment to resolution 14.24.

**SECTION 2.** This motion shall become effective January 24, 2024.

**DATED:** January 24, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag **(Absent)** | | | |
| Collins | **X** | | |

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion was approved by the Town Board of the Town of Rotterdam on January 24, 2024 and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this January 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, January 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 69.24**

**ACCEPTING TOWN BOARD MEETING MINUTES**

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** The Town Board of the Town of Rotterdam hereby adopts the minutes of the January 10, 2024 town board meeting as attached.

**SECTION 2.** This resolution shall become effective January 24, 2024

**DATED:** January 24, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag **(Absent)** | | | |
| 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 Meeting of the Town of Rotterdam on January 24, 2024, 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 January 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM NY
Office Of The Town Clerk
Schenectady, County

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, January 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 70.24**

**APPOINTING CHRISTOPHER AMOROSI TO THE POSITION OF FIRE INSPECTOR – PART TIME**

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** Christopher Amorosi of Rotterdam, New York, is hereby appointed to the position of Fire Inspector, part time, with no employee benefits, and subject to pre-employment background checks, at an hourly rate of twenty-five ($25.00) dollars, not to exceed 15 hours per week, commencing January 29, 2024.

**SECTION 2.** This resolution shall become effective January 24, 2024.

**DATED:** January 24, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag **(Absent)** | | | |
| 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 Meeting of the Town of Rotterdam on January 24, 2024, 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 January 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, January 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 71.24**

**REAPPOINTMENT OF DOG CONTROL OFFICERS**

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** Darla Gullotta and Heather Newell are hereby reappointed to the position of Dog Control Officer, part-time, with no employee benefits at an annual salary of fifteen thousand and 00/100 ($15,000.00) dollars, commencing retroactively to January 1, 2024.

**SECTION 2.** This resolution shall become effective January 24, 2024.

**DATED:** January 24, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag **(Absent)** | | | |
| 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 Meeting of the Town of Rotterdam on January 24, 2024, 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 January 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM NY
Office Of The Town Clerk
Schenectady, County

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, January 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION 72.24**

**TO AMEND RESOLUTION 18.24 OF THE YEAR 2024;**
**APPOINT JODY BINKLEY TO CLERK – PART TIME**

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** Section 1 of Resolution 18.24, as amended, is hereby amended, and restated to read as follows: The following individuals are hereby appointed/reappointed 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 2024 as follows:

| | |
|---|---|
| **ADA Compliance Officer/Safety Officer** | |
| James Keith | Annual Stipend $3,000 |
| **Grant Coordinator** | |
| Peter Comenzo | Annual Stipend $7,000 |
| **Wellness Compliance** | |
| Megan Griffin | Annual Stipend $2,000 |
| **Events/Social Media Coordinator** | |
| Megan Griffin | Annual Stipend $3,000 |
| **CDL Trainer** | |
| Steve Skoda | Annual Stipend $1,000 |
| **Stormwater Program Coordinator/Stormwater Management officer** | |
| Mary Barrie | Hourly Rate $35.00 |
| **Stormwater Management Officer** | |
| Daniel Marsello | Annual Stipend $3,500 |
| **DPW Records Management** | |
| Lisa Gallo | Annual Stipend $2,500 |
| **Deputy Comptroller – Part Time** | |
| Paul Sebesta | Hourly Rate $115.00 |
| **School Traffic Officer** | |
| Floyd Rorick<br>(Maximum of 4 hours daily) | Hourly Rate $17.00 |
| **Clerk- Part Time (Highway)** | |
| Donna Larsen | Hourly Rate $19.50 |
| **Clerk – Part Time (Police Dept)** | |
| Allison Kartner | Hourly Rate $24.38 |

**Water Treatment Plant Operator (1st on call)**
Ian Bonthron Hourly Rate $35.00

**Water Treatment Plant Operator (2nd on call)**
Clark Collins Hourly Rate $35.00

**Building Inspector – Part Time**
Lloyd Denny Hourly Rate $40.00
(Maximum 3 days per week)

**Bingo Inspector**
William Purcell Hourly Rate $17.00

**Safety Inspector (FEMA)**
Kathy Fisher Hourly Rate $35.00

**Accountant – Part Time**
Sarah Morrison Hourly Rate $50.00

**Project Coordinator, Office of the Aging– Part Time**
Linda Testa Hourly Rate $35.00
(Not to exceed $32,000.00 dollars annually)

**Fire Inspector-Part Time**
Chris Amorosi Hourly Rate $25.00
(Maximum 15 hours per week)

**Dog Control Officers-Part Time**
Darla Gullotta Hourly Rate $25.00
Heather Newell Hourly Rate $25.00

**Clerk-Part Time**
Jody Binkley Hourly Rate $25.00

**SECTION 2.** This resolution shall become effective January 24, 2024.

**DATED:** January 24, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag **(Absent)** | | | |
| Collins **(Recused)** | | | |

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 Meeting of the Town of Rotterdam on January 24, 2024, 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 January 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, January 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 73.24**

**TO DECLARE EQUIPMENT OBSOLETE**

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** The Town Board, of the Town of Rotterdam, on the advice and recommendation of the Town Senior Building Inspector, hereby declares the following equipment obsolete and no longer needed by the Town and authorizes their proper disposal:

Tennant Upright Vacuum Cleaner S/N: 16A 1214612
NaceCare Backpack Vacuum Cleaner
PA System CE 844815
Multiple Broken Chairs

**SECTION 2.** This resolution shall become effective January 24, 2024.

**DATED:** January 24, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag **(Absent)** | | | |
| 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 Meeting of the Town of Rotterdam on January 24, 2024, 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 January 26, 2024.

Diane M. Marco
Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, January 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 74.24**

**TO APPROVE BUDGET TRANSFERS TO THE 2023 AND 2024 BUDGET**

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** Pursuant to Section 36 of the General Municipal Law of the State of New York and Sections 102, 112 and 113 of Town Law of the State of New York, regarding the Uniform System of Accounts, the following transfers to the various accounts for **2023** are hereby audited and approved:

| ***Fund*** | ***Account No.*** | | ***Title*** | ***Amount*** |
|---|---|---|---|---|
| General | A1620 4270 | FROM: | Misc. Expenses | -137.00 |
| Highway | DA5140 4713 | INTO: | Highway | +137.00 |
| W5 | W58340 4888 | FROM: | Large Diameter Main Repair | -1,400.00 |
| W5 | W58340 4010 | INTO: | Easements | +1,400.00 |
| W5 | W58310 2000 | FROM: | Engineering/Consultant | -11,062.55 |
| W5 | W58310 4849 | INTO: | GIS Implementation | +5,278.62 |
| W5 | W58320 4907 | INTO: | Outside Contracts-Schdy City | + 5,783.93 |
| W5 | W58310 4351 | FROM: | Bonding Attorney Fees | -21,613.76 |
| W5 | W58330 4098 | INTO: | Chemicals | + 19,042.08 |
| W5 | W58320 4305 | INTO: | Auto Repair | +114.75 |
| W5 | W58320 4166 | INTO: | General Liability | +1,953.93 |
| W5 | W58320 4879 | INTO: | Instrument Pump Maint. | +503.00 |
| W3 | W38320 2000 | FROM: | W3 Equipment | -3,154.58 |
| W3 | W38330 4869 | INTO: | Water Analysis | +2,542.00 |
| W3 | W38310 4855 | INTO: | Paying Agent Fees | +79.20 |
| W3 | W38310 4300 | INTO: | Conferences | +2.50 |
| W3 | W38330 4874 | INTO: | Hypo Chlorite Solution | +530.88 |
| S2 | S28130 2002 | FROM: | Pumps & Filters | -9,939.20 |
| S2 | S28110 4849 | INTO: | GIS Implementation | +5,278.61 |
| S2 | S28130 4600 | INTO: | Heat & Fuel | +4,220.59 |
| S2 | S28130 4868 | INTO: | NYS Pollutant Fee | +220.00 |
| S2 | S28130 4200 | FROM: | Telephone & Facility Alarms | -1,161.21 |
| S2 | S28110 2000 | INTO: | Equipment | +1,161.21 |
| S2 | S28130 4500 | FROM: | Electric & Water | -10,000.00 |
| S2 | S28120 2000 | FROM: | Equipment | -5,385.00 |
| S2 | S28130 4270 | FROM: | Miscellaneous | -200.00 |

| | | | | |
|---|---|---|---|---|
| S2 | S28130 4864 | FROM: | Chem Feed Equip Maint. | -500.00 |
| S2 | S28130 4862 | FROM: | Printing & Public Notice | -152.62 |
| S2 | S28130 4866 | INTO: | Plant Equi Repair & Maint. | +6,841.63 |
| S2 | S28120 4302 | INTO: | Gas Oil & Lube | +747.72 |
| S2 | S28110 4300 | INTO: | Conferences | +342.49 |
| S2 | S28130 4863 | INTO: | Chemicals | +1,051.28 |
| S2 | S28130 4869 | INTO: | Analysis H20 & Sludge | +7,254.50 |

**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 **2024** are hereby audited and approved:

| ***Fund*** | ***Account No.*** | | ***Title*** | ***Amount*** |
|---|---|---|---|---|
| General | A1410-4270 | FROM: | Misc. Expense | -85.28 |
| General | A1410-4801 | INTO: | Town Clerk Software | +85.28 |
| General | A6772 4109 | FROM: | Buses Senior Ctr. | -500.00 |
| General | A6772 4305 | INTO: | Auto Maint. & Repair | +500.00 |

**SECTION 3.** This resolution shall become effective January 24, 2024.

**DATED:** January 24, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag **(Absent)** | | | |
| 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 Meeting of the Town of Rotterdam on January 24, 2024, 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 January 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office Of The Town Clerk
Schenectady, County NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, January 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 75.24**

**TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH BELLAMY CONSTRUCTION FOR BORING SERVICES**

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with Bellamy Construction, located at 6684 Amsterdam Road, Scotia, NY 12302, for trenchless horizontal drilling under a D.O.T. highway for water service replacement to the building located at 2515 Hamburg Street, for an eight-hour daily rate, not to exceed five thousand three hundred eight five and 00/100 ($5,385.00) dollars.

**SECTION 2.** This resolution shall become effective on January 24, 2024.

**DATED:** January 24, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag **(Absent)** | | | |
| 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 Meeting of the Town of Rotterdam on January 24, 2024, 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 January 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM NY
Office Of The Town Clerk
Schenectady, County

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, January 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 76.24**

**TO AUTHORIZE THE PURCHASE AND REPLACEMENT OF A GATE VALVE AND SWING CHECK FOR THE WATER TREATMENT PLANT**

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the purchase and replacement of a gate valve & swing check valve for the Water Treatment Plant from Carver Construction Inc., located at 170 River Rd, Coeymans, NY 12045, in the amount not to exceed twenty-nine thousand and 00/100 ($29,000.00) dollars.

**SECTION 2.** This resolution shall become effective January 24, 2024.

**DATED:** January 24, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag **(Absent)** | | | |
| 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 Meeting of the Town of Rotterdam on January 24, 2024, 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 January 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM NY
Office Of The Town Clerk
Schenectady, County

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, January 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 77.24**

**TO AUTHORIZE THE PURCHASE AND REPLACEMENT OF A 12 INCH GATE VALVE FOR THE WATER TREATMENT PLANT**

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the purchase and replacement of a 12-inch gate valve for the Water Treatment Plant from Carver Construction Inc., located at 170 River Rd, Coeymans, NY 12045, in the amount not to exceed thirteen thousand five hundred and 00/100 ($13,500.00) dollars.

**SECTION 2.** This resolution shall become effective January 24, 2024.

**DATED:** January 24, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag **(Absent)** | | | |
| 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 Meeting of the Town of Rotterdam on January 24, 2024, 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 January 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM NY
Office Of The Town Clerk
Schenectady, County

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, January 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 78.24**

**ESTABLISHING THE INTENT OF THE TOWN OF ROTTERDAM AS LEAD AGENCY FOR THE DESIGN AND CONSTRUCTION OF THE KIWANIS PARK WATERFRONT ACCESS IMPROVEMENTS**

**WHEREAS** the Town of Rotterdam is in receipt of a $225,000 grant from the NYS Local Waterfront Revitalization Program; and

**WHEREAS** the Project has been classified as an "Unlisted Action" as defined by State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

**WHEREAS** it is the intent of the Town or Rotterdam Board to assume the role of "Lead Agency" for purposes of conducting a SEQRA assessment of the Project; and

**WHEREAS** an Environmental Assessment Form (EAF) has been completed, reviewed by the Town Board of Rotterdam, and will be circulated to all interested and involved agencies for purposes of establishing the Town Board of Rotterdam as "Lead Agency" in accordance with 6 NYCRR Part 617.6(b); NOW

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** Pursuant to and in accordance with the coordinated review requirements of SEQRA, the Town of Rotterdam Town Board hereby intends to, and upon receipt of consent from or no objections thereto by any other involved agencies, does hereby establish itself as lead agency for the Project and authorizes the Town Supervisor to sign Part I of the EAF.

**SECTION 2.** Part I of the EAF shall be sent to the attached list of "Interested and Involved Agencies" under cover of a "Notice of Intent to Establish Lead Agency" letter for purposes of establishing Lead Agency status under SEQRA.

**SECTION 3.** The Town Board hereby authorizes and directs the Senior Planner, the Town Supervisor, and Barton & Loguidice, D.P.C., and their respective designees, to undertake and complete all such actions, preparation, execution, circulation, publication, and filing requirements as may be required in furtherance of this Resolution.

**SECTION 4.** This resolution shall become effective January 24, 2024.

**DATED:** January 24, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag **(Absent)** | | | |
| 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 Meeting of the Town of Rotterdam on January 24, 2024, 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 January 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM NY
Office Of The Town Clerk
Schenectady, County

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, January 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 79.24**

**TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW ___ OF 2024; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, RELATING TO A CHANGE OF ZONE FROM SINGLE FAMILY RESIDENTIAL (R-1) AND RETAIL BUSINESS (B-1) TO GENERAL BUSINESS (B-2) AND REFER TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION**

**WHEREAS,** The Town has received an application for a Change of Zone request on ±1.86 acres from Single Family Residential (R-1) and Retail Business (B-1) to General Business (B-2) to facilitate the construction of a ±3,975 square foot Stewart's Convenience Store with four (4) fueling islands, located at Highbridge Road, Mercer Street, and Sherman Street and comprises 5 parcels of property known as Tax Map No. 59.16-2-10, 59.16-2-9.2, 59.16-2-9.1, 59.16-2-40.2 and 59.16-2-40.1; NOW

**THEREFORE, UPON MOTION OF** Councilmember **DODSON**, seconded by Councilmember **GALLUCCI**,
**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** The Town Board of the Town of Rotterdam hereby recognizes the introduction of Introductory Local Law No. ____ of 2024 to amend Chapter 270, Zoning, of the Town Code, for a change of zone from Single Family Residential (R-1) and Retail Business (B-1) to General Business (B-2) at the properties located at Highbridge Road, Mercer Street, and Sherman Street that comprises 5 parcels of property known as Tax Map No. 59.16-2-10, 59.16-2-9.2, 59.16-2-9.1, 59.16-2-40.2 and 59.16-2-40.1, to facilitate the construction of a ±3,975 square foot Stewart's Convenience Store with four (4) fueling islands.

**SECTION 2.** The Town Board hereby refers this Introductory Local Law No. ____ of 2024 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

**SECTION 3.** This resolution shall become effective January 24, 2024.

**DATED:** January 24, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag **(Absent)** | | | |
| 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 Meeting of the Town of Rotterdam on January 24, 2024, 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 January 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, January 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 80.24**

**TO AUTHORIZE A YEARLY SERVICE AGREEMENT WITH TRANE U.S. INC.**

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with TRANE U.S. Inc., located at 301 Old Niskayuna Road, Suite 1, Latham New York 12110, for a yearly service contract at 1100 Sunrise Blvd, Schenectady New York, 12306, in the amount not to exceed four thousand eight hundred forty-nine and 00/100 ($4,849.00) dollars for the 2024 calendar year, for heating and cooling system inspections and maintenances.

**SECTION 2.** This resolution shall become effective January 24, 2024.

**DATED:** January 24, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag **(Absent)** | | | |
| 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 Meeting of the Town of Rotterdam on January 24, 2024, 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 January 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office Of The Town Clerk
Schenectady, County NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, January 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 81.24**

**AUTHORIZING CHANGE ORDER NO. 1 WITH VAD CONTRACTORS INC. FOR THE SENIOR CENTER ROOF REPLACEMENT PROJECT**

**THEREFORE, UPON MOTION OF** Councilmember **DODSON**, seconded by Councilmember **MASTROIANNI**,
**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1**. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute Change Order No. 1 with VAD Contractors Inc., located at 1885 Hylan Boulevard #1059, Staten Island, New York 10305, for the Senior Center Roof Replacement Project, to replace deteriorated sheathing with new plywood sheathing on the existing asphalt shingle roof, for a cost increase of one thousand eight hundred forty three and 00/100 ($1,843.00) dollars, and a new contract sum totaling one hundred ninety seven thousand six hundred forty three 00/100 ($197,643.00) dollars.

**SECTION 2**. This resolution shall become effective January 24, 2024.

**DATED:** January 24, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag **(Absent)** | | | |
| 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 Meeting of the Town of Rotterdam on January 24, 2024, 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 January 26, 2024.

Diane M. Marco
Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, January 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 82.24**

**AUTHORIZING CHANGE ORDER NO. 2 DEDUCTION WITH VAD CONTRACTORS INC. FOR THE SENIOR CENTER ROOF REPLACEMENT PROJECT**

**THEREFORE, UPON MOTION OF** Councilmember **DODSON**, seconded by Supervisor **COLLINS**,
**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1**. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute Change Order No. 2 deduction with VAD Contractors Inc., located at 1885 Hylan Boulevard #1059, Staten Island, New York 10305, for the Senior Center Roof Replacement Project, to repair water damaged electrical components, for a cost decrease of one thousand two hundred twenty five and 00/100 ($1,225.00) dollars, and a new contract sum totaling one hundred ninety six thousand four hundred eighteen 00/100 ($196,418.00) dollars.

**SECTION 2**. This resolution shall become effective January 24, 2024.

**DATED:** January 24, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag **(Absent)** | | | |
| 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 Meeting of the Town of Rotterdam on January 24, 2024, 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 January 26, 2024.

Diane M. Marco
Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, January 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 83.24**

**ALLOWANCE FOR THE INSTALLATION OF A SMALL-SCALE SOLAR ARRAY FOR USE BY THE HUNGRY CHICKEN COUNTRY STORE LOCATED IN THE AO AQUIFER AREA OVERLAY DISTRICT AT 661 RIVER ROAD IN ROTTERDAM, NEW YORK**

**WHEREAS,** Jeffery Klein has requested approval to allow for the installation of an 18.225kW ground mounted small-scale solar array on a ±10-acre parcel for use by the Hungry Chicken Country Store, located at 661 River Road in Rotterdam, New York; and

**WHEREAS,** the project is classified as an Unlisted Action pursuant to 6 NYCRR Part 617.5 of the State Environmental Quality Review Act; and

**WHEREAS,** the Rotterdam Planning Commission has reviewed and granted final approval to the site plan on January 23, 2024, and

**WHEREAS,** pursuant to the provisions contained in Article XIV entitled "AO Aquifer Area Overlay District" the Town Board of the Town of Rotterdam must make a final determination on all proposals for property located in the Aquifer Area Overlay Zone, NOW

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1:** Pursuant to Part 6 NYCRR Part 617 of the Environmental Conservation Law entitled, "State Environmental Quality Review Act", the Town Board of the Town of Rotterdam does hereby concur with the Planning Commission's Determination of Non-Significance issued on January 23, 2024 that this Unlisted Action satisfies the requirements of the State Environmental Quality Review Act.

**SECTION 2:** The Town Board of the Town of Rotterdam hereby approves the installation of an 18.225kW ground mounted small-scale solar array on a ±10-acre parcel for use by the Hungry Chicken Country Store, located in the Aquifer Area Overlay Zone at 661 River Road in Rotterdam, New York.

**SECTION 3.** This Resolution shall become effective January 24, 2024.
**DATED:** January 24, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag **(Absent)** | | | |
| 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 Meeting of the Town of Rotterdam on January 24, 2024, 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 January 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, January 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION 84.24**

**TO AMEND RESOLUTION 14.24 OF THE YEAR 2024**

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** Section 1 of Resolution 14.24, as amended, is hereby amended, and restated to read as follows: The following individuals of Rotterdam, New York are hereby appointed/reappointed as members to the Town of Rotterdam Ethics Committee for a two (2) year term commencing on January 1, 2024 through December 31, 2025.

Kelsey Cappello
Yvonne Cleveland
Renee Mertens

**SECTION 2.** This resolution shall become effective January 24, 2024.

**DATED:** January 24, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag **(Absent)** | | | |
| 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 Meeting of the Town of Rotterdam on January 24, 2024, 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 January 26, 2024.

Diane M. Marco
Diane M. Marco, Town Clerk

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

# TOWN OF ROTTERDAM

## DIANE M. MARCO

## Town Clerk

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

February 6, 2024

Certified Resolutions: #85-#88 for the year 2024 was duly adopted at the Town Board Special Meeting held at J.F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, NY 12306 that was held Monday, February 5, 2024 at 7:00 p.m. The Town Board Agenda Meeting started at approximately 6:47 p.m. and was adjourned at approximately 6:50 p.m. by Councilmember Dodson and seconded by Councilmember Gallucci. Motion #9 was made by Councilmember Dodson and seconded by Councilmember Mastroianni. All agreed to adjourn the Town Board Agenda. The Town Board Meeting started at approximately 7:00 p.m. and Motion #10 was made by Councilmember Dodson and seconded by Councilmember Schlag to go into executive session at approximately 7:03p.m. and exited executive session at approximately 7:47p.m. the Town Board meeting continued and a motion was made by Councilmember Dodson and seconded by Councilmember Mastroianni to adjourn the Town Board Meeting at approximately 7:58 p.m. All agreed to adjourn the Town Board Meeting.

All Councilmembers were present

Diane Marco

Diane M. Marco, Town Clerk

# TOWN OF ROTTERDAM

# TOWN BOARD SPECIAL MEETING

## Monday, February 5, 2024 AT 7:00 PM, 1100 Sunrise Blvd.

**For the purpose of holding an executive session, and for any other purpose as may come before the Town Board.**

**By Order of the Rotterdam Town Supervisor**

**Diane M. Marco**
**Town Clerk**

# MEETING OF THE
# ROTTERDAM TOWN BOARD

February 5, 2024
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**

- Personnel matter related to employee number 02052024, with invited guest Elayne G. Gold, Esq.

**PROCLAMATIONS**
**PRESENTATIONS**
**PUBLIC HEARING**

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

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

**INTRODUCTION OF MOTIONS, ORDERS AND RESOLUTIONS**

**MOTIONS**

**9.24** Motion made to add Resolution 88.24 to the agenda.

**10.24** Motion made to go into executive session.

**RESOLUTIONS**

**85.24** To amend Resolution 18.24 of the year 2024.

**86.24** To accept bid and award contract for sodium hexametaphosphate.

**87.24** To accept bid and award contract with addendum for chlorine gas.

**88.24** To authorize the Supervisor to negotiate and execute an agreement with Schenectady County Legislature for parking lot improvements to the Senior Citizens Center.

**LIAISON REPORTS**
**MISCELLANEOUS**
**EXECUTIVE SESSION**
**ADJOURNMENT**

**Mollie A. Collins, Supervisor**

At the Special public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Monday, February 5, 2024, at 7:00 p.m., the following motion passed:

**MOTION 9.24**

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** I make a motion to add resolution 88.24 to the agenda.

**SECTION 2.** This motion shall become effective February 5, 2024.

**DATED:** February 5, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag | **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 was approved by the Town Board of the Town of Rotterdam on February 5, 2024 and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this February 6, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM NY
Office Of The Town Clerk
Schenectady, County

At the Special public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Monday, February 5, 2024, at 7:00 p.m., the following motion passed:

**MOTION 10.24**

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** I make a motion to go into executive session.

**SECTION 2.** This motion shall become effective February 5, 2024.

**DATED:** February 5, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | X | | |
| Mastroianni | X | | |
| Gallucci | X | | |
| Schlag | 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 was approved by the Town Board of the Town of Rotterdam on February 5, 2024 and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this February 6, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM NY
Office Of The Town Clerk
Schenectady, County

At the Special public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Monday, February 5, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION 85.24**

**TO AMEND RESOLUTION 18.24 OF THE YEAR 2024**

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** Section 1 of Resolution 18.24, as amended, is hereby amended, and restated to read as follows: The following individuals are hereby appointed/reappointed 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 2024 as follows:

| | |
|---|---|
| **ADA Compliance Officer/Safety Officer** | |
| James Keith | Annual Stipend $3,000 |
| **Grant Coordinator** | |
| Peter Comenzo | Annual Stipend $7,000 |
| **Wellness Compliance** | |
| Megan Griffin | Annual Stipend $2,000 |
| **Events/Social Media Coordinator** | |
| Megan Griffin | Annual Stipend $3,000 |
| **CDL Trainer** | |
| Steve Skoda | Annual Stipend $1,000 |
| **Stormwater Program Coordinator/Stormwater Management officer** | |
| Mary Barrie | Hourly Rate $35.00 |
| **Stormwater Management Officer** | |
| Daniel Marsello | Annual Stipend $3,500 |
| **DPW Records Management** | |
| Lisa Gallo | Annual Stipend $2,500 |
| **Deputy Comptroller – Part Time** | |
| Paul Sebesta | Hourly Rate $115.00 |
| **School Traffic Officer** | |
| Floyd Rorick<br>(Maximum of 4 hours daily) | Hourly Rate $17.00 |
| **Clerk- Part Time (Highway)** | |
| Donna Larsen | Hourly Rate $19.50 |
| **Clerk – Part Time (Police Dept)** | |
| Allison Kartner | Hourly Rate $24.38 |

**Water Treatment Plant Operator (1st on call)**
Ian Bonthron Hourly Rate $35.00

**Water Treatment Plant Operator (2nd on call)**
Clark Collins Hourly Rate $35.00

**Building Inspector – Part Time**
Lloyd Denny Hourly Rate $40.00
(Maximum 3 days per week)

**Bingo Inspector**
William Purcell Hourly Rate $17.00

**Safety Inspector (FEMA)**
Kathy Fisher Hourly Rate $35.00

**Accountant – Part Time**
Sarah Morrison Hourly Rate $50.00

**Project Coordinator, Office of the Aging– Part Time**
Linda Testa Hourly Rate $35.00
(Not to exceed $32,000.00 dollars annually)

**Fire Inspector-Part Time**
Chris Amorosi Hourly Rate $25.00
(Maximum 15 hours per week)

**Dog Control Officers-Part Time**
Darla Gullotta Annual Salary $15,000.00
Heather Newell Annual Salary $15,000.00

**Clerk-Part Time**
Jody Binkley Hourly Rate $25.00

**SECTION 2.** This resolution shall become effective February 5, 2024.

**DATED:** February 5, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag **(Recused)** | | | |
| Collins **(Recused)** | | | |

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 Meeting of the Town of Rotterdam on February 5, 2024, 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 6, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

At the Special public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Monday, February 5, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 86.24**

**TO ACCEPT BID AND AWARD CONTRACT FOR SODIUM HEXAMETAPHOSPHATE**

**WHEREAS,** Pursuant to notice duly published according to Section One Hundred Three of the General Municipal Law of the State of New York, the Town of Rotterdam on Friday, January 26, 2024 posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (http://bidnetdirect.com/townofrotterdam). Additionally, the official bid report and all bids were made available in the Office of the Town Clerk for public inspection upon request, for the purchase by the Town of Rotterdam of the following:

**SODIUM HEXAMETAPHOSPHATE**

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1**. The Town Board of the Town of Rotterdam does hereby accept and award the bid for Sodium Hexametaphosphate for the Town of Rotterdam to George S. Coyne Chemical Co. Inc., located at 3015 State Road, Croydon, PA 19021, with a bid amount not to exceed ninety-three and 3979/100 ($93.3979) dollars per 50-pound bag.

**SECTION 2**. The Supervisor of the Town of Rotterdam is hereby authorized to execute a contract with said bidder in accordance with the terms of the bid proposal as submitted. Summary of bid prices are on file in the Town Clerk's office.

**SECTION 3.** This resolution shall become effective February 5, 2024.

**DATED:** February 5, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | X | | |
| Mastroianni | X | | |
| Gallucci | X | | |
| Schlag | 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 Meeting of the Town of Rotterdam on February 5, 2024, 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 6, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office Of The Town Clerk
Schenectady, County, NY

At the Special public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Monday, February 5, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 87.24**

**TO ACCEPT BID AND AWARD CONTRACT WITH ADDENDUM FOR CHLORINE GAS**

**WHEREAS,** Pursuant to notice duly published according to Section One Hundred Three of the General Municipal Law of the State of New York, the Town of Rotterdam on Friday, January 26, 2024 posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (http://bidnetdirect.com/townofrotterdam). Additionally, the official bid report and all bids were made available in the Office of the Town Clerk for public inspection upon request, for the purchase by the Town of Rotterdam of the following:

**CHLORINE GAS**

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1**. The Town Board of the Town of Rotterdam does hereby accept and award the bid with addendum for Chlorine Gas for the Town of Rotterdam to JCI Jones Chemical, located at branch 103 River Street, Warwick, New York 10990, with a bid amount not to exceed four hundred and 00/100 ($400.00) dollars per 150-pound cylinder.

**SECTION 2**. The Supervisor of the Town of Rotterdam is hereby authorized to execute a contract with said bidder in accordance with the terms of the bid proposal as submitted. Summary of bid prices are on file in the Town Clerk's office.

**SECTION 3.** This resolution shall become effective February 5, 2024

**DATED:** February 5, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag | **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 Meeting of the Town of Rotterdam on February 5, 2024, 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 6, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

At the Special public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Monday, February 5, 2024, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 88.24**

**AUTHORIZE THE SUPERVISOR TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH SCHENECTADY COUNTY LEGISLATURE FOR PARKING LOT IMPROVEMENTS TO THE SENIOR CITIZENS CENTER**

**WHEREAS,** Schenectady County Legislature, allocated funds by Resolution 218-23 on December 18, 2023, in the amount of $200,000.00 dollars for the Rotterdam Senior Center Facility Improvements through a Public Benefits Service Agreement; and

**WHEREAS,** the Town of Rotterdam would like to allocate the funds to go towards Parking Lot Improvements to the Rotterdam Senior Citizens' Center located at 2639 Hamburg Street, Rotterdam, New York 12303; NOW

**THEREFORE, UPON MOTION OF** Councilmember **MASTROIANNI,** seconded by Councilmember **DODSON**,
**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute a Public Benefits Service Agreement with the County of Schenectady, for Parking Lot Improvements to the Rotterdam Senior Citizens' Center, located at 2639 Hamburg Street, Rotterdam, New York 12303.

**SECTION 2.** This resolution shall become effective February 5, 2024.

**DATED:** February 5, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | **X** | | |
| Mastroianni | **X** | | |
| Gallucci | **X** | | |
| Schlag | **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 Meeting of the Town of Rotterdam on February 5, 2024, 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 6, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

**RESOLUTION NO. 90.24**

**TO APPOINT ALISON GRACE TO THE POSITION OF COMPTROLLER**

**THEREFORE, UPON MOTION OF** Councilmember _____,

seconded by Councilmember _____,

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** Alison Grace of Schenectady, New York is hereby appointed to the position of Comptroller, full time, with full employee benefits and subject to pre-employment background checks, at an annual salary of $125,000.00 based upon a 40-hour work week, commencing March 18th, 2024 through December 31, 2025.

**SECTION 2.** Alison Grace shall receive all of the benefits afforded CSEA members, including annual C.O.L.A.'s and longevity with the exception of the ability to earn overtime and/or compensatory time.

**SECTION 3.** Alison Grace shall receive the alternate vacation accrual schedule as defined below:

1st year – Initial balance of two (2) weeks with an additional two (2) weeks on six (6) month anniversary.

On 1st through 4th anniversary – four (4) weeks

On 5th anniversary and beyond – five (5) weeks

**SECTION 4 .** This resolution shall become effective February 14, 2024.

**DATED:** February 14, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | | | |
| Mastroianni | | | |
| Gallucci | | | |
| Schlag | | | |
| Collins | | | |

DRAFT

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 6, 2024

TO: Town Board

FROM: Mollie Collins, Supervisor

TITLE OF REQUEST: Appoint Alison Grace to the position of Town Comptroller

TOWN BOARD MEETING: February 14, 2024

Background Information: The Town of Rotterdam did an extensive interview process with several applicants.

Evaluation/Analysis: The Town of Rotterdam has utilized a part time Deputy Comptroller to continue day to day operations. A full time Comptroller is necessary to the operation of the town. Ms. Grace has the experience and knowledge needed to fulfill the duties of this office.

Recommendation(s): Appoint Ms. Alison Grace to the position of Town Comptroller

Attachment/Document(s): Civil Service Application

Compliance with Purchasing Policy: Yes

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

LEGISLATION WILL BE PREPARED BY: Supervisors Office

Schenectady County is an Equal Opportunity Employer. Schenectady County does not unlawfully discriminate in employment because of age, race, creed, color, national origin, sex, sexual orientation, disability, marital status, arrest and/or criminal conviction record unless based on a bona fide occupational qualification or other exception, genetic predisposition, or domestic violence victim status.

# Schenectady County

Human Resources & Civil Service
620 State Street
Schenectady, NY 12305-2114

## APPLICATION FOR EXAMINATION OR EMPLOYMENT

FOR COUNTY OFFICES, TOWNS, VILLAGES, SCHOOL DISTRICTS LIBRARIES AND SPECIAL DISTRICTS

Date Received _____ Approved _____

Conditional _____ Disapproved _____

CIVIL SERVICE DEPT. USE ONLY

1. _____ (POSITION TITLE) _____ (EXAM NUMBER)

This application is part of your examination. Answer all questions fully. A resume, if submitted, cannot substitute for the application. You are encouraged to read the General Conditions and Instructions for more information.

**2. Name and Legal Residence**

Grace (Last Name) Alison (First Name) M (Middle Initial)

[redacted] (Street Address or Road) R.D. # or P.O. Box #

[redacted]

County J City, Town, Village J State Zip

Home Phone Number N/A Cell Phone [redacted]

Email Address [redacted]

**If mailing address is different:**

Street Address or Road R.D. # or P.O. Box #

County City, Town, Village State Zip

**Social Security Number** [redacted]

**3.** Police Officer & Firefighter Candidates Only:

**Date of Birth (MM/DD/YYYY)** ____/____/_____

**4. Residency Requirements:** Candidates must meet the Residency Requirements as stated on the examination announcement. You must complete the following to determine if you meet these residency requirements. Indicate how long this has been your legal residence, up to the date of this application, showing that you meet the residency requirements as announced.

| | Name | Years | Months |
|---|---|---|---|
| State of: | New York | [redacted] | |
| County of: | Albany | | |
| Village of: | | | |
| Town of: | Colonie | | |
| City of: | | | |
| School District | Mohonasen | | |

**5.Citizenship**

A. Are you currently a U.S. Citizen? YES ☑ NO ☐

B. If not, do you have the legal right to accept Employment in the United States? YES ☐ NO ☐
Please give alien registration number: _____

C. Are you a retiree from New York State or any civil division thereof? YES ☐ NO ☑

**6. Special Testing Arrangements** (Refer to General Conditions and Instructions). If you need Special Accommodations to take the examination, contact the Civil Service Office at (518) 388-4233.

**Religious** ☐ **Military** ☐ **Disability** ☐

**7. Crossfiler** - If you have filed or are filing SEPARATE applications for Civil Service Examinations being held on the same date, attach the CROSSFILER APPLICATION. Call to make arrangements no later than two weeks before the test date.

**8. Driver's License:** Complete the following if a license to operate a motor vehicle is required for the position that you are applying.

| | |
|---|---|
| License #: | [redacted] |
| Restrictions: | |
| Expiration Date: | |
| Endorsements: | N/A |
| Class of License: | D |
| Is this License Currently Valid | YES ☑ NO ☐ |



ALL STATEMENTS ARE SUBJECT TO VERIFICATION

**9. Veterans Credits:** If you wish to apply for Veterans Credits, complete the following questions and complete the Application for Veterans Credits (Refer to General Conditions and Instructions).

| | YES | NO |
|---|---|---|
| Have you ever served in the Armed Forces of the United States? *(The Armed Forces means the Army, Navy, Marine Corps, Air Force, and Coast Guard, including all components thereof and the National Guard when in the service of the US pursuant to call as provided by Law on a full-time active duty basis other than active duty for training purposes).* | | |
| Did you serve in the Armed Forces during any of the following periods: | | |
| February 28, 1961 – May 7, 1975 | | |
| August 2, 1990 – end of hostilities | | |
| *Lebanon: June 1, 1983 – December 1, 1987 | | |
| *Granada: October 23, 1983 – November 21, 1983 | | |
| *Panama: December 20, 1989 – January 31, 1990 | | |
| **Credit for Lebanon, Grenada and Panama is limited to those who received the Armed Forces Expeditionary Medal, the Navy Expeditionary Medal, or the Marine Corps Expeditionary Medal.* | | |
| Have you ever used additional credits as a disabled or non-disabled veteran for appointment to any position in the public employment of New York State or any of its civil divisions? | | |
| Do you have a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs? This disability must have been incurred during a Time of War period listed above. | | |
| After you were permanently appointed using non-disabled veteran credits, were you subsequently certified as having a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs? | | |
| Are you currently a resident of New York State? | | |

**10. Additional Questions:** Check the appropriate box to the right of each question.

| | YES | NO |
|---|---|---|
| Were you dismissed or discharged from any employment for reasons other than lack of work or funds? | | ✓ |
| Did you ever resign from any employment rather than face dismissal? | | ✓ |
| Did you ever receive a discharge from the Armed Forces of the United States which was other than "Honorable" or which was issued under the other than honorable circumstances? | | ✓ |
| Have you ever been convicted of any crime (felony or misdemeanor)? | | ✓ |
| Are you now under charges for any crime? | | ✓ |
| Have you ever forfeited bail bond posted to guarantee your appearance in court to answer any criminal charge? | | ✓ |

If you answered yes to any of the above questions, you may give specifics below. If you elect not to provide specifics, or if such explanation is insufficient, you may be required to submit further information. None of the above circumstances represents an automatic bar to employment. Each case is considered and evaluated on individual merits in relation to the position (s) for which you are applying.

REMARKS:_____

**11. Licenses:** If a license, certificate or other authorization to practice a trade or profession is listed as a requirement on the announcement of the examination (s) for which you are applying.

| | | | | | |
|---|---|---|---|---|---|
| Name of Trade or Profession: | | | Specialty: | | |
| License Number: | | | | | |
| Granted by (Licensing Agency): | | | City/State | | |
| Date License First Issued: | | Registered From: | | Registered To: | |



ALL STATEMENTS ARE SUBJECT TO VERIFICATION

**12. Education:** If credit is claimed for a partially completed college curriculum or correspondence course, attach a list of courses and credit or semester hours completed. Indicate how many credit hours or courses are required for graduation. If required to indicate specific course work, do so on an attached sheet.

| High School | | |
|---|---|---|
| Have you ever graduated from High School or do you have possession of a High School Equivalency Diploma? | YES ☑ | NO ☐ |
| If Yes, Name and Location of High School or Issuing Government Authority: | Red Hook Central High School | |
| Equivalency Diploma Number: | | |

**College, University, Professional or Technical School**

| Name of School | Number of College Credits | Degree Earned | Major Subject/ Courses | Did You Graduate? Yes | Did You Graduate? No | Date Degree Expected or Received |
|---|---|---|---|---|---|---|
| Hudson Valley Comm College | | Associates | Business | ✓ | | [redacted] |
| University at Albany | | Bachelor | Accounting | ✓ | | |
| | | | | | | |
| | | | | | | |

**13. Experience: All sections must be filled out completely even if you attach a resume.** Begin with the most recent employment. List all employment or military service that shows that you meet the minimum qualifications for the examination. Omissions or vagueness will not be interpreted in your favor. Under *Description of Duties*, clearly describe the nature of work which you personally performed. Part-time experience will be prorated unless otherwise stated on the examination announcement. Verified and documented volunteer experience will only be credited when specifically stated on the examination announcement. *If you move to a different position within the same organization, indicate so in a separate employment box.* You may attach additional sheets if you need more space.

| **Length of Employment** | Firm Name: | Cusack & Company CPAs LLC |
|---|---|---|
| From: [redacted] | Firm Address: | 7 Airport Park Blvd. Latham, NY 12110 |
| To: | **Description of Duties:** | See resume (attached) |
| **Employment Details** | | |
| Your Exact Title: Staff Accountant | | |
| Name of Your Supervisor: Ben Claflin | | |
| Supervisor's Title: Partner/owner | | |
| Hours worked / wk. (exclusive of overtime): 40 (more during tax season) | | |
| Reason for Leaving: no room to advance | | |

| **Length of Employment** | Firm Name: | |
|---|---|---|
| From: Month/Year (mm/yyyy) | Firm Address: | |
| To: Month/Year (mm/yyyy) | **Description of Duties:** | |
| **Employment Details** | | |
| Your Exact Title | | |
| Name of Your Supervisor | | |
| Supervisor's Title | | |
| Hours worked / wk. (exclusive of overtime) | | |
| Reason for Leaving | | |



ALL STATEMENTS ARE SUBJECT TO VERIFICATION

| Length of Employment | Firm Name: | |
|---|---|---|
| From: | Firm Address: | |
| Month/Year (mm/yyyy)<br>To:<br>Month/Year (mm/yyyy) | **Description of Duties:** | |
| **Employment Details** | | |
| Your Exact Title | | |
| Name of Your Supervisor | | |
| Supervisor's Title | | |
| Hours worked / wk. (exclusive of overtime) | | |
| Reason for Leaving | | |

| Length of Employment | Firm Name: | |
|---|---|---|
| From: | Firm Address: | |
| Month/Year (mm/yyyy)<br>To:<br>Month/Year (mm/yyyy) | **Description of Duties:** | |
| **Employment Details** | | |
| Your Exact Title | | |
| Name of Your Supervisor | | |
| Supervisor's Title | | |
| Hours worked / wk. (exclusive of overtime) | | |
| Reason for Leaving | | |

**THIS AFFIRMATION MUST BE COMPLETED**

I affirm, subject to the penalties of perjury, that the statements made in this application, including statements made in any accompanying papers, are true. I understand that all statements made by me in connection with this application are subject to investigation and verification and that a material misstatement or fraud may disqualify me from appointment and/or lead to revocation of my appointment. I give the employer the right to investigate all references and to secure additional job related information about me. I hereby release from liability the employer and its representatives for seeking such information and all other persons, corporations or organizations for furnishing such information. If the position I am applying for is covered by the employer's drug testing policy, I understand that as a condition of appointment to this position, I will be required to take and successfully pass a pre-employment drug test.

Signature of Applicant | Alison Grace — Print Name | 2/1/24 — Date

(State below any other name by which you have been known)

[redacted] [redacted]

# Alison Grace

**Objective**

To utilize and broaden my accounting experience with an organization that will challenge my abilities using the skills I have acquired through my previous work experience and education.

**Summary Of Qualifications**

Bachelors Degree in Accounting, graduated with honors; ten years experience working at a CPA firm including experience with auditing, bookkeeping and payroll services, tax return preparation, financial statement preparation
Experience with Quickbooks, Excel, Microsoft Word, Proseries Tax Software, and

Bachelors Degree in Accounting
University at Albany
Graduation date [redacted]
GPA: 3.50

Associates Degree in Business Administration,
Hudson Valley Community College, [redacted]
GPA: 3.85

**Professional Experience**

**Cusack & Company CPAs, LLC -** Latham, NY [redacted]
*Staff Accountant*

- Promoted from seasonal employee, to full-time junior staff accountant, and then, once I received my Bachelors degree, I moved into a permanent full-time salaried position as a staff accountant in [redacted] and was promoted to manager in [redacted]
- Audit field work including non-profit organizations, pension plan audits, and government entities.
- Payroll services including calculations of monthly payroll deposits, and preparation and filing of quarterly and annual returns.
    - In-charge of preparation, and filing, of annual income reporting tax forms for clients that use our services (W-2s, 1099s, etc...).
- Bookkeeping services for clients which included journal entries, bill payment, deposits, preparation of year-end workpapers, tax filings, and payroll services.
- Tax return preparation for non-profit, corporate, pension reporting, and individual returns.
- Financial statement proofing and preparation.
- Experience filing various types of government reporting requirements such as AUD for NYS and single audit submissions with the SF-SAC.
- Assist our contracted IT professional with computer/software issues and maintenance within the office including management of antivirus and computer updates for all office desktop computers, set-up of mobile printers, resolving software malfunctions, back-ups, etc...
- Clerical office work involving answering the phones, processing tax returns for mailing, typing letters and financial statements, and outgoing mail.

**RESOLUTION NO. 91.24**

**TO APPROVE BUDGET TRANSFERS TO THE 2024 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 **2024** are hereby audited and approved:

| ***Fund*** | ***Account No.*** | | ***Title*** | ***Amount*** |
|---|---|---|---|---|
| General | A1620 4601 | FROM: | Preventive Maint. & Supply | -685.00 |
| Highway | DA5142 4713 | INTO: | Hwy Salt Snow | +685.00 |

**SECTION 2.** This resolution shall become effective February 14, 2024.

**DATED:** February 14, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | | | |
| Mastroianni | | | |
| Gallucci | | | |
| Schlag | | | |
| Collins | | | |

DRAFT

# 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 9, 2024**

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

FROM: **Comptroller's Office**

TITLE OF REQUEST**:** To approve budget transfers to the 2024 budget.

TOWN BOARD MEETING**:** To be placed on the Town Board Meeting of February 14, 2024

Background Information: Budget transfers are needed to correct lines.

Evaluation/Analysis: Lines with expenditures currently being appropriated to them need to be funded properly and budget transfers need to be made in order to do so.

Recommendation(s): To be placed on the Town Board meeting of February 14, 2024 and approve the transfer.

Attachment/Document(s): Memo: James Keith

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): Town Law 102, 113 & 113

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

# ***Memorandum***

To: Mollie Collins, Supervisor

From: James Keith, Senior Building Inspector

Subject: Budget Transfer

Date: February 6, 2024

Please transfer the following funds to cover expenses:

| | | | | | |
|---|---|---|---|---|---|
| **From** | **A1620 4601** | **Preventive Maintenance & Supply** | **Amount** | $ | 685.00 |
| **To** | **DA5142 4713** | **Highway** | **Amount** | $ | 685.00 |

To cover Sand/Salt used by the Parks Department to salt the parking lots.

Thank you.

cc: Paul Sebesta

**RESOLUTION NO. 92.24**

**TO ACCEPT REVENUE FOR TOWN CLERK'S OFFICE FOR JANUARY 2024**

**THEREFORE, UPON MOTION OF** Councilmember _____,

seconded by Councilmember _____,

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** The Town Clerk's report for the month of January 2024, has been placed on file and the Town Clerk's check in the amount of ten thousand four hundred fifty-nine dollars and 43/100 ($10,459.43) has been submitted to the supervisor for deposit.

**SECTION 2.** This resolution shall become effective February 14, 2024

**DATED:** February 14, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | | | |
| Mastroianni | | | |
| Gallucci | | | |
| Schlag | | | |
| Collins | | | |

DRAFT

# 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 2, 2024

TO: Mollie A. Collins, Supervisor

FROM: Diane M. Marco, Town Clerk

TITLE OF LEGISLATIVE REQUEST: Revenue received for December 2023, $10,459.43 in the Town Clerks office.

TO BE PLACED ON TOWN BOARD AGENDA OF: February 14, 2024

TO BE PLACED ON TOWN BOARD MEETING OF: February 14, 2024

Background Information: Attached

Evaluation/Analysis: Increase revenue for the Town.

Recommendation(s): To place on the Town Board Agenda and Town Board meeting of February 14, 2024

Attachment/Documents(s): Attached

Compliance with Purchasing Policy: N/A

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

LEGISLATION WAS PREPARED BY: Diane M. Marco, Town Clerk

| Account Description | Fee Description | Account# | Qty | Local Share |
|---|---|---|---|---|
| | | **Total Local Shares Remitted:** | | **$10,459.43** |
| Amount paid to: | NYS Ag. & Markets for spay/neuter program | | | 278.00 |
| Amount paid to: | NYS Environmental Conservation | | | 74.86 |
| Amount paid to: | State Comptoller For Games Of Chance | | | 90.00 |
| Amount paid to: | State Comptroller | | | 2,295.00 |
| Amount paid to: | State Comptroller for Games of Chance | | | 30.00 |
| Amount paid to: | State Health Dept. For Marriage Licenses | | | 45.00 |
| **Total State, County & Local Revenues:** | **$13,272.29** | **Total Non-Local Revenues:** | | **$2,812.86** |

To the Supervisor:

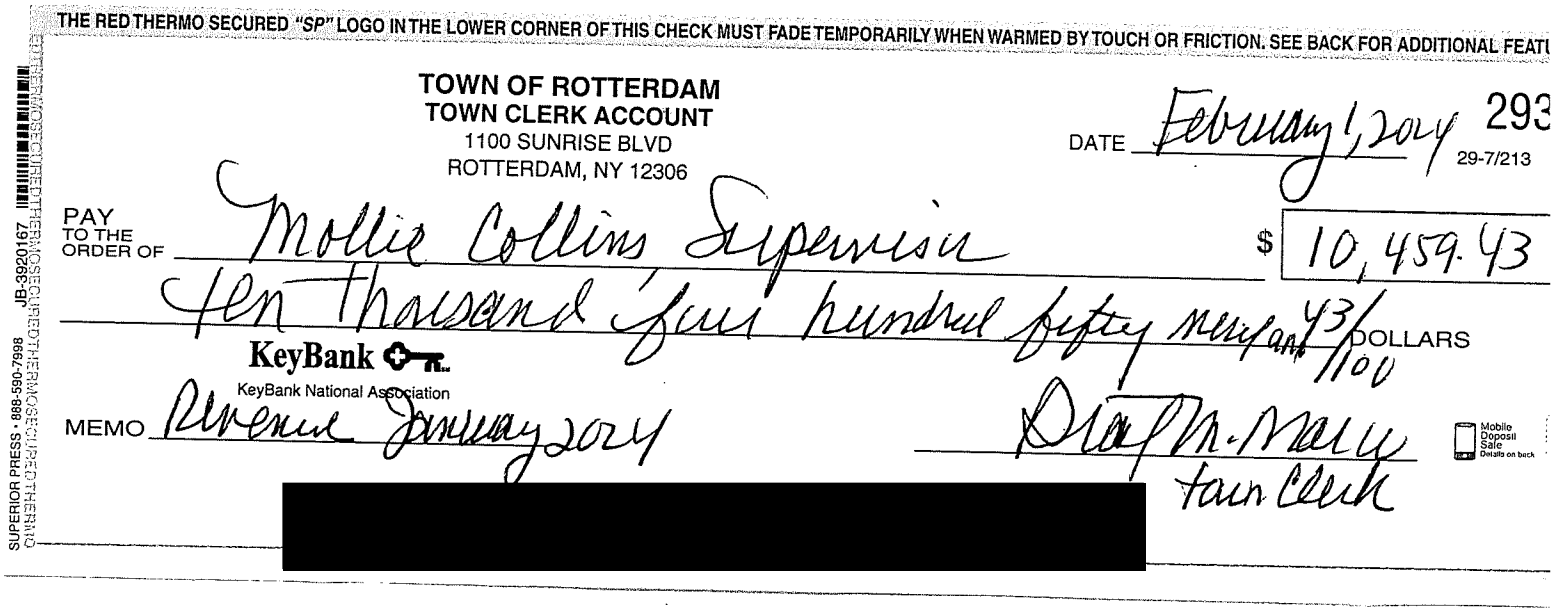
Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Diane M. Marco, Town Clerk, Town of Rotterdam during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Mollie A. Collins — Supervisor — 2/1/24 — Date

Diane M Marco — Town Clerk — 2/1/24 — Date

Town Clerk Monthly Report
January 01, 2024 - January 31, 2024

| Account Description | Fee Description | Account# | Qty | Local Share |
|---|---|---|---|---|
| Bell jar | Bell Jar License | | 6 | 60.00 |
| Bingo | Bingo License | A2540 | 204 | 1,530.00 |
| | | | **Sub-Total:** | **$1,590.00** |
| Conservation | Conservation | A1255 | 3 | 5.14 |
| | | | **Sub-Total:** | **$5.14** |
| Dog Licensing | Exempt Dog | A2544 | 2 | 0.00 |
| Dog Licensing | Female, Spayed | A2544 | 92 | 1,288.00 |
| Dog Licensing | Female, Unspayed | A2544 | 11 | 187.00 |
| Dog Licensing | Male, Neutered | A2544 | 93 | 1,302.00 |
| Dog Licensing | Male, Unneutered | A2544 | 20 | 340.00 |
| Dog Licensing | Replacement Tags | A2544 | 2 | 6.00 |
| | | | **Sub-Total:** | **$3,123.00** |
| Ez pass | Ez Pass | A1255 | 1 | 25.00 |
| | | | **Sub-Total:** | **$25.00** |
| Games of Chance | Raffle License | | 1 | 10.00 |
| | | | **Sub-Total:** | **$10.00** |
| Genealogy Fee | Genealogy | | 2 | 44.00 |
| | | | **Sub-Total:** | **$44.00** |
| GENERAL LIC. | Waste Hauler Permit | A2590 | 57 | 4,275.00 |
| | | | **Sub-Total:** | **$4,275.00** |
| Late Fees | Late Fee -Dog Renewal | A1550 | 49 | 485.00 |
| | | | **Sub-Total:** | **$485.00** |
| Marriage Lic. | MARRIAGE LICENSE FEE | A1255 | 2 | 35.00 |
| | | | **Sub-Total:** | **$35.00** |
| Misc | Misc | | 4 | 201.29 |
| | | | **Sub-Total:** | **$201.29** |
| MISC. FEES | Certified Copies | A1255 | 125 | 1,250.00 |
| | | | **Sub-Total:** | **$1,250.00** |
| Senior Discount | Senior Discount | A2544 | 60 | -594.00 |
| | | | **Sub-Total:** | **-$594.00** |
| Town Portion | Games Chance Permits | A2530 | 1 | 10.00 |
| | | | **Sub-Total:** | **$10.00** |



THE RED THERMO SECURED "SP" LOGO IN THE LOWER CORNER OF THIS CHECK MUST FADE TEMPORARILY WHEN WARMED BY TOUCH OR FRICTION. SEE BACK FOR ADDITIONAL FEATU

TOWN OF ROTTERDAM
TOWN CLERK ACCOUNT
1100 SUNRISE BLVD
ROTTERDAM, NY 12306

DATE February 1, 2024 293
29-7/213

PAY TO THE ORDER OF Mollie Collins Supervisor $ 10,459.43

Ten Thousand four hundred fifty nine and 43/100 DOLLARS

KeyBank
KeyBank National Association

MEMO Revenue January 2024

Diane M. Mally
Town Clerk

Mobile Deposit Safe Details on back

[redacted]

SUPERIOR PRESS • 888-590-7998 JB-3920167 SECURED THERMO SECURED THERMO

***Monthly Worksheet of Daily Work***
***January 2024***

| DATE | AMOUNT DEPOSITED | DEC LICENSE SALES | DEC PORTION | TOWN PORTION | DOG AMOUNT PAID | STATE AG MKTS PORTION | TOWN PORTION | MARRIAGE FEE PAID | STATE DOH PORTION | TOWN PORTION | Bingo Games of chance 3% | STATE BINGO/ GAMES CHANCE | TOWN PORTION | EZ PASS | ONE Day Officiant |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1/2/2024 | $662.00 | $0.00 | $0.00 | $0.00 | $282.00 | $30.00 | $252.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| 1/3/2024 | $176.00 | $0.00 | $0.00 | $0.00 | $156.00 | $20.00 | $136.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| 1/4/2024 | $246.00 | $0.00 | $0.00 | $0.00 | $140.00 | $13.00 | $127.00 | $0.00 | $0.00 | $0.00 | $36.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| 1/5/2024 | $165.00 | $0.00 | $0.00 | $0.00 | $105.00 | $7.00 | $98.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| 1/8/2024 | $4,270.00 | $0.00 | $0.00 | $0.00 | $210.00 | $19.00 | $191.00 | $0.00 | $0.00 | $0.00 | $0.00 | $2,400.00 | $1,600.00 | $0.00 | $0.00 |
| 1/9/2024 | $174.00 | $0.00 | $0.00 | $0.00 | $75.00 | $8.00 | $67.00 | $0.00 | $0.00 | $0.00 | $0.00 | $15.00 | $10.00 | $0.00 | $0.00 |
| 1/10/2024 | $85.00 | $0.00 | $0.00 | $0.00 | $60.00 | $8.00 | $52.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| 1/11/2024 | $155.00 | $0.00 | $0.00 | $0.00 | $105.00 | $11.00 | $94.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| 1/12/2024 | $2,315.00 | $30.00 | $27.62 | $2.38 | $55.00 | $6.00 | $49.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| 1/16/2024 | $260.00 | $0.00 | $0.00 | $0.00 | $140.00 | $13.00 | $127.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| 1/17/2024 | $2,253.00 | $0.00 | $0.00 | $0.00 | $28.00 | $4.00 | $24.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| 1/18/2024 | $250.00 | $0.00 | $0.00 | $0.00 | $210.00 | $14.00 | $196.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| 1/19/2024 | $275.00 | $0.00 | $0.00 | $0.00 | $95.00 | $8.00 | $87.00 | $40.00 | $22.50 | $17.50 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| 1/22/2024 | $142.47 | $0.00 | $0.00 | $0.00 | $95.00 | $10.00 | $85.00 | $0.00 | $0.00 | $0.00 | $37.47 | $0.00 | $0.00 | $0.00 | $0.00 |
| 1/23/2024 | $211.71 | $25.00 | $23.62 | $1.38 | $93.00 | $16.00 | $77.00 | $0.00 | $0.00 | $0.00 | $43.71 | $0.00 | $0.00 | $0.00 | $0.00 |
| 1/24/2024 | $310.00 | $25.00 | $23.62 | $1.38 | $60.00 | $4.00 | $56.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $25.00 | $0.00 |
| 1/25/2024 | $60.00 | $0.00 | $0.00 | $0.00 | $60.00 | $6.00 | $54.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| 1/26/2024 | $224.11 | $0.00 | $0.00 | $0.00 | $130.00 | $10.00 | $120.00 | $0.00 | $0.00 | $0.00 | $84.11 | $0.00 | $0.00 | $0.00 | $0.00 |
| 1/29/2024 | $390.00 | $0.00 | $0.00 | $0.00 | $230.00 | $20.00 | $210.00 | $40.00 | $22.50 | $17.50 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| 1/30/2024 | $270.00 | $0.00 | $0.00 | $0.00 | $210.00 | $20.00 | $190.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| 1/31/2024 | $378.00 | $0.00 | $0.00 | $0.00 | $268.00 | $31.00 | $237.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| Audited by dmm 1/31/24 | **$13,272.29** | $80.00 | **$74.86** | **$5.14** | $2,807.00 | **$278.00** | **$2,529.00** | $80.00 | **$45.00** | **$35.00** | **$201.29** | **$2,415.00** | **$1,610.00** | **$25.00** | **$0.00** |

**RESOLUTION NO. 93.24**

**AUTHORIZE THE SUPERVISOR TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH CINTAS CORPORATION**

**THEREFORE, UPON MOTION OF** Councilmember _____,

seconded by Councilmember _____,

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with Cintas Corporation for traffic mat cleaning services at Rotterdam Town Hall and the Rotterdam Senior Citizens Center for the year 2024, in accordance to the attached proposals.

**SECTION 2.** This resolution shall become effective February 14, 2024.

**DATED:** February 14, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | | | |
| Mastroianni | | | |
| Gallucci | | | |
| Schlag | | | |
| Collins | | | |

DRAFT

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 1, 2024 |
| TO: | Mollie Collins – Town Supervisor |
| FROM: | James Keith – Senior Building Inspector |
| TITLE OF REQUEST: | Authorize Supervisor to enter into an agreement with Cintas |
| TOWN BOARD MEETING: | February 14, 2024 |
| Background Information: | Cintas has provided proposals for traffic mats for the entrances to Town Hall and for the main entrance to the Senior Center. |
| Evaluation/Analysis: | The proposed prices are through Omina Partners which is a purchasing program for Government entities. |
| Recommendation(s): | Sign agreement with Cintas. |
| Attachment/Document(s): | Cintas Agreement for Town Hall and the Senior Center |
| Compliance with Purchasing Policy: | N/A |
| Effect(s) on Existing Law(s): | N/A |
| LEGISLATION WILL BE PREPARED BY: | Supervisor's Office |

HARD-WORKING STYLE & COMFORT
READY™

**Proposal Date: 01/23/2024**

**Expiration Date: 02/22/2024**

| Customer Name | | Prepared For | |
|---|---|---|---|
| **Rotterdam Senior Ctr** | | **Rotterdam Senior Ctr** | |
| Delivery Address | | Delivery Address 2 : | |
| **2639 Hamburg St** | | | |
| City : | State / Province : | Zip / Postal Code : | Phone : |
| **Schenectady** | **NY** | **12303** | **518-356-1561** |

# Facility Services

## Non-Garment / Service Group 1

| Non-Garments / Services | Frequency | Inventory | Unit Price | Price |
|---|---|---|---|---|
| X10198 3X10 TRAFFIC MAT | Every 4 Weeks | 3 | $ 22.000 | $ 16.500 |
| | | | | Auto LR: No Buy Back: No |
| X10197 4X6 TRAFFIC MAT | Every 4 Weeks | 3 | $ 18.000 | $ 13.500 |
| | | | | Auto LR: No Buy Back: No |
| | | **Weekly Total :** | $ | **30.00** |

## Other Charge

| Charge Description | Price Per Week |
|---|---|
| Service Charge | $ 0.00 |

## Total

| Charge Description | Sale Price |
|---|---|
| Every Other Week Delivery Total | $ 0.00 |
| Monthly Delivery Total | $ 120.00 |
| Average Weekly Total | $ 30.00 |

#

Sales Partner
BRYANTG@CINTAS.COM
UR v2

**Proposal Date: 01/23/2024**

**Expiration Date: 02/22/2024**

| Customer Name | | Prepared For | |
|---|---|---|---|
| **Rotterdam Senior Ctr** | | **Rotterdam Senior Ctr** | |
| Delivery Address | | Delivery Address 2 : | |
| **2639 Hamburg St** | | | |
| City : | State / Province : | Zip / Postal Code : | Phone : |
| **Schenectady** | **NY** | **12303** | **518-356-1561** |

# Facility Services

## Non-Garment / Service Group 1

| Non-Garments / Services | Frequency | Inventory | Unit Price | Price |
|---|---|---|---|---|
| X10198 3X10 TRAFFIC MAT | Every 4 Weeks | 1 | $ 22.000 | $ 66.000 |
| X10197 4X6 TRAFFIC MAT | Every 4 Weeks | 1 | $ 18.000 | $ 54.000 |

## Other Charge

| Charge Description | Price Per Week |
|---|---|
| Service Charge | $ 0.00 |

#

Sales Partner

BRYANTG@CINTAS.COM

UR v2

HARD-WORKING STYLE & COMFORT
READY™

**Proposal Date: 02/01/2024**

**Expiration Date: 03/02/2024**

| Customer Name | | Prepared For | |
|---|---|---|---|
| **Rotterdam Town Hall** | | **Rotterdam Town Hall** | |
| Delivery Address | | Delivery Address 2 : | |
| **1100 Sunrise Blvd # 1** | | | |
| City : | State / Province : | Zip / Postal Code : | Phone : |
| **Schenectady** | **NY** | **12306** | **518-355-9514** |

# Facility Services

## Non-Garment / Service Group 1

| Non-Garments / Services | Frequency | Inventory | Unit Price | Price |
|---|---|---|---|---|
| X10197 4X6 TRAFFIC MAT | Every other Weeks | 4 | $ 13.284 | $ 26.568 |
| | | | | Auto LR: No Buy Back: No |
| | | **Weekly Total :** | $ | **26.57** |

## Other Charge

| Charge Description | Price Per Week |
|---|---|
| Service Charge | $ 0.00 |

## Total

| Charge Description | Sale Price |
|---|---|
| Every Other Week Delivery Total | $ 53.14 |
| Average Weekly Total | $ 26.57 |

#

Sales Partner

BRYANTG@CINTAS.COM

UR v2

**Proposal Date: 02/01/2024**

**Expiration Date: 03/02/2024**

| Customer Name | | Prepared For | |
|---|---|---|---|
| **Rotterdam Town Hall** | | **Rotterdam Town Hall** | |
| Delivery Address | | Delivery Address 2 : | |
| **1100 Sunrise Blvd # 1** | | | |
| City : | State / Province : | Zip / Postal Code : | Phone : |
| **Schenectady** | **NY** | **12306** | **518-355-9514** |

# Facility Services

## Non-Garment / Service Group 1

| Non-Garments / Services | Frequency | Inventory | Unit Price | Price |
|---|---|---|---|---|
| X10197 4X6 TRAFFIC MAT | Every other Weeks | 1 | $ 13.284 | $ 53.140 |

## Other Charge

| Charge Description | Price Per Week |
|---|---|
| Service Charge | $ 0.00 |

#

Sales Partner

BRYANTG@CINTAS.COM

UR v2

**RESOLUTION NO. 94.24**

**TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW ___ OF 2024; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, RELATING TO A CHANGE OF ZONE FROM SINGLE FAMILY RESIDENTIAL (R-1) TO LIGHT INDUSTRIAL (I-1) AND REFER TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION**

**WHEREAS,** The Town has received an application for a Change of Zone request on approximately 0.35 acres from Single Family Residential (R-1) to Industrial Light (I-1) to facilitate the construction of a ±2,000 square foot storage garage, located at the corner of Tower Avenue and Chrisler Avenue (Tax Map No. 59.7-10-1.12).; NOW

**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 recognizes the introduction of Introductory Local Law No. ____ of 2024 to amend Chapter 270, Zoning, of the Town Code, for a change of zone from Single Family Residential (R-1) to Light Industrial (I-1), located at the corner of Tower Avenue and Chrisler Avenue (Tax Map No. 59.7-10-1.12), to facilitate the construction of a ±2,000 square foot storage garage.

**SECTION 2.** The Town Board hereby refers this Introductory Local Law No. ____ of 2024 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

**SECTION 3.** This resolution shall become effective February 14, 2024.

**DATED:** February 14, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | | | |
| Mastroianni | | | |
| Gallucci | | | |
| Schlag | | | |
| 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: | January 26, 2024 |
| TO: | Mollie Collins, Town Supervisor |
| FROM: | Peter Comenzo, Senior Planner PC |
| TITLE OF REQUEST: | Refer to Planning Commission for Report and Recommendation for Change of Zone from Single Family Residential (R-1) to Light Industrial (I-1) |
| TOWN BOARD MEETING: | February 14, 2024 |
| Background Information: | Govin Sarju (Owner)<br>2175 Tower Street<br>Schenectady, NY 12304<br><br>Change of Zone Request on approximately 0.35 acres of from Single Family Residential (R-1) to Light Industrial (I-1). Property is located at the corner of Tower Avenue and Chrisler Avenue (Tax Map No. 59.7-10-1.12). Applicant is proposing to construct a ±2,000 square foot storage garage. |
| Evaluation/Analysis: | Rotterdam Town Code 270-174 states that Change of Zone applications shall be referred to the Planning Board for a report and recommendation prior to a public hearing. |
| Recommendation(s): | Refer to Planning Commission for Report and Recommendation. |
| Attachment/Document(s): | Application, materials, and map |
| Compliance with Purchasing Policy: | N/A |
| Effect(s) on Existing Law(s): | NYS Town Law Article 16<br>Proposed Local Law of the Year 2024 |
| LEGISLATION WILL BE PREPARED BY: | Supervisors Office |

# TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

## PART I

## PROCEDURES TO APPLY FOR A CHANGE OF ZONE (COZ)

1) The applicant must complete the following and present **twenty-two (22) complete sets** to the Public Works Department*. The change of zone (COZ) process will take an average of 60 days to complete.
   a. A completed COZ application (part II and III). A completed list of names and addresses of all property owners within three hundred (300) feet of the exterior boundaries of the subject property proposed for the change of zone will be completed by the Department of Public Works (DPW).
   b. A complete site plan and/or subdivision plan of proposed project.
   c. A copy of the current deed(s) of the property to be rezoned.
   d. A complete legal description of the exterior boundaries of the property proposed to be rezoned (this is needed for the legal notice and is in addition to any legal description(s) on the deed).
   e. A vicinity map depicting the location of the property and identifying at a minimum the nearest cross streets.
   f. A completed Full Environmental Assessment Form as provided in 6NYCRR PART 617.
2) The Town Board makes a decision whether or not to consider the application. If the Town Board makes a decision to consider the application, it will forward the application for recommendation to the Planning Commission. If the Town Board elects not to consider the application, the processing of the application does not continue.
3) The application materials will be transmitted to the Planning Commission for review and comment if the Town Board elects to forward the application to them. The applicant may address comments received on the proposal and make revisions to the application as warranted.
4) The COZ application and Planning Commission recommendation are forwarded to the Town Board for review. The Town Supervisor will place the COZ request on a Town Board agenda to call for a public hearing. If the Town Board elects to not call for a public hearing the process is considered complete and the legislative request will not proceed.
5) After the Town Board calls for a public hearing, the Supervisor's office notifies all property owners within three hundred (300) feet of the exterior boundaries of the subject property of the proposed COZ request and the public hearing date.
6) Public Hearing - The Town Board conducts a public hearing on the COZ request and makes a decision to approve or deny the application.

*If the proposed zoning is not in conformance with the Rotterdam Comprehensive Plan, it will be necessary to apply for a Comprehensive Plan Amendment. Contact the Town Planner concerning this requirement.

Revised March 2013

**********

# TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

**All requested information shall be provided and must be filled out in black ink or typed for photocopying purposes.**

**Application Fee** **$650**

**Existing Zone Classification:** R-1 One-Family Residential

**Proposed Zone Classification:** I-1 Light Industrial

## PART II
## GENERAL INFORMATION

Legal Owner's Name: Govin Sarju
Mailing Address: 2175 Tower Avenue
City: Schenectady State: NY Zip: 12304
Daytime Phone: 347-531-5124 Fax

**If applicant is not the owner, include written owner authorization for the below-designated contact to serve as representative.**

Owner's Designated Contact: Ingalls & Associates, LLP

Mailing Address: 116 West Avenue Unit 102
City: Saratoga Springs State: NY Zip: 12866
Daytime Phone: 518-393-7725 ext. 110 Fax 518-393-2324

Project/Proposal Site Area: (Acres or sq. ft.) 0.35 Acres
Assessor Tax Parcel No.(s) of Site: 59.7-10-1.12

Adjacent Parcels Owned or Controlled: (Acres or sq. ft.) 0.34 Acres
Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled:
59.7-10-1.2

Street Address of Proposed Site (if any): Tower Avenue

Describe Existing Use(s) on Proposed Site: (commercial vacant, residential, buildings, well, sewer drainfield, etc.)

The parcel is currently vacant with a gravel driveway. There are no utilites on the parcel.

School District: Mohonasen

Fire District: #3

Water Supply Town of Rotterdam

**Proposed Use of Property:**

( ) **A1** One-family dwelling
( ) **A2** Two-family dwelling
( ) **B1** Multiple Dwelling (permanent occupancy)
( ) **B2** Multiple Dwelling (transient occupancy)
( ) **B3** Multiple Dwelling (senior citizen housing)
( ) **B4** Multiple Dwelling (adult residential care facility)

( ) **C1** Business
( ) **C2** Mercantile
(✓) **C3** Industrial
( ) **C4** Storage
( ) **C5** Assembly
( ) **C6** Institutional
( ) **C7** Miscellaneous

## LEGAL INFORMATION

Location of Proposal Site: (General description by which direction and how far from roads and intersections and other community features)

The parcel is located on the corner of Tower Avenue and Chrisler Avenue.

Name of Public Road(s) Providing Access: Tower Avenue

Width of Property Fronting on the Existing Public Road in Linear Feet: 146 feet

Does the Proposal Have Access to an Arterial or Planned Arterial? (•) Yes ( ) No

Name(s) of Arterial Road(s): NYS 890

A legal description of the proposed site must be attached: ( ) Yes (✓) No Description is in the deed

A copy of the assessor's map of the proposed site must be attached: (✓) Yes ( ) No

A copy of the most current deed(s) of the proposed site must be attached: (✓) Yes ( ) No

(All applications must contain a legal description that describes the exterior boundaries of the entire area to be rezoned. Please include the legal description for the entire area to be rezoned and also a copy of the assessor's map. A simple copy of the deed is not sufficient to process the change of zone request).

If you do not hold title to property, what is your interest in it? N/A

What factors support this rezone? (This may be provided on a separate sheet of paper if necessary)

The parcel is adjacent to the I-1 Industrial Zoning District and the B-2 General Business District. The proposed development of the parcel will be better served designated in the I-1 Light Industrial District as there are parcels across the street and adjacent on Chrisler Avenue that are in the I-1 Industrial District. This will allow for the business garage as well as provide a logical transition from Chrisler Ave. to the neighboring Residential District.

## UTILITIES

Proposed Source of Water:
( ) Individual Wells
(✓) Public System
( ) Private Community System
(✓) Other, please describe There will be no public or private utilities on the site.

Proposed Means of Sewage Disposal:
( ) Public Sewer
(✓) Septic Tank & Leachfield
(✓) Other, please describe There will be no public or private utilities on the site.

## PART III

**********

## SURVEYOR/ARCHITECT/ENGINEER VERIFICATION

**********

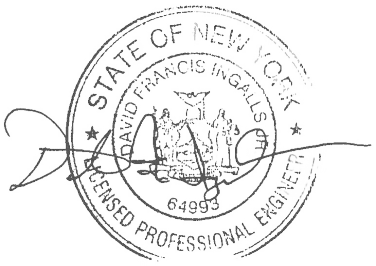
I, the undersigned, a licensed land surveyor, architect, and/or engineer, have completed the information requested. The legal description has been prepared by me or under my supervision in accordance with the requirements of the Town of Rotterdam regulations and the laws of the State of New York.

Signed: _____ Date: 01-19-24

Address: 116 West Avenue Unit 102 Phone: 518-393-7725

Saratoga Springs, NY Zip: 12866

PLEASE AFFIX SURVEYOR/ARCHITECT/ENGINEER SEAL HERE



**********

## LEGAL OWNER SIGNATURE

**********

(Signature of legal owner or representative as authorized by legal owner)

I, the undersigned, swear or affirm under penalty of perjury that the above responses are made truthfully and to the best of my knowledge.

I further swear or affirm that I am the owner of record of the area proposed for the previously identified land use action, or, if not the owner, attached herewith is written permission from the owner authorizing my actions on his/her behalf.

Name: Govin Sarju
Address: 2175 Tower Avenue
Schenectady, NY

Date:
Phone: 347-531+5124
Zip: 12304

Govin Sarju
Signature of applicant or representative

1-8-24
Date

## NOTARY

STATE OF NEW YORK) ss:
COUNTY OF Schenectady)

SUBSCRIBED AND SWORN to before me this 8th day of January, 2024

NOTARY SEAL

Notary Signature

Notary Public in and for the State of New York
Residing at: 237 Congualton
My appointment expires: 5-23-2026

JODY BINKLEY
Notary Public, State of New York
No. 01BI5028035
Qualified in Schenectady County
Commission Expires May 23, 2026

PLEASE AFFIX NOTARY SEAL HERE

116 West Avenue Unit 102
Saratoga Springs, NY 12866

T 518 393 7725
F 518 393 2324
E info@ingallsllp.com

**www.ingallsllp.com**

January 19, 2024

Rotterdam Town Hall
1100 Sunrise Boulevard
Rotterdam, NY 12306

Attn: Mollie Collins
Town Supervisor

**Re: Change of Zone Application**
**Tower Avenue**
**Rotterdam, NY**

Dear Ms. Collins:

For the boards consideration please find enclosed a concept plan for the change of zone application on behalf of Govin Sarju. The proposed development plan for the parcel is located on Tower Avenue, at the corner of Tower Avenue and Chrisler Avenue.

We would request that the application for change of zone to I-1 Light Industrial District be placed on the next Town Board agenda for referral to the Planning Board for recommendation. Please contact me at 393-7725 x.110 if you have any questions.

Respectfully,
**Ingalls & Associates, LLP**

Chad Pagan
Project Engineer

Encl: Site Plan

Cc:

# OFFICE OF THE SCHENECTADY COUNTY CLERK

620 STATE STREET
SCHENECTADY, NY 12305-2114
PHONE (518) 388-4220
FAX (518) 388-4224

Cara M. Ackerley
County Clerk

Maryellen Brehm
Alicia Godlewski
Jeffrey Morrette
Carla Saglimbeni
Deputy County Clerks

Instrument Number - 201952826
Recorded On 11/21/2019 At 2:34:03 PM
* Instrument Type - DEED
* Book/Page - DEED/2025/283
* Total Pages - 3
Invoice Number - 1031589 User ID: LPD
* Document Number - 2019-5090
* Grantor - CONSTANTINO KIMBERLY A

* Grantee - SARJU GOVIN

*RETURN DOCUMENT TO:
MARATHON TITLE AGENCY
440 NEW KARNER RD
ALBANY, NY 12205-3810

* FEES

| | |
|---|---|
| NY REALTY TRANSFER TAX | $72.00 |
| NY LAND SUR | $4.75 |
| NY E & A FEES | $241.00 |
| NY LAND COMP SUR | $14.25 |
| CO GENERAL REVENUE | $40.00 |
| CO LAND SUR | $0.25 |
| CO E & A FEES | $9.00 |
| CO LAND COMP SUR | $0.75 |
| TOTAL PAID | $382.00 |

TRANSFER TAX
Real Estate Transfer Tax Num - 1636
Transfer Tax Amount - $ 72.00

I hereby CONFIRM that this document is
Recorded in the Schenectady County Clerk's Office
in Schenectady, New York

Cara M. Ackerley
Schenectady County Clerk

THIS IS AN ENDORSEMENT PAGE

# Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

INSTRUMENT NUMBER - **201952826**

Stamps

**THIS INDENTURE** made this 19 day of November 2019,

**BETWEEN:**

**KIMBERLY A. CONSTANTINO** residing at 67 Kellar Avenue, Schenectady, New York 12306, party of the first part, and

**GOVIN SARJU,** residing at 2175 Tower Avenue, Schenectady, New York 12304, party of the second part,

WITNESSETH: that the party of the first part, in consideration of One and 00/100 ($1.00) Dollars, lawful money of the United States, and other good and valuable consideration paid by the party of the second part does hereby grant and release unto the party of the second part, their heirs and assigns forever,

ALL THAT TRACT, PIECE, OR PARCEL OF LAND, situate, lying, and being in the Town of Rotterdam, County of Schenectady, and State of New York, being along the southerly side of Tower Avenue and the easterly side of Chrisler Avenue, known and designated as Lot 3 as shown on map entitled "Map Showing Proposed Subdivision as it Pertains to the Elimination of Acreage and the Creation of Three New Lots to be Known as Lot 1, Lot 2 and Lot 3, Lands of Jay Rental Company" dated April 22, 1993, made by Blackstone Land Surveyors, and filed in the Schenectady County Clerk's Office on July 28, 1993, and more particularly bounded and described as follows:

BEGINNING at the intersection of the southerly side of Tower Avenue with the easterly side of Chrisler Avenue, said point being marked by a concrete monument found; THENCE North 89° 07' 48" East a distance of 146. 43 feet along the southerly side of Tower Avenue, to a point; THENCE South 00° 05' 55" East a distance of 148.38 feet through the lands of Jay Rental Company, to a point; THENCE South 87° 47' 46" West a distance of 55.88 feet along the northerly bounds of the lands of the State of New York, to a point marked by a concrete monument found; THENCE North 31° 29' 12" west a distance of 173.91 feet along the easterly side of Chrisler Avenue, to a point on the southerly side of Town Avenue, being the point or place of beginning. Containing 15,100 sq. ft. or 0.346 acre.

BEING the same premises conveyed to Kimberly A. Constantino by deed from Jay Rental Company dated November 15, 2013 and filed in the Schenectady County Clerk's Office on November 20, 2013 in Book 1885 of Deeds at Page 704.

Subject to any and all enforceable covenants, conditions, easements and restrictions of record affecting said premises.

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, their heirs,

**AND** said party of the first part does covenant as follows:

**FIRST**, That the party of the second part shall quietly enjoy the said premises;

**SECOND**, That said party of the first part will forever Warrant the title to said premises.

**THIRD**, That in Compliance with Section 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

**IN WITNESS WHEREOF**, the party of the first part has hereunto set her hand and seal the day and year first above written.

IN PRESENCE OF

Kimberly A. Constantino

**KIMBERLY A. CONSTANTINO**

STATE OF NEW YORK )
COUNTY OF SCHENECTADY ) ss.:

On this 4th day of November, 2019, before me, the undersigned, personally appeared **KIMBERLY A. CONSTANTINO**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

REBECCA J. RYBIJ
Notary Public, State of New York
Qualified in Schenectady County
No. 01RY6335238
Commission Expires Jan. 04, 20[illegible]

Notary Public

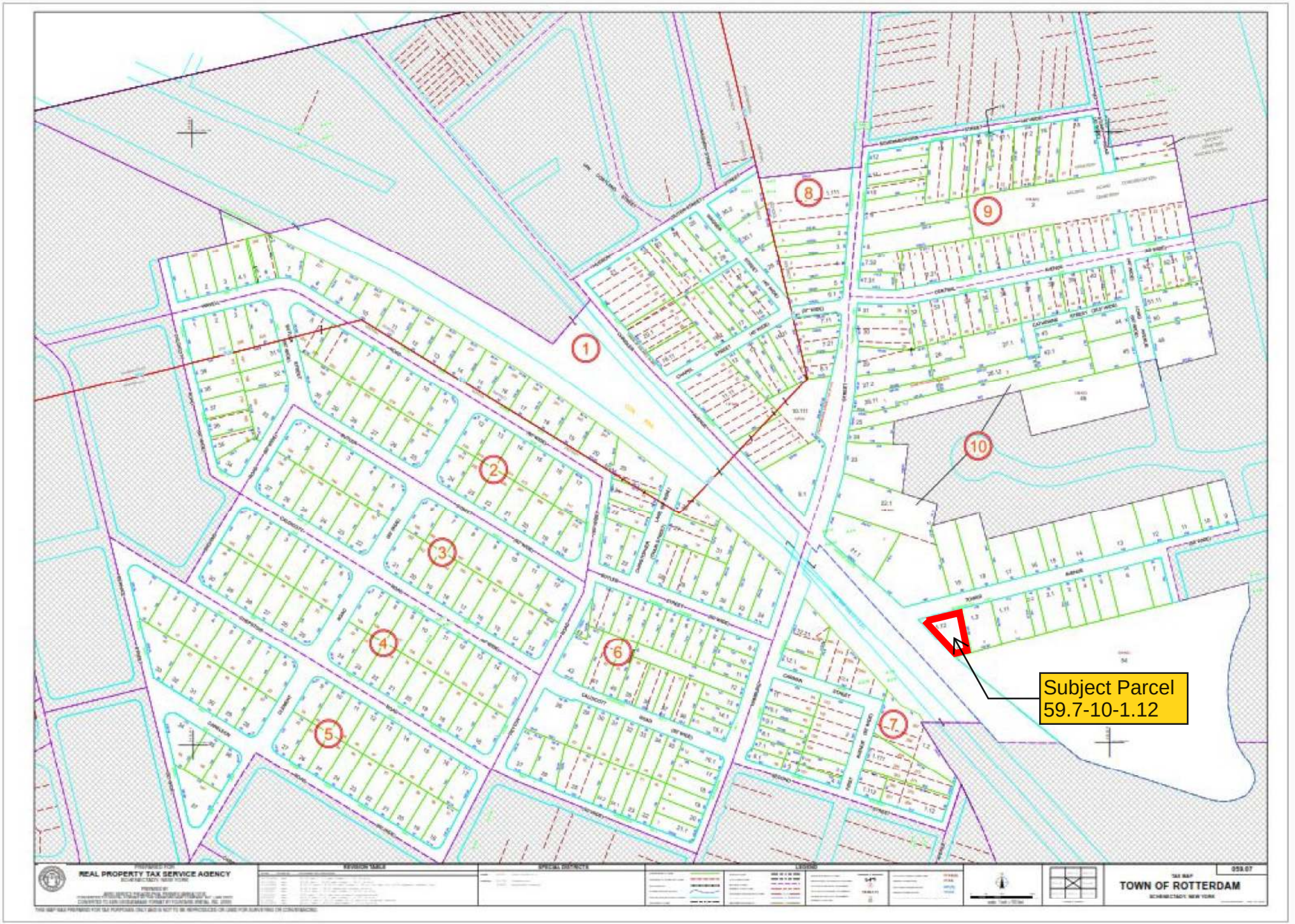
Record and Return To:

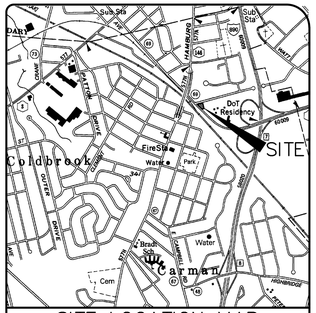
Marathon Title Agency
440 New Karner Road
Albany, NY 12205
RO-19-0991

Parcel Ownwers with in 300'

Change of Zone
Tower Avenue
Sarju

| Parcel Owner | Parcel Tax ID | Parcel Owner Address |
|---|---|---|
| First Street LLC | 59-7-12.4 | 834 Karenwald Lanr, Chenectady, NY 12309 |
| Johan Matthews | 59.7-7-12.21 | 1536 Van Cortland Street, Schenectady, NY 12303 |
| Tralongo Realty | 59.7-7-1.2 | 312 Trinacria Court, Schenectady, NY 12303 |
| CSX Transportation, Inc. | 59.12-1-3.21 | 500 Water Street, Jacksonville, FL 32201 |
| Crane Properties, Inc. | 59.7-10-21.1 | 1151 Crane Street, Schenectady, NY 12303 |
| CR's Marine Service, Inc. | 59.7-10-22.1 | 2103 Chrisler Avenue, Schenectady, NY 12303 |
| Govin Sarju | 59.7-10-1.2 | 2175 Tower Avenue, Schenectady, NY 12304 |
| New York State | 59.7-10-54 | 3008 Chrisler Avenue, Schenectady, NY 12304 |
| Osama Salih | 59.7-10-19 | 2170 Tower Avenue, Schectady, NY 12304 |
| Genna Provencher | 59.7-10-1.11 | 2171 Tower Avenue, Schenectady, NY 12304 |
| Janice Rouse | 59.7-10-18 | 842 Holland Road, Schenectady, NY 12303 |
| Edward Balmes | 59.7-10-17 | 2154 Tower Avenue, Schenectady, NY 12304 |
| Tara Willette | 59.7-10-2.2 | 2169 Tower Avenue, Schenectady, NY 12304 |
| Richard Spaulding | 59.7-10-2.1 | 2159 Tower Avenue, Schenectady, NY 12304 |
| Daniel Hutton | 59.7-10-16 | 2146 Tower Avenue, Schenectady, NY 12304 |


Subject Parcel
59.7-10-1.12
REAL PROPERTY TAX SERVICE AGENCY
TOWN OF ROTTERDAM




SITE LOCATION MAP

SCALE: 1" = 2000'

SITE STATISTICS:

| | CURRENT ZONE | PROPOSED ZONE | |
|---|---|---|---|
| ZONING CLASSIFICATION: | R-1 | I-1 | |
| REQUIRE: | | | PROPOSED: |
| MIN LOT AREA: | 15,000 SQ. FT. | 20,00 SQ. FT. | 15,246 SQ. FT* |
| MIN. LOT WIDTH: | 100 FT. | 100 FT. | 146 FT. |
| MAX. LOT COVERAGE: | 45% | 60% | 56% |
| MAX. BUILDING HEIGHT: | 3 STORIES OR 40' | 75 FEET | 35 FEET |
| BUILDING SETBACKS: | | | |
| FRONT – | 25 FT. | 25 FT. | 25 FT. |
| SIDE – | 10 FT. | 25 FT. | 12.5 FT.** |
| REAR – | 25 FT. | 25 FT | 25 FT. |

NOTE: GARAGE – 5 FT. FROM SIDE AND REAR YARD.
*AREA VARIANCE REQUIRED FOR A RELIEF OF 4,754 SQ. FT.
**SIDE YARD SETBACK VARIANCE REQUIRED FOR A RELIEF OF 12.5 FT.

NOTES:

1) SURVEYED PARCEL: TOWN OF ROTTERDAM – TAX MAP 59.07, BLOCK 10, PARCEL 1.12.

2) SURVEY PREPARED BY INGALLS & ASSOCIATES, LLP FROM A NOVEMBER 2023 FIELD SURVEY.

3) NORTH ORIENTATION SHOWN REFERS TO THE NAD83 STATE PLANE COORDINATE SYSTEM–NEW YORK EAST ZONE BASED ON GPS OBSERVATIONS TAKEN AT THE TIME OF THE FIELD SURVEY.

4) ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), BASED ON GPS OBSERVATIONS TAKEN AT THE TIME OF THE FIELD SURVEY.

5) SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS OR RESTRICTION; RECORDED OR UNRECORDED.

6) SUBJECT TO ANY STATEMENT OF FACT AN UP–TO–DATE ABSTRACT OF TITLE WOULD DISCLOSE.

7) UNDERGROUND UTILITIES IF SHOWN HEREON ARE BASED ON VISIBLE PHYSICAL EVIDENCE. THEY SHOULD BE CONSIDERED SCHEMATIC ONLY AND ARE SHOWN TO DEPICT GENERAL UTILITY LOCATIONS AND CONNECTIONS RATHER THAN EXACT UNDERGROUND LOCATIONS. INGALLS & ASSOCIATES, LLP MAKES NO CERTIFICATION AS TO THE ACCURACY OF THE UNDERGROUND UTILITY LOCATIONS AND OTHER UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS MAP.

8) SURVEY IS PREPARED IN ACCORDANCE WITH THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS CODE OF PRACTICE FOR LAND SURVEYS AS ADOPTED IN OCTOBER OF 1966 AND LAST REVISED ON JULY 18, 1997.

DEED REFERENCE:

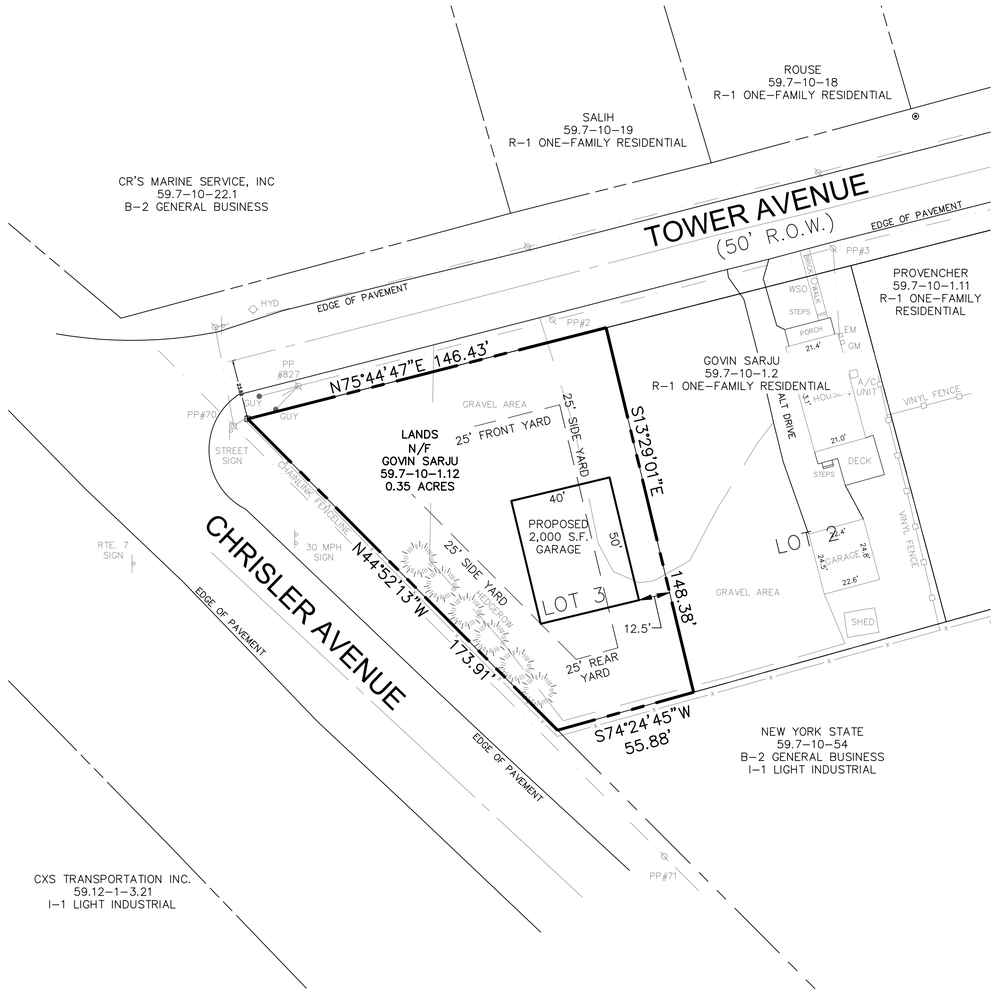
1) CONVEYED BY KIMBERLY A. CONSTANTINO TO GOVIN SARJU BY DEED DATED NOVEMBER 19, 2019 AND RECORDED IN THE SCHENECTADY COUNTY CLERK'S OFFICE ON NOVEMBER 21 2019 IN LIBER 2025 OF DEEDS AT PAGE 283.

MAP REFERENCE:

1) MAP ENTITLED "MAP SHOWING PROPOSED SUBDIVISION AS IT PERTAINS TO THE ELIMINATION OF ACREAGE AND THE CREATION OF THREE NEW LOTS TO BE KNOWN AS LOT 1, LOT 2 AND LOT 3 LANDS OF JAY RENTAL COMPANY, TOWN OF ROTTERDAM, SCHENECTADY COUNTY, N.Y." AS PREPARED BY BLACKSTONE LAND SURVEYORS ON APRIL 22, 1993 AND FILED IN THE SCHENECTADY COUNTY CLERK'S OFFICE ON JULY 28, 1993 IN PLAT CABINET I AS MAP NO. 267.

LEGEND

- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- PROPOSED SETBACK
- ADJACENT PROPERTY LINE
- PROPOSED EASEMENT
- EXISTING CONTOUR (200)
- EXISTING TREELINE
- EXISTING HYDRANT (HYD)
- EXISTING UTILITY POLE (NG 19)
- EXISTING SIGN (S1)
- EXISTING CATCH BASIN (CB)
- EXISTING SANITARY MANHOLE (S)
- EXISTING SANITARY SEWER (S)
- EXISTING STORM SEWER (ST)
- EXISTING WATERMAIN (W)
- EXISTING OVERHEAD WIRE (OH)




GRAPHIC SCALE

15 0 15 30 60

( IN FEET )

1 inch = 30 ft.

TAX MAP ID:
59.7-10-1.12

SITE AREA:
0.35± ACRES

OWNER/APPLICANT:
GOVIN SARJU
2175 TOWER AVENUE
SCHENECTADY, NY 12304

NOTE: 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL CONTACT 811 UDIG NY TO LOCATE ALL UNDERGROUND UTILITIES.

FOR MUNICIPAL APPROVAL ONLY
NOT FOR CONSTRUCTION

| NO. | DATE: | REVISIONS | BY: |
|---|---|---|---|

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF SECTION 7209 SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. ONLY COPIES MADE FROM THE ORIGINAL OF THIS DRAWING BEARING AN ORIGINAL INKED OR EMBOSSED SEAL AND SIGNATURE SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

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DAVID F. INGALLS JR., P.E.
N.Y.S. LIC. NO. 064993

ingalls & associates, LLP
engineering, environmental, surveying
116 WEST AVENUE UNIT 102
SARATOGA SPRINGS, N.Y. 12866
PHONE: (518) 393-7725
FAX: (518) 393-2324

# SITE PLAN
## LANDS OF SARJU
## TOWER AVENUE
TOWN OF ROTTERDAM
COUNTY OF SCHENECTADY STATE OF NEW YORK

DATE: JANUARY 19, 2024
CHECKED BY: D.F.I.
JOB NO. 23–095
SCALE: 1" = 30'
DRAWN BY: CWP
CADD FILE: 23–095 DF
SHEET 1 OF 1

## Instructions for Completing Part 1

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

| | | |
|---|---|---|
| Name of Action or Project:<br>Change of Zone/Site Plan | | |
| Project Location (describe, and attach a general location map):<br>Tower Avenue, Rotterdam | | |
| Brief Description of Proposed Action (include purpose or need):<br>The applicant proposed a change of zone from the current R-1 One-Family district to the I-1 Light Industrial district for the construction of a proposed 2,000 sqft. storage garage. | | |
| Name of Applicant/Sponsor:<br>Govin Sarju | Telephone: 347-531-5124<br>E-Mail: | |
| Address: 2175 Tower Avenue | | |
| City/PO: Schenectady | State: NY | Zip Code: 12304 |
| Project Contact (if not same as sponsor; give name and title/role): | Telephone:<br>E-Mail: | |
| Address: | | |
| City/PO: | State: | Zip Code: |
| Property Owner (if not same as sponsor): | Telephone:<br>E-Mail: | |
| Address: | | |
| City/PO: | State: | Zip Code: |

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

| Government Entity | If Yes: Identify Agency and Approval(s) Required | Application Date (Actual or projected) |
|---|---|---|
| a. City Counsel, Town Board, or Village Board of Trustees ☑Yes ☐No | Rotterdam Town Board-Change of Zone | January 19, 2024 |
| b. City, Town or Village Planning Board or Commission ☑Yes ☐No | Rotterdam Planning Commission-Site Plan | TBD |
| c. City, Town or Village Zoning Board of Appeals ☑Yes ☐No | Rotterdam Zoning Board of Appeals-Area and setback variance | TBD |
| d. Other local agencies ☐Yes ☐No | | |
| e. County agencies ☐Yes ☐No | | |
| f. Regional agencies ☐Yes ☐No | | |
| g. State agencies ☐Yes ☐No | | |
| h. Federal agencies ☐Yes ☐No | | |

i. Coastal Resources.

*i.* Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No

*ii.* Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☑No

*iii.* Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☐No

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☑Yes ☐No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐Yes ☑No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes ☐No

If Yes, identify the plan(s):

NYS Heritage Areas:Mohawk Valley Heritage Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☑No

If Yes, identify the plan(s):

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
The project site is located in the R-1 One-Family Residential District. A change of zone (I-1) is required to allow the construction of a storage garage.

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☑ Yes ☐ No
If Yes,
*i.* What is the proposed new zoning for the site? A request for a change of zone from R-1 to I-1 is required for the construction of a storage garage

**C.4. Existing community services.**

a. In what school district is the project site located? Mohonasen

b. What police or other public protection forces serve the project site?
Rotterdam Police Department, City of Schenectady Police Department, Schenectady County Sheriff

c. Which fire protection and emergency medical services serve the project site?
Fire District #3

d. What parks serve the project site?
None

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? 0.35 acres
b. Total acreage to be physically disturbed? .1 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.69 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
*i.* If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
*i.* Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
*ii.* Is a cluster/conservation layout proposed? ☐ Yes ☑ No
*iii.* Number of lots proposed? _____
*iv.* Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☑ No
*i.* If No, anticipated period of construction: _____ months
*ii.* If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐ Yes ☑ No

If Yes, show numbers of units proposed.

| | One Family | Two Family | Three Family | Multiple Family (four or more) |
|---|---|---|---|---|
| Initial Phase | _____ | _____ | _____ | _____ |
| At completion of all phases | _____ | _____ | _____ | _____ |

g. Does the proposed action include new non-residential construction (including expansions)? ☑ Yes ☐ No

If Yes,

*i.* Total number of structures 1

*ii.* Dimensions (in feet) of largest proposed structure: 30 height; 40 width; and 50 length

*iii.* Approximate extent of building space to be heated or cooled: 2.000 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☑ No

If Yes,

*i.* Purpose of the impoundment: _____

*ii.* If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify:

_____

*iii.* If other than water, identify the type of impounded/contained liquids and their source.

_____

*iv.* Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

*v.* Dimensions of the proposed dam or impounding structure: _____ height; _____ length

*vi.* Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

_____

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☐ No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

*i* .What is the purpose of the excavation or dredging? _____

*ii.* How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

*iii.* Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

_____

_____

i*v.* Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No
If yes, describe. _____

_____

*v.* What is the total area to be dredged or excavated? _____acres

*vi.* What is the maximum area to be worked at any one time? _____ acres

*vii.* What would be the maximum depth of excavation or dredging? _____ feet

*viii.* Will the excavation require blasting? ☐ Yes ☐ No

*ix.* Summarize site reclamation goals and plan: _____

_____

_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☑ No

If Yes:

*i.* Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

_____

*ii.* Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

_____

_____

_____

*iii.* Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes ☐No

If Yes, describe: _____

*iv.* Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion:_____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

*v.* Describe any proposed reclamation/mitigation following disturbance: _____

_____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☑ No

If Yes:

*i.* Total anticipated water usage/demand per day: _____ gallons/day

*ii.* Will the proposed action obtain water from an existing public water supply? ☐Yes ☐No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

*iii.* Will line extension within an existing district be necessary to supply the project? ☐Yes ☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

*iv.* Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

*v.* If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

*vi.* If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☑ No

If Yes:

*i.* Total anticipated liquid waste generation per day: _____ gallons/day

*ii.* Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

_____

_____

*iii.* Will the proposed action use any existing public wastewater treatment facilities? ☐Yes ☐No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No

- Do existing sewer lines serve the project site? ☐Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☐No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

_____

_____

*iv.* Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☐No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

*v.* If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

_____

_____

*vi.* Describe any plans or designs to capture, recycle or reuse liquid waste: _____

_____

_____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐ Yes ☑ No

If Yes:

*i.* How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

*ii.* Describe types of new point sources. _____

_____

*iii.* Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

_____

_____

- If to surface waters, identify receiving water bodies or wetlands: _____

_____

_____

- Will stormwater runoff flow to adjacent properties? ☐Yes ☐No

*iv.* Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☑ No

If Yes, identify:

*i.* Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

*ii.* Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

*iii.* Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

_____

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☑ No

If Yes:

*i.* Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

*ii.* In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide ($CO_2$)
- _____Tons/year (short tons) of Nitrous Oxide ($N_2O$)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride ($SF_6$)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☑ No

If Yes:

*i.* Estimate methane generation in tons/year (metric): _____

*ii.* Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No

If Yes:

*i.* When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____.

*ii.* For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

_____

*iii.* Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

*iv.* Does the proposed action include any shared use parking? ☐ Yes ☐ No

*v.* If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

*vi.* Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

*vii* Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

*viii*. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☑ No

If Yes:

*i.* Estimate annual electricity demand during operation of the proposed action: _____

_____

*ii.* Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

*iii.* Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No

l. Hours of operation. Answer all items which apply.

*i.* During Construction:

- Monday - Friday: ~~8AM to 5PM~~
- Saturday: ~~9AM to 3PM~~
- Sunday: None
- Holidays: None

*ii.* During Operations:

- Monday - Friday: ~~8AM to 5PM~~
- Saturday: ~~9AM to 4PM~~
- Sunday: None
- Holidays: None

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☑ No

If yes:

*i.* Provide details including sources, time of day and duration:

_____

_____

*ii.* Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe: _____

_____

n. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

*i.* Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

A building down mounted fixture above the doo.r

_____

*ii.* Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☑ No

Describe: _____

_____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

_____

_____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

*i.* Product(s) to be stored _____

*ii.* Volume(s) _____ per unit time _____ (e.g., month, year)

*iii.* Generally, describe the proposed storage facilities:_____

_____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

*i.* Describe proposed treatment(s):

_____

_____

_____

_____

*ii.* Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑ No

If Yes:

*i.* Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

*ii.* Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____

  _____
- Operation: _____

  _____

*iii.* Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____

  _____
- Operation: _____

  _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

*i.* Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

*ii.* Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

*iii.* If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

*i.* Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

_____

_____

*ii.* Generally describe processes or activities involving hazardous wastes or constituents: _____

_____

_____

*iii.* Specify amount to be handled or generated _____ tons/month

*iv.* Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

_____

_____

*v.* Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

_____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

_____

_____

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

*i.* Check all uses that occur on, adjoining and near the project site.

☐ Urban ☑ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

*ii.* If mix of uses, generally describe:

_____

_____

b. Land uses and covertypes on the project site.

| Land use or Covertype | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|---|---|---|---|
| • Roads, buildings, and other paved or impervious surfaces | .20 | 0 | 0.0 |
| • Forested | 0.0 | | |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | 0.15 | 0 | 0.0 |
| • Agricultural (includes active orchards, field, greenhouse etc.) | 0.0 | | |
| • Surface water features (lakes, ponds, streams, rivers, etc.) | 0.0 | | |
| • Wetlands (freshwater or tidal) | 0.0 | | |
| • Non-vegetated (bare rock, earth or fill) | 0.0 | | |
| • Other Describe: _____ _____ | | | |

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☑ No

*i.* If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☑ No

If Yes,

*i.* Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐ Yes ☑ No

If Yes:

*i.* Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

*ii.* Dam's existing hazard classification: _____

*iii.* Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☑ No

If Yes:

*i.* Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

*ii.* Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

*iii.* Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☑ No

If Yes:

*i.* Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☑ No

If Yes:

*i.* Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

*ii.* If site has been subject of RCRA corrective activities, describe control measures:_____

_____

_____

*iii.* Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☑ No

If yes, provide DEC ID number(s): _____

*iv.* If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

*v.* Is the project site subject to an institutional control limiting property uses? ☐ Yes ☑ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? >5 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☑ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site:
Colonie Loamy Fine Sand 100 %
_____ _____%
_____ _____%

d. What is the average depth to the water table on the project site? Average: 6 feet

e. Drainage status of project site soils:
☑ Well Drained: 100 % of site
☐ Moderately Well Drained: _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 100 % of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.

*i.* Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☑ No

*ii.* Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☑ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

*iii.* Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☑ No

*iv.* For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

*v.* Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☑ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☑ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☑ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☑ Yes ☐ No
If Yes:

*i.* Name of aquifer: Principal Aquifer, Sole Source Aquifer Names:Schenectady-Niskayuna SSA

m. Identify the predominant wildlife species that occupy or use the project site: _____

Squirles, Chipmonks _____ _____ _____

_____ _____ _____

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No

If Yes:

*i.* Describe the habitat/community (composition, function, and basis for designation): _____

_____

*ii.* Source(s) of description or evaluation: _____

*iii.* Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☑ No

If Yes:

*i.* Species and listing (endangered or threatened): _____

_____

_____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

If Yes:

*i.* Species and listing: _____

_____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No

If yes, give a brief description of how the proposed action may affect that use: _____

_____

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☑ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No

*i.* If Yes: acreage(s) on project site? _____

*ii.* Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No

If Yes:

*i.* Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

*ii.* Provide brief description of landmark, including values behind designation and approximate size/extent: _____

_____

_____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No

If Yes:

*i.* CEA name: _____

*ii.* Basis for designation: _____

*iii.* Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☑ No

If Yes:

*i.* Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

*ii.* Name: _____

*iii.* Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☑ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

*i.* Describe possible resource(s): _____

*ii.* Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☑ No

If Yes:

*i.* Identify resource: _____

*ii.* Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

*iii.* Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

*i.* Identify the name of the river and its designation: _____

*ii.* Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

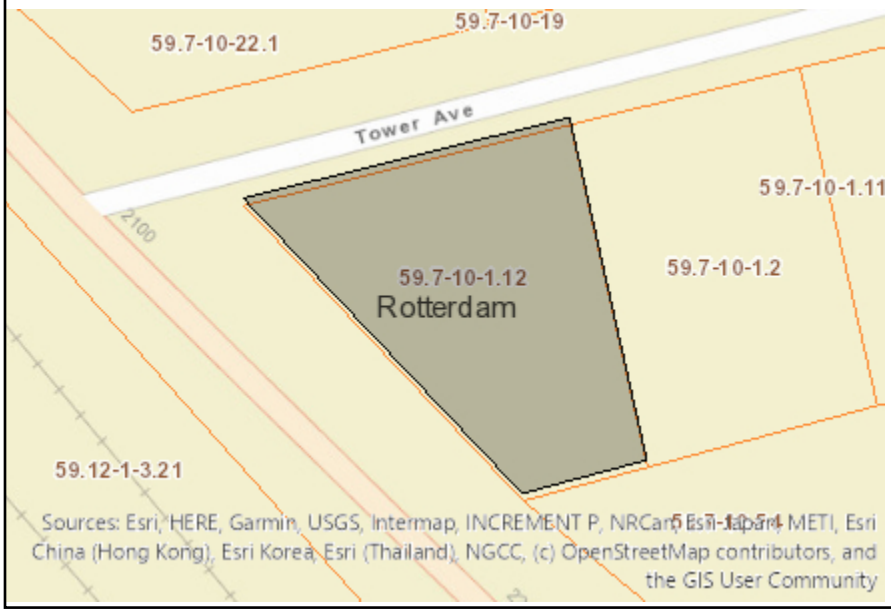
Applicant/Sponsor Name Chad Pagan Date 01/19/24

Signature Title Agent for applicant

**PRINT FORM**

# EAF Mapper Summary Report

Tuesday, January 9, 2024 1:45 PM




**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

| | |
|---|---|
| B.i.i [Coastal or Waterfront Area] | No |
| B.i.ii [Local Waterfront Revitalization Area] | No |
| C.2.b. [Special Planning District] | Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook. |
| C.2.b. [Special Planning District - Name] | NYS Heritage Areas:Mohawk Valley Heritage Corridor |
| E.1.h [DEC Spills or Remediation Site - Potential Contamination History] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.i [DEC Spills or Remediation Site - Listed] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.iii [Within 2,000' of DEC Remediation Site] | No |
| E.2.g [Unique Geologic Features] | No |
| E.2.h.i [Surface Water Features] | No |
| E.2.h.ii [Surface Water Features] | No |
| E.2.h.iii [Surface Water Features] | No |
| E.2.h.v [Impaired Water Bodies] | No |
| E.2.i. [Floodway] | No |
| E.2.j. [100 Year Floodplain] | No |
| E.2.k. [500 Year Floodplain] | No |
| E.2.l. [Aquifers] | Yes |
| E.2.l. [Aquifer Names] | Principal Aquifer, Sole Source Aquifer Names:Schenectady-Niskayuna SSA |
| E.2.n. [Natural Communities] | No |
| E.2.o. [Endangered or Threatened Species] | No |

| | |
|---|---|
| E.2.p. [Rare Plants or Animals] | No |
| E.3.a. [Agricultural District] | No |
| E.3.c. [National Natural Landmark] | No |
| E.3.d [Critical Environmental Area] | No |
| E.3.e. [National or State Register of Historic Places or State Eligible Sites] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.3.f. [Archeological Sites] | No |
| E.3.i. [Designated River Corridor] | No |

**RESOLUTION NO. 95.24**

**TO AUTHORIZE A RELEASE OF RETAINAGE TO CONSULTING ENGINEERING INC.**

**THEREFORE, UPON MOTION OF** Councilmember _____,

seconded by Councilmember _____,

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1**. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to execute all documents for the release of retainage and issue final payment to Consulting Engineering Inc., located at 19655 Tanbark Lane, Strongsville, Ohio 44149, for the Rotterdam Junction Leak Detection Survey- Contract No. 1, in the total amount, not to exceed nineteen thousand nine hundred sixty-three and 00/100 dollars ($19,963.00).

**SECTION 2**. This resolution shall become effective February 14, 2024.

**DATED:** February 14, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | | | |
| Mastroianni | | | |
| Gallucci | | | |
| Schlag | | | |
| Collins | | | |

DRAFT

# 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 1, 2024 |
| TO: | Mollie Collins – Town Supervisor |
| FROM: | Charles Jack Dodson – Deputy Supervisor |
| TITLE OF REQUEST: | Authorize the release of final payment and Substantial Completion |
| TOWN BOARD MEETING: | February 14, 2024 |
| Background Information: | Consulting Engineering, Inc. was the contractor for the Rotterdam Junction Leak Detection Survey project. |
| Evaluation/Analysis: | Project is substantially complete. Final payment release needs to be authorized by the Town Board in order to issue final payment to the contractor. |
| Recommendation(s): | Authorize the Supervisor to sign the Certificate of Substantial Completion and release final payment. |
| Attachment/Document(s): | Letter dated December 13, 2023 from KB Group of NY. Payment application and Certificate of Substantial Completion. |
| Compliance with Purchasing Policy: | |
| Effect(s) on Existing Law(s): | None |
| LEGISLATION WILL BE PREPARED BY: | Supervisors Office |

Albany Office
100 Great Oaks Boulevard, Suite 114, Albany, NY 12203
P: 1.833.723.4768

December 13, 2023

Mrs. Mollie Collins, Supervisor
Town of Rotterdam
1100 Sunrise Blvd.
Rotterdam, NY 12306

**Re: Town of Rotterdam**
**Rotterdam Junction Leak Detection Survey**
**Contract No. 1 – Leak Detection**
**Recommendation of Payment – AFP#1 (Final)**
**Our Project No. GNY02WD-23350**

Dear Supervisor Collins:

Attached for your review and approval is Application for Payment No. 1 (Final) for the above referenced project from Consulting Engineering, Inc. They requested payment in the amount of $19,963.00 for the leak detection work completed for Water Districts #3, #4, & #5.

Consulting Engineering, Inc. submitted the final leak detection reports, and there are no punch list items left to complete. Therefore, this contract is substantially complete, and I have approved payment in the amount of $19,963.00. Please sign and date the attached substantial completion form and send one fully executed copy to us and one fully executed copy to Consulting Engineering, Inc.

We are including the Application and Certificate for Payment, Final Waiver of Lien, Contractor's Affidavit of Release of Liens, Contractor's Affidavit of Payment of Debts and Claims, and the Proof of Completed Operations Insurance.

If you have any questions, please feel free to contact me.

Sincerely,
**KB Group of NY, Inc. dba PRIME AE Group of NY**

Jeffrey D. Trzeciak, PE
Senior Project Manager II

cc: Jack Dodson, Town Deputy Supervisor
Diane Marco, Town Clerk

# Certificate of Substantial Completion

| | |
|---|---|
| Project: Rotterdam Junction Leak Detection Survey | |
| Owner: Town of Rotterdam | Owner's Contract No.: 1 |
| Contract: Contract No. 1 – Leak Detection | Engineer's Project No.: GNY02WD-23350 |

**This [~~tentative~~] [definitive] Certificate of Substantial Completion applies to:**

☒ All Work under the Contract Documents: ☐ The following specified portions of the Work:

December 13, 2023

Date of Substantial Completion

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Project or portion thereof designated above is hereby declared and is also the date of commencement of applicable warranties required by the Contract Documents, except as stated below.

A [~~tentative~~] [definitive] list of items to be completed or corrected is attached hereto. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents.

**The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance and warranties shall be as provided in the Contract Documents except as amended as follows:**

☐ Amended Responsibilities ☒ Not Amended

Owner's Amended Responsibilities:

Contractor's Amended Responsibilities:

The following documents are attached to and made part of this Certificate:

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract Documents.

| | |
|---|---|
| | 12/13/23 |
| Executed by Engineer | Date |
| y chan | 12/13/2023 |
| Accepted by Contractor | Date |
| | |
| Accepted by Owner | Date |

# APPLICATION AND CERTIFICATE FOR PAYMENT AIA DOCUMENT G702 (Instructions on reverse side) PAGE ONE OF PAGES

TO OWNER:

PROJECT:
ROTTERDAM JUNCTION WD 3 & 4
LEAK DETECTION SURVEY

APPLICATION NO.:
PERIOD TO:
PROJECT NOS.:

Distribution to:
☐ OWNER
☐ ARCHITECT
☑ CONTRACTOR
☐
☐

FROM CONTRACTOR: Consulting Engineering Inc
19655 Tanbark Ln
Strongsville, OH 44149

VIA ARCHITECT:

CONTRACT DATE:

CONTRACT FOR: Leak Detection

## CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

| | | |
|---|---|---|
| 1. ORIGINAL CONTRACT SUM | $ | 19,963.00 |
| 2. Net change by Change Orders | $ | 0 |
| 3. CONTRACT SUM TO DATE (Line 1 ± 2) | $ | 19,963.00 |
| 4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) | $ | $19,963.00 |
| 5. RETAINAGE: | | |
| a. 0 % of Completed Work (Columns D + E on G703) | $ | 0 |
| b. 0 % of Stored Material (Column F on G703) | $ | 0 |
| Total Retainage (Line 5a + 5b or Total in Column I of G703) | $ | 0 |
| 6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total) | $ | 0 |
| 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) | $ | $19,963.00 |
| 8. CURRENT PAYMENT DUE | $ | 19,963.00 |
| 9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6) | $ | 0 |

| CHANGE ORDER SUMMARY | ADDITIONS | DEDUCTIONS |
|---|---|---|
| Total changes approved in previous months by Owner | | |
| Total approved this Month | | |
| TOTALS | | |
| NET CHANGES by Change Order | | |

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR:

By: Consulting Engineering Inc. Date: 12/13/2023

State of: Ohio
County of: Cuyahoga
Subscribed and sworn to before me this 13th day of December

NOTARY PUBLIC STATE OF OHIO

ELIZABETH PANKRATZ
Notary Public, State of Ohio
My Commission Expires
October 23, 2028
COMMISSION: 2018-RE-750233

Notary Public: Elizabeth Pankratz
My Commission expires: 10/23/28

## ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED ..... $ 19,963.00

*(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)*

ARCHITECT:

By: _____ Date: 12/13/23

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

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G702-1992

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# CONTINUATION SHEET

AIA DOCUMENT G703 (Instructions on reverse side) PAGE OF PAGES

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification, is attached.
In tabulations below, amounts are stated to the nearest dollar.
Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO.:
APPLICATION DATE:
PERIOD TO:
ARCHITECT'S PROJECT NO.:

| A | B | C | D | E | F | G | | H | I |
|---|---|---|---|---|---|---|---|---|---|
| ITEM NO. | DESCRIPTION OF WORK | SCHEDULED VALUE | WORK COMPLETED FROM PREVIOUS APPLICATION (D + E) | WORK COMPLETED THIS PERIOD | MATERIALS PRESENTLY STORED (NOT IN D OR E) | TOTAL COMPLETED AND STORED TO DATE (D+E+F) | % (G ÷ C) | BALANCE TO FINISH (C - G) | RETAINAGE (IF VARIABLE) RATE) |
| 1 | Leak Detection | $9,963.00 | $9,963.00 | $9,963.00 | 0 | 0 | 100% | 0 | 0 |
| 2 | Allowance No. 1 – Unforeseen Conditions | $10,000 | $10,000.00 | $10,00.00 | 0 | 0 | 100% | 0 | 0 |
| | | | | | | | | | |

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G703-1992

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# FINAL WAIVER OF LIEN

To All Whom It May Concern:

WHEREAS, the undersigned has been employed by (A) Consulting Engineering Inc.

to furnish labor and materials for (B) ROTTERDAM JUNCTION WD 3, 4, and 5 LEAK DETECTION SURVEY work,

under a contract (C) CONTRACT NO. 1 – LEAK DETECTION

for the improvement of the premises described as (D) Rotterdam Junction

in the Town (City-Village) of Rotterdam, County of Schenectady, State of NY

of which Y Chan is the Owner.

NOW, THEREFORE, this 8th day of December, 2023,

for and in consideration of the sum of (E) $19,963.00 Dollars paid simultaneously herewith, the receipt whereof is hereby acknowledged by the undersigned, the undersigned does hereby waive and release any lien rights to, or claim of lien with respect to and on said above-described premises, and the improvements thereon, and on the monies or other considerations due or to become due from the owner, on account of labor, services, material, fixtures, apparatus or machinery heretofore or which may hereafter be furnished by the undersigned to or for the above-described premises by virtue of said contract.

(Affix corporate seal here)

CONSULTING ENGINEERING, INC. CORPORATE SEAL STATE OF OHIO

(F) Consulting Engineering Inc. (SEAL)
(Name of sole ownership, corporation or partnership)

y chan (SEAL)
(Signature)

TITLE: Principal Owner & Civil Engineer

## INSTRUCTIONS FOR FINAL WAIVER

(A) Person or firm with whom you agreed to furnish either labor, or services, or materials, or both.
(B) Fill in nature and extent of work; strike the word labor or the word materials if not in your contract.
(C) If you have more than one contract on the same premises, describe the contract by number if available, date and extent of work.
(D) Furnish an accurate enough description of the improvement and location of the premises so that it can be distinguished from any other property.
(E) Amount shown should be the amount actually received and equal to total amount of contract as adjusted.
(F) If waiver is for a corporation, corporate name should be used, corporate seal affixed and title of officer signing waiver should be set forth; if waiver is for a partnership, the partnership name should be used, partner should sign and designate himself or herself as partner.

Designed By The
Construction Industry Affairs Committee (CIAC)
TOPS 3459
LTHO IN U.S.A.
© COPYRIGHT 1973, TOPS BUSINESS FORMS, CHICAGO, IL

# CONTRACTOR'S AFFIDAVIT OF RELEASE OF LIENS

*AIA Document G706A*

(Instructions on reverse side)

OWNER ☐
ARCHITECT ☐
CONTRACTOR ☑
SURETY ☐
OTHER ☐

TO OWNER:
*(Name and address)*

Consulting Engineering Inc.
19655 Tanbark Ln
Strongsville, OH
44149

PROJECT:
*(Name and address)*

Rotterdam Junction
Town of Rotterdam, NY

ARCHITECT'S PROJECT NO.:

CONTRACT FOR:
Rotterdam Junction Leak Detection Survey
Contract No. 1 – Leak Detection

CONTRACT DATED: 08/10/2023

STATE OF: Ohio
COUNTY OF: Cuyahoga

The undersigned hereby certifies that to the best of the undersigned's knowledge, information and belief, except as listed below, the Releases or Waivers of Lien attached hereto include the Contractor, all Subcontractors, all suppliers of materials and equipment, and all performers of Work, labor or services who have or may have liens or encumbrances or the right to assert liens or encumbrances against any property of the Owner arising in any manner out of the performance of the Contract referenced above.

EXCEPTIONS:

SUPPORTING DOCUMENTS ATTACHED HERETO:

1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
2. Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.

NOTARY PUBLIC STATE OF OHIO

ELIZABETH PANKRATZ
Notary Public, State of Ohio
My Commission Expires
October 23, 2028
COMMISSION: 2018-RE-750233

CONTRACTOR:
*(Name and address)*

Consulting Engineering Inc
19655 Tanbark Ln
Strongsville, OH 44149

BY: _____
*(Signature of authorized representative)*

Y CHAN Principal Owner
*(Printed name and title)*

Subscribed and sworn to before me on this date: 12/12/23

Notary Public: Elizabeth Pankratz

My Commission Expires: October 23, 2028

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G706A—1994

# CONTRACTOR'S AFFIDAVIT OF PAYMENT OF DEBTS AND CLAIMS

*AIA Document G706*

(Instructions on reverse side)

OWNER ☐
ARCHITECT ☐
CONTRACTOR ☑
SURETY ☐
OTHER ☐

TO OWNER:
*(Name and address)*

Y Chan | Principal Owner & Civil Engineer
Consulting Engineering Inc.
19655 Tanbark Ln; Strongsville, OH 44149

PROJECT:
*Name and address)*

Rotterdam Junction
Town of Rotterdam, NY

ARCHITECT'S PROJECT NO.:

CONTRACT FOR:
Rotterdam Junction Leak Detection Survey
Contract No. 1 – Leak Detection

CONTRACT DATED:
8/10/2023

STATE OF: Ohio
COUNTY OF: Cuyahoga

The undersigned hereby certifies that, except as listed below, payment has been made in full and all obligations have otherwise been satisfied for all materials and equipment furnished, for all work, labor, and services performed, and for all known indebtedness and claims against the Contractor for damages arising in any manner in connection with the performance of the Contract referenced above or which the Owner or Owner's property might in any way be held responsible or encumbered.

EXCEPTIONS:

NOTARY PUBLIC STATE OF OHIO

ELIZABETH PANKRATZ
Notary Public, State of Ohio
My Commission Expires
October 23, 2028
COMMISSION: 2018-RE-750233

SUPPORTING DOCUMENTS ATTACHED HERETO:

Consent of Surety to Final Payment. Whenever Surety is involved, Consent of Surety is required. AIA Document G707, Consent of Surety, may be used for this purpose.

Indicate attachment: ☐ yes ☑ no

*The following supporting documents should be attached hereto if required by the Owner:*

Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.

Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.

Contractor's Affidavit of Release of Liens (AIA Document G706A).

CONTRACTOR:
*(Name and address)*

Consulting Engineering Inc
19655 Tanbark Ln
Strongsville, OH 44149

BY: _____
*(Signature of authorized representative)*

Y CHAN PRINCIPAL OWNER
*(Printed name and title)*

Subscribed and sworn to before me on this date: 12/12/23

Notary Public: _____

My Commission Expires: October 23, 2028

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G706—1994

**RESOLUTION NO. 96.24**

**CALL FOR BIDS FOR HIGHWAY MATERIALS: CRUSHED LIMESTONE, GRAVEL, & 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, & 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 Friday, the 1st day of March 2024, at 10:00 A.M., will be opened electronically and in person at that time. The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet (http://www.bidnetdirect.com/townofrotterdam) by the close of business the next day, of all bid submissions received pursuant to this notice. Additionally, the official bid report and all bids shall be available in the office of the town clerk for public inspection during regular business hours, for the purchase by the Town of Rotterdam of the following:

**HIGHWAY MATERIALS: CRUSHED LIMESTONE, GRAVEL, & 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 TO THE TOWN CLERK PRIOR TO 10:00A.M., FRIDAY, MARCH 1, 2024**

The Town Board reserves the right to accept or reject any and all bids or proposals or any specific part of any item of any bid.

DRAFT

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

**DATED:** February 14, 2024
**BidNet:** Please publish on February 16, 2024
**Daily Gazette:** Please publish once on February 18, 2024
**Town Clerk Post**

**SECTION 3.** This resolution shall become effective February 14, 2024

**DATED:** February 14, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | | | |
| Mastroianni | | | |
| Gallucci | | | |
| Schlag | | | |
| Collins | | | |

DRAFT

# 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, 2024 |
| TO: | Town Board |
| FROM: | Larry Lamora, Highway Superintendent |
| TITLE OF REQUEST: | Requesting Bids for Highway Materials: Crushed Limestone, Gravel, & Sand |
| TOWN BOARD MEETING: | February 14, 2024 |
| Background Information: | The awarded bid for Highway Materials: Crushed Limestone, Gravel, & Sand from 2023 will expire in April 2024. |
| Evaluation/Analysis: | Re-Bid according to Town Policy |
| Recommendation(s): | To place on Town Board Meeting February 14, 2024 |
| Attachment/Document(s): | Bid Package |
| Compliance with Purchasing Policy: | Yes |
| Effect(s) on Existing Law(s): | General Municipal Section 103 |
| LEGISLATION WILL BE PREPARED BY: | Supervisors Office |

# *Town of Rotterdam*

## *Highway Department*
## *Request for Bids*

## Highway Materials:
**Crushed Limestone, Gravel, & Sand**

## *Bid Opening:*
## *Friday, March 1, 2024, @ 10:00 a.m.*

***TOWN OF ROTTERDAM***
***BID FORM***

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

# *HIGHWAY MATERIALS: CRUSHED LIMESTONE, GRAVEL & SAND*

*The entire bid is strictly in accordance with the specification set forth in the bid documents herein.*

*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***

_____

***Address***

_____

***City*** ***State*** ***Zip***

*If submitting bid in person or by mail, please write bid title on the outside envelope and submit in a sealed envelope to the Town Clerks Office, 1100 Sunrise Blvd, Rotterdam, NY 12306, during regular business hours, Monday – Friday 8am- 4pm.*

| HIGHWAY MATERIALS | UNIT COST | DEL. COST | F.O.B. POINT |
|---|---|---|---|
| CRUSHED LIMESTONE SIZE 1, PER TON | | | |
| CRUSHED LIMESTONE SIZE 1A, PER TON | | | |
| CRUSHED LIMESTONE SIZE 1B, PER TON | | | |
| CRUSHED LIMESTONE SIZE 2, PER TON | | | |
| CRUSHED LIMESTONE SIZE 3, PER TON | | | |
| CRUSHED LIMESTONE SIZE RUBBLE, PER TON | | | |
| | | | |
| GRAVEL SIZE #1 STONE, PER TON | | | |
| GRAVEL SIZE #2 STONE, PER TON | | | |
| GRAVEL SIZE #3 STONE, PER TON | | | |
| GRAVEL SIZE RUBBLE, PER TON | | | |
| GRAVEL SIZE ITEM #4 (CRUSHED BANK RUN) PER TON | | | |
| GRAVEL SIZE BANK RUN, PER TON | | | |
| | | | |
| SAND, TYPE FILL SAND, PER TON | | | |
| SAND, TYPE ROAD SAND, PER TON | | | |
| | | | |
| | | | |
| | | | |

Bidder shall honor bid price for one (1) year commencing on **April 13, 2024**, at the mutual consent of both the Town and the Contractor.

**NOTE: Questions should be submitted in writing to Larry LaMora, Town of Rotterdam Highway superintendent llamora@rotterdamny.org or by calling 518-355-7722.**

**INSTRUCTIONS TO BIDDERS**

1. All bids must be submitted before **10:00 a.m. on March 1, 2024**, the day of opening.

2. Electronic and in person 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. March 1, 2024** will be opened electronically and in person 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 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(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 waiver 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.

## NON-COLLUSION BIDDING CERTIFICATION

A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, an 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 certificating, 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: _____

Signature: _____ 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 _____ _____, **20__.**

**(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: _____

Signature:_____ 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:
    - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
    - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
    - 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;
    - 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:
    - 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:
    - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
    - Sabotaging an individual's work;
    - 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.

<u>New York State Division of Human Rights (DHR)</u>

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 DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR 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 DHR 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 DHR, and

there is no cost to file with DHR. DHR 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, DHR 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 DHR 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 DHR. 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 DHR, DHR 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. 97.24**

**CALL FOR BIDS FOR HIGHWAY MATERIALS: MANHOLE GRATES & FRAMES AND MANHOLE ROUND RISERS**

**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: Manhole Grates & Frames and Manhole Round Risers.

**SECTION 2.** The Town Clerk of the Town of Rotterdam shall cause the following public notice to be published in the official newspaper of the Town of Rotterdam, and the Supervisor of the Town of Rotterdam shall cause the following public notice be published to the Empire State Purchasing Group on BidNet (http://www.bidnetdirect.com/townofrotterdam) at least five (5) days before the date of reception of bid proposals:

**TOWN OF ROTTERDAM**
**NOTICE TO BIDDERS**

**PLEASE TAKE NOTICE:** That all bids received by the Town Board of the Town of Rotterdam, by Friday, the 1st day of March 2024, 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 next day, of all bid submissions received pursuant to this notice. Additionally, the official bid report and all bids shall be available in the office of the town clerk for public inspection during regular business hours, for the purchase by the Town of Rotterdam of the following:

**HIGHWAY MATERIALS: MANHOLE GRATES & FRAMES AND MANHOLE ROUND RISERS**

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 TO THE TOWN CLERK PRIOR TO 10:15A.M., FRIDAY, MARCH 1, 2024.**

DRAFT

The Town Board reserves the right to accept or reject any and all bids or proposals or any specific part of any item of any bid.

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

**DATED:** February 14, 2024
**BidNet:** Please publish on February 16, 2024
**Daily Gazette:** Please publish once on February 18, 2024
**Town Clerk Post**

**SECTION 3.** This resolution shall become effective February 14, 2024.

**DATED:** February 14, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | | | |
| Mastroianni | | | |
| Gallucci | | | |
| Schlag | | | |
| Collins | | | |

DRAFT

# 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, 2024 |
| TO: | Town Board |
| FROM: | Larry Lamora, Highway Superintendent |
| TITLE OF REQUEST: | Requesting Bids for Highway Materials: Manhole Grates & Frames and Manhole Round Risers |
| TOWN BOARD MEETING: | February 14, 2024 |
| Background Information: | The awarded bid for Highway Materials: Manhole Grates & Frames from 2023 will expire in April 2024. |
| Evaluation/Analysis: | Re-Bid according to Town Policy |
| Recommendation(s): | To place on Town Board Meeting February 14, 2024 |
| Attachment/Document(s): | Bid Package |
| Compliance with Purchasing Policy: | Yes |
| Effect(s) on Existing Law(s): | General Municipal Section 103 |
| LEGISLATION WILL BE PREPARED BY: | Supervisors Office |

# *Town of Rotterdam*

## *Highway Department*
## *Request for Bids*

## Highway Materials:
### Manhole Frame and Grates & Manhole round Risers

***Bid Opening:***
***Friday, March 1, 2024, @ 10:15 a.m.***

***TOWN OF ROTTERDAM***
***BID FORM***

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

# *HIGHWAY MATERIALS: MANHOLE FRAME AND GRATES & MANHOLE ROUND RISERS*

*The entire bid is strictly in accordance with the specification set forth in the bid documents herein.*

*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***

_____

***Address***

_____

***City*** ***State*** ***Zip***

*If submitting bid in person or by mail, please write bid title on the outside envelope and submit in a sealed envelope to the Town Clerks Office, 1100 Sunrise Blvd, Rotterdam, NY 12306, during regular business hours, Monday – Friday 8am- 4pm.*

| HIGHWAY MATERIALS | UNIT COST | DEL. COST | F.O.B. POINT |
|---|---|---|---|
| MANHOLE FRAMES AND GRATES: | | | |
| SQUARE CATCH BASIN: SEE DIAGRAM 1 | | | |
| SQUARE INLET BASIN: SEE DIAGRAM 2 | | | |
| | | | |
| MANHOLE FRAMES SQUARE RISERS: | | | |
| 26″ X 26″ X 1″ | | | |
| 26″ X 26″ X 2″ | | | |
| | | | |
| MANHOLE ROUND RISERS: | | | |
| 24″ ROUND X 1″ | | | |
| 26″ ROUND X 1″ | | | |
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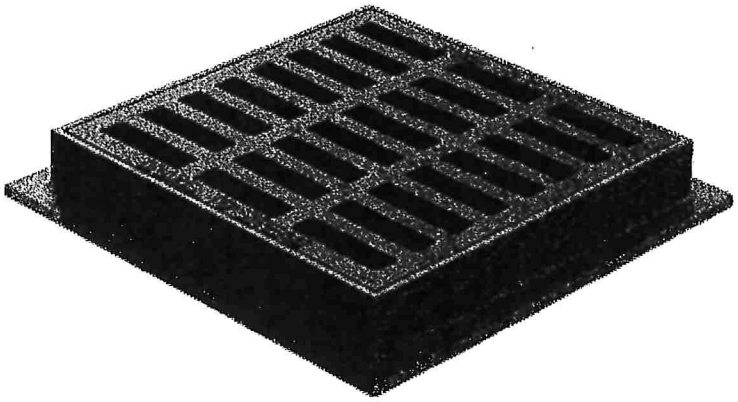
Bidder shall honor bid price for one (1) year commencing on **April 13, 2024**, at the mutual consent of both the Town and the Contractor.

**NOTE: Questions should be submitted in writing to Larry LaMora, Town of Rotterdam Highway superintendent llamora@rotterdamny.org and alawson@rotterdamny.org or by calling 518-355-7722.**

Diagram 1

SQUARE CATCH BASIN

| 26 x 26 | 1-1/2 | 24 x 24 | 32x32 | 4 | | 2.0 |
|---|---|---|---|---|---|---|
| Grate | Grate Thickness | Clear Opening | Flange OD | Frame Height | Grate Type | Drain Area Sq. Ft. |



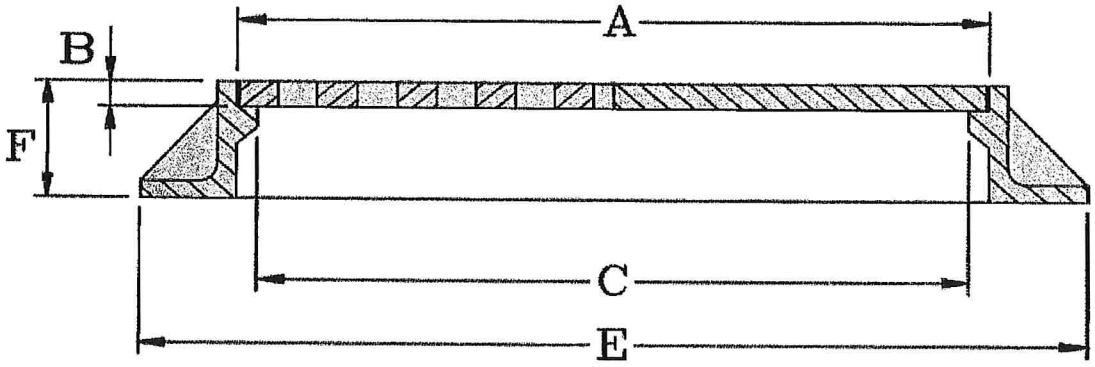
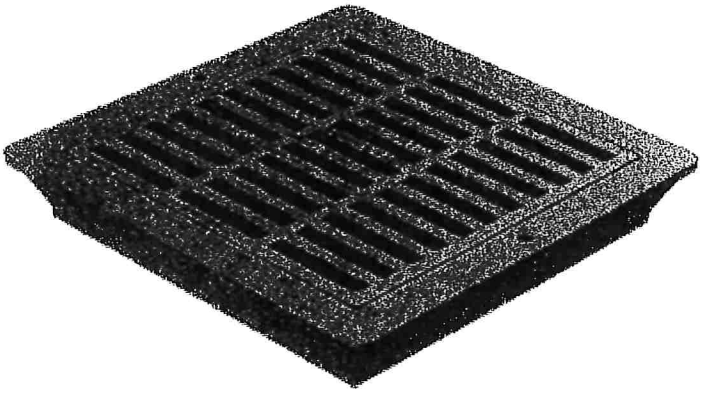
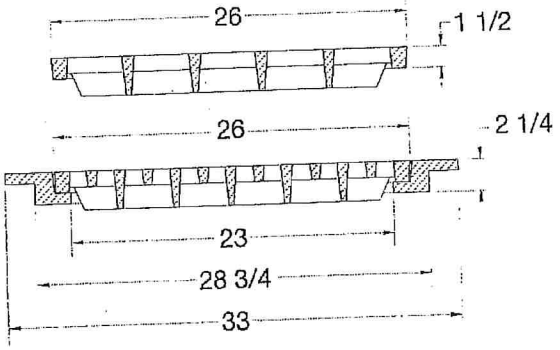


Diagram 2

SQUARE INLET BASIN

| 26 x 26 | 1-1/2 | 24 x 24 | 32x32 | 4 | | 2.0 |
|---|---|---|---|---|---|---|
| Grate | Grate Thickness | Clear Opening | Flange OD | Frame Height | Grate Type | Drain Area Sq. Ft. |





**INSTRUCTIONS TO BIDDERS**

1. All bids must be submitted before **10:15 a.m. on March 1, 2024**, the day of opening.

2. Electronic and in person 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. March 1, 2024** will be opened electronically and in person 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 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(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 waiver 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.

## NON-COLLUSION BIDDING CERTIFICATION

A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, an 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 certificating, 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: _____

Signature: _____ 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 _____, **20__.**

**(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

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**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: _____

Signature:_____ 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:
    - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
    - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
    - 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;
    - 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:
    - 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:
    - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
    - Sabotaging an individual's work;
    - 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.

<u>New York State Division of Human Rights (DHR)</u>

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 DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR 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 DHR 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 DHR, and

there is no cost to file with DHR. DHR 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, DHR 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 DHR 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 DHR. 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 DHR, DHR 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. 98.24**

**CALL FOR BIDS FOR ON CALL MAINTENANCE CONTRACT 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 On call Maintenance Contract 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 Friday, the 1st day of March 2024, 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 close of business the next day, of all bid submissions received pursuant to this notice. Additionally, the official bid report and all bids shall be available in the office of the Town Clerk for public inspection during regular business hours, for the purchase by the Town of Rotterdam of the following:

**ON CALL MAINTENANCE CONTRACT 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 TO THE TOWN CLERK PRIOR TO 11:00A.M., FRIDAY, MARCH 1, 2024**

The Town Board reserves the right to accept or reject any and all bids or proposals or any specific part of any item of any bid.

DRAFT

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

**DATED:** February 14, 2024
**BidNet:** Please publish on February 16, 2024
**Daily Gazette:** Please publish once on February 16, 2024
**Town Clerk Post**

**SECTION 3.** This resolution shall become effective February 14, 2024

**DATED:** February 14, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | | | |
| Mastroianni | | | |
| Gallucci | | | |
| Schlag | | | |
| Collins | | | |

DRAFT

# 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 31, 2024

TO: Town Board

FROM: Fred Mastroianni, P.E., Town Consultant Engineer

TITLE OF REQUEST: To authorize the Town Board to obtain sealed bids for on-call contractors for maintenance services.

TOWN BOARD MEETING: February 14, 2024

Background Information: The Town's Department of Public Works would like to have a list of qualified maintenance contractors for town or private properties. The intent is to have a list of no more than three contractors. The selection of contractors will be based upon "Best Value" methodology that includes qualifications, experience, references, hourly rates, overhead and profit percentages.

Evaluation/Analysis: Once bids are received, the Town can evaluate if this on-call method is preferred with respect to time and cost.

Recommendation(s): I recommend that the Town Board approve obtaining sealed bids for on-call maintenance services contractors. Depending upon the bids received, the Town has the option to reject all bids if the cost does not appear to be reasonable.

Attachment/Document(s): Bid Documents

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

# *Town of Rotterdam*
# *Request for Bids (RFB)*

# ***On-Call Maintenance***
# ***Contract Services***

## *Bid Opening:*
## ***March 1, 2024***
## ***@ 11:00 AM***

# TOWN OF ROTTERDAM

## ADVERTISEMENT FOR BIDS

Sealed bids for the furnishing of all labor and material necessary for the Town of Rotterdam On-Call Maintenance Contract Services will be received by the Town of Rotterdam Town Clerk at 1100 Sunrise Boulevard, Rotterdam, New York 12306 until 11:00 AM local time on Friday, March 1, 2024, at which time and place they will be publicly opened and read aloud.

Bids will be received for the following Contract:

> On-Call Maintenance Contract Services: The work shall include providing all labor, materials and equipment, and other means necessary and incidental for the removal of debris, grass mowing, tree and brush trimming, and other incidental work related to public or private properties, as needed by the Town.

Digital copies of Bidding Documents may be obtained from the Empire State Purchasing Group on BidNet at http://www.bidnetdirect.com/townofrotterdam. Copies of Bidding Documents obtained from any other source are not considered official copies. Neither Owner nor Engineer can guarantee the accuracy and are not responsible for any errors contained in documents obtained from an alternate source. Only those vendors who obtain documents from the BidNet system are guaranteed to receive addendum information if issued.

Each Bid must be submitted on the prescribed Bid Form and subject to the conditions provided in the Information for Bidders. No Bidder may withdraw the bid within forty-five (45) days after the actual date of opening thereof. The bid shall be in effect until end of year 2024.

There will be no formal Pre-Bid Meeting held, but any Bidder that has any questions shall contact Jim Keith of the Department of Public Works at (518) 355-7575 extension 340 to discuss this on-call Maintenance Contract Services.

Bidders shall not include in their bid sales and compensating use taxes on the cost of any materials which are to be incorporated into the work and which are to be separately sold by the Contractor to the Town of Rotterdam prior to incorporation into the work of the Contract.

The attention of Bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under the Contract.

The right is reserved to waive any informalities in the Bid and to reject any or all Bids.

# TOWN OF ROTTERDAM

## ***BID FORM***

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

## ***On-Call Maintenance Services***

*A. QUALIFICATIONS, EXPERIENCE AND REFERENCES*

**Section 1: Previous Experience in providing a superior level of service on like-sized public and/or private projects:**

Answer the following:

1. How many years has your company been in business under its present business name? _____

2. Describe your previous experience providing maintenance and repair services to like-sized public agencies and/or private companies:_____

_____

_____

_____

3. Provide five (5) Client References (Name, address, phone number and E-Mail address):

Client 1 _____

Client 2_____

Client 3 _____

Client 4_____

Client 5_____

4. Names of Staff to be assigned to the on-call contract and number of years of plumbing experience:

a. Maintenance Supervisor_____

b. Maintenance Worker_____

c. Equipment Operator_____

d. Truck Driver_____

*B. LABOR RATES*

The following labor rates are to be listed by craft and classification and are to include base wages, benefits, taxes, insurance, and payroll costs complete. Overhead and profit are not to be included:

1. Maintenance Supervisor (weekdays - 8 hours) Hourly Rate _____
2. Maintenance Supervisor (weekdays OT) Hourly Rate _____
3. Maintenance Supervisor (weekends & holidays) Hourly Rate _____
4. Maintenance Worker (weekdays - 8 hours Hourly Rate _____
5. Maintenance Worker (weekdays OT) Hourly Rate _____
6. Maintenance Worker (weekends & holidays) Hourly Rate _____
7. Equipment Operator (weekdays - 8 hours) Hourly Rate_____
8. Equipment Operator (weekdays OT) Hourly Rate _____
9. Equipment Operator (weekends & holidays) Hourly Rate_____
10. Truck Driver (weekdays - 8 hours) Hourly Rate_____
11. Truck Driver (weekdays OT) Hourly Rate_____
12. Truck Driver (weekends & holidays) Hourly Rate_____

If there are any other laborer rates that may be needed on a project, the Town and Contractor will agree on an approved rate prior to the start of the work.

*C. OVERHEAD AND PROFIT*

Overhead and profit mark-up shall be based upon the total cost of labor, material and equipment needed to provide maintenance contract services. Below provide a percentage of the overall overhead and profit to be charged to the Town.

Percentage _____

*D. MATERIALS*

The Material cost will not be part of the bid evaluation. The contractor shall provide the Town as part of the overall cost of the work, a listing of all materials needed for maintenance and their associated cost. The contractor, by submitting this bid, agrees not to include any markup to the material cost.

In submitting this Bid, BIDDER represents as more fully set forth in the Agreement, that BIDDER has examined and carefully studied the Bidding Documents and the following Addenda receipt of all which is hereby acknowledged: (List Addenda by Addendum Number and Date)

_____

_____

_____

_____

By signing and dating below, the contractor understands and accepts all terms, condition and cost associated with each fencing repair or replacement project:

SUBMITTED on _____ 2024.

*The entire bid is strictly in accordance with the specification set forth in the bid documents herein.*

_____

***Signature***

_____

***Name of Company or Corporation***

_____

***Address***

_____

***City*** ***State*** ***Zip***

_____

***Email***

I understand if I am chosen as a 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.

*If submitting bid in person or by mail, please write bid title on the outside envelope and submit in a sealed envelope to the Town Clerks Office, 1100 Sunrise Blvd, Rotterdam, NY 12306, during regular business hours, Monday – Friday 8am- 4pm.*

## SECTION 1: INSTRUCTIONS TO BIDDERS (ITB)

1. All bids must be submitted before **11:00 a.m. on March 1, 2024**, the day of opening.

2. Electronic and in person 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 **11:00 a.m. March 1, 2024** will be opened electronically and in person 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 this Request for Bid may be obtained from the Empire State Purchasing Group on BidNet at http://www.bidnetdirect.com/townofrotterdam. Copies of RFB 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, RFB 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 for 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. 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 the year 2024 construction season.

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 in the Town of Rotterdam.

10. Delivery (if applicable): 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 waiver 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 RFB shall be disqualified and the bid shall be rejected.

## SECTION 2: NON-COLLUSION BIDDING CERTIFICATION

A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, an 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 certificating, 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 Company: _____

Signed by:_____ Title:_____

Signature: _____ Date:_____

Email: _____

## SECTION 3: 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 _____ _____, **20__.**

**(SEAL OF THE CORPORATION)**

_____

Signature of Secretary

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## 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

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## 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: _____

Signature:_____ Date:_____

## SECTION 4: NON-DESCRIMINATION AND HARRASSMENT (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:
    - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee’s body or poking another employee’s body;
    - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
    - 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;
    - 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:
    - 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:
    - Interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
    - Sabotaging an individual’s work;
    - 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 (DHR)

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 DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR 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 DHR 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 DHR, and there is no cost to file with DHR. DHR 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, DHR 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 DHR 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 DHR. 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 DHR, DHR 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.

## SECTION 5: TERM OF THE BID

The bid shall be in effect from the date of the contract's execution until completion of all work under the contract. Prices shall remain firm until work is completed in the entire year 2024. If the project/task extends beyond the year 2024, prices shall not change.

## SECTION 6: GENERAL PROVISIONS OF LAWS COVERING WORKERS ON PUBLIC WORKS CONTRACT

The Labor Law requires public work contractors and subcontractors to pay laborers, workers, or mechanics employed in the performance of a public work contract not less than the prevailing rate of wage and supplements (fringe benefits) in the locality where the work is performed. The contractor shall comply with the labor law that includes the prevailing wage rate payment of all employees. The contractor shall provide supporting documentation of wages paid for each employer via certified payroll and supporting documentation.

## SECTION 7: BONDS

No Bonds are required upon entering into this on-call contract. However, bonds will be required for Work Orders of more than $25,000.

## SECTION 8: INSURANCE

The successful Bidder will be required to procure and maintain, at its own expense, the following insurance coverage:

(a) **Workers' Compensation and Employers Liability Insurance:** A policy or policies providing protection for employees in the event of job-related injuries.

(b) **Automobile Liability Insurance**: A policy or policies with the limits of not less than $1,000,000 combined for each accident because of bodily injury, sickness, or disease, sustained by any person, caused by accident, and arising out of the ownership, maintenance, or use of any automobile for damages because of injury to or destruction of property, including the loss of use thereof.

(c) **General Liability Insurance**: A policy or policies of comprehensive all-risk insurance with limits of not less than:

Liability For: Combined Single Limit
Property Damage $1,000,000 per occurrence/$2,000,000 aggregate
Bodily Injury $1,000,000 per occurrence/$2,000,000 aggregate Personal Injury $1,000,000 per occurrence/$2,000,000 aggregate

(d) **Umbrella/Excess Liability Insurance:** A policy or policies with Umbrella/Excess Coverage with limits of not less than:

Liability For: Combined Single Limit

All Other Circumstances $1,000,000

(e) **Disability Insurance**: A policy or policies providing appropriate disability benefits in accordance with Section 220 Subdivision 8 of the Disability Benefits Law (DBL).

Each policy of insurance required shall be of form and content satisfactory to the Town Attorney.

(a) The Town shall be named as an additional named insured on all liability policies.
(b) The policy shall not be changed or cancelled until the expiration of thirty (30) days after written notice to the Town of Rotterdam. It shall be automatically renewed upon expiration and continued in force unless the Town is given at least thirty (30) days written notice to the contrary.

No work shall be commenced under the contract or purchase order until the successful Bidder has delivered to the Town proof of issuance of all policies of insurance required by the contract to be procured by the successful Bidder. If at any time, any of said policies shall expire or become unsatisfactory to the Town, the successful Bidder shall promptly obtain a new policy and submit proof of issuance of the same to the Town for approval. Upon failure of the successful Bidder to furnish, deliver and maintain such insurance as above provided, the contract or purchase order may, at the election of the Town, be forthwith declared suspended, discontinued, or terminated. Failure of the successful Bidder to procure and maintain any required insurance shall not relieve the successful Bidder from any liability under the contract, nor shall the insurance requirements be construed to conflict with the obligations of the successful Bidder concerning indemnification.

## SECTION 9: INDEMNIFICATION

The successful Bidder shall defend, indemnify and save harmless the Town, its employees and agents, from and against all claims, damages, losses and expenses (including, without limitation, reasonable attorneys' fees) arising out of, or in consequence of, any negligent or intentional act or omission of the successful Bidder, its employees or agents, to the extent of its or their responsibility for such claims, damages, losses and expenses.

## SECTION 10: BID FORM

(a) The Bid Form is provided herein; additional copies may be obtained from the Town.
(b) Bids must be made on the Bid Form provided by the Town. The Bid Form must be completed manually in black ink or typed. 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 and email address to which communications regarding the bid are to be directed must be included on the Bid Form.

## SECTION 11: AWARD OF BID

(a) After the award has been approved by the Town governing authority, the successful bidder will be issued a Notice of Award. A notice of contract award shall not be binding upon the Town until the contract has been fully executed by both parties. The following documents shall be incorporated, to the extent deemed appropriate in the sole discretion of the Town, within the contract between the Town of Rotterdam and the apparent successful Bidder: the successful Bidder's bid, this Request for Bids and any written Addenda issued by the Town of Rotterdam in response to inquiries of prospective bidders.

(b) 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 the prior written consent of the Town of Rotterdam Supervisor. 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 this 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 Rotterdam of an attachment against the successful bidder, the Town of Rotterdam shall be relieved and discharged 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 lessees 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.

## SECTION 12: REMEDY FOR BREACH

In the event of a breach by the Contractor, the 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, together with the Town's own costs incurred in procuring a substitute contractor.

## SECTION 13: DELIVERY AND PAYMENT

(a) 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.

(b) Payment will be made upon the submission of a completed payment request and supporting documentation.

(c) The Town of Rotterdam is not subject to federal, state, or local taxes.

(d) Pursuant to NYS Finance Law §139-F, the contractor shall periodically, in accordance with the terms of the contract, submit to the Town a request for a progress payment for the work performed and/or materials furnished to the date of the request, less any amount previously paid against contract to the contractor. In accordance with the terms of the contract, the Town shall approve and promptly pay the request less any amount necessary to satisfy any claims, liens or judgements which have not been suitably discharged as well as a retainage

of 5 percent (5%) of each progress payment. If there is no requirement by the Town for a performance bond as well as a labor and material bond in the full amount of the contract, the retainage will be in excess of 5 percent (5%) but no more than 10 percent (10%).

(e) When the work as stated in the terms of the contract are substantially completed, the contractor shall request a final and complete inspection of all work to be completed as defined by the bid specifications as well as any approved change orders, after which the contractor will submit to the public owner and/or his agent a request for payment of the remaining amount of the contract balance. The Town shall pay the contractor the requested amount due less two times the value of any remaining items to be completed and an amount necessary to satisfy any claims, liens or judgments against the contractor which have not been suitably discharged.

## SECTION 14: OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) CONSTRUCTION SAFETY AND HEALTH COURSE

In compliance with NYS Labor Law Sec. 220-h, the contract required for the construction, reconstruction, maintenance and/or repair of the public work herein described, where the total cost of all work to be performed is at least TWO HUNDRED THOUSAND ($200,000.00) DOLLARS, shall require that all laborers, workers, and mechanics employed in the performance of the work on the public work site either by the Contractor, Sub-Contractor or other person doing or contracting to do the whole or a part of the work herein described, shall be certified prior to performing any work on the project as having successfully completed a course in construction safety and health approved by the U.S. Department of Labor's Occupational Safety and Health Administration that is at least ten hours in duration.

## SECTION 15: SAMPLES AND SHOP DRAWINGS

Prior to commencing work under this Contract, the Contractor shall furnish such samples of materials proposed for use in the work, along with manufacturers' certificates, shop drawings, test results made by independent testing facilities and any other information as may be required by the Town or specified herein.

## SECTION 16: SUBCONTRACTORS

Subcontractors will not be allowed to work on any project without prior written approval from the Town. All costs and contract language agreed upon between the Town and Contractor shall apply to any subcontractors that have been approved by the Town.

## SECTION 17: ETHICS

The bidder shall not accept or offer any gifts of anything of value nor enter any business arrangement with any employee, official or agent of the Town of Rotterdam. Any contract between a Bidder and Town employees, board members, other than with the Department Head responsible for the bid, shall be grounds for disqualification.

## SECTION 18: CLAIMS AGAINST THE TOWN

The claims by the Contractor against the Town for damages from any cause shall be reported to the Town, in writing, at the time such alleged damage occurs. All such claims, if continuous, must also be presented at the end of the month in which such damages or claims occur and if the same continues during more than one month, at the end of each month of the continuance

of such claimed damages. Any provisions relative to extra work and claim therefore and reports thereof appearing elsewhere in this Contract shall not be superseded by the provisions of this section but will be in addition thereto.

## SECTION 19: LAWS AND ORDINANCES

On all operations connected with the work herein specified, the Contractor shall keep fully informed of all Federal, State and Town Laws, Ordinances, rules and regulations, including but not limited to OSHA, controlling or limiting in any way the actions of those engaged on the work of affecting the materials and equipment used, and shall strictly comply in every way with such laws, ordinances, rules and regulations.

## SECTION 20: PROTECTION OF EXISTING STRUCTURES

When work is to be done around existing structures, the Contractor will exercise every precaution against possible injury to them. In case any structure is damaged, the total cost of such work shall be borne by the Contractor at no cost to the Town. The Contractor shall be held responsible for all materials and work during the progress of construction and for all injury to existing structures met with in the execution of the work. The Contactor will be required to make good at their own cost any injury or damages which said materials, work or structures may sustain from any source or cause before the acceptance of the work on the Contract.

## SECTION 21: HEALTH AND SAFETY REQUIREMENTS

(a) Pursuant to the General Duty Clause of the U.S. Occupational Safety and Health Act of 1970 (OSHA), Public Law 91-596, Section 5, the contractor is directly responsible for the health and safety of their staff, subcontractors, and other firms working for the contractor, Department staff on the site, and the affected pubic. The Town of Rotterdam does not have the authority to enforce OSHA regulations, but the Town of Rotterdam does have the authority to enforce the contract.

(b) Pursuant to 29 CFR 1926 Subpart C, contractors entering a contract with the Town of Rotterdam are expected to provide the Town of Rotterdam with a safety and health plan that incorporates the following safety elements, when applicable to the scope of work:
   (1) High Visibility Apparel/ Personal Protective Equipment per 29 CFR 1926 Subpart E.
   (2) Accident Reporting per 29 CFR 1926 Subpart C
   (3) Imminent Danger Situations and Emergency Actions per 29 CFR 1926 Subpart P
   (4) Fall Protection per 29 CFR 1926 Subpart M
   (5) Working Over Water per 29 CFR 1926 Subpart O
   (6) Electrical Safety per 29 CFR 1926 Subpart K
   (7) Open Excavations and Trenches per 29 CFR 1926 Subpart P
   (8) Hazardous Materials per 29 CFR 1926 Subpart Z
   (9) Involving Radioactive Materials per 1926 CFR Subpart D/12 NYCRR 38
   (10) Silica protection per 29 CFR 1926, 29 CFR 1926.55/ Subpart D.
   (11) Demolition of Buildings and Structures 29 CFR 1926, Subpart T
   (12) Drilling and blasting per 29 CFR 1926, Subpart U
   (13) Equipment Safety Procedures per 29 CFR 1926, Subpart O

(14) Lifting per 29 CFR 1926, Subpart N
(15) Confined Spaces per 29 CFR 1910, Subpart J
(16) Fire and Explosion Prevention per 29 CFR 1926, Subpart F

## SECTION 22: CONTRACTOR(S) SELECTION CRITERIA

The Town will be awarding up to three (3) contracts using a "Best Value" methodology including evaluation of price, responses of contractor questionnaire and references. Points will be awarded based on the following categories:

1. 50 points for Qualifications, Experience, References
2. 100 points for On-Call Maintenance Service Contractor Rates.
3. 50 points for overhead and profit mark-up as percentage of construction cost.

Points scoring for category 1 will be as follows:

- 15 points - previous experience in providing superior plumbing construction, maintenance, and repair services at like-sized public and/or private facilities.
- 15 points - assessments of work quality, performance and working relationships by current and recent clients that indicate high levels of satisfaction and effectiveness as evidenced by references.
- 10 points - qualifications of staff proposed to provide on-call plumbing contractor services at Town Facilities. Experience and background of those who will be providing services for the Town.
- 10 points - well-organized communication systems that demonstrate an ability to complete tasks efficiently and effectively and do not require constant supervision by the Town.

Points scoring for category 2 will be as follows:

- 10 points – Maintenance Supervisor rate for Monday through Friday from 8:00 am to 5:00 pm
- 10 points - Maintenance Supervisor rate for Monday through Friday overtime (OT)
- 5 points - Maintenance Supervisor rate for Saturdays, Sundays and Holidays
- 10 points – Maintenance Worker rate for Monday through Friday from 8:00 am to 5:00 pm
- 10 points - Maintenance Worker rate for Monday through Friday overtime (OT)
- 5 points - Maintenance Worker rate for Saturdays, Sundays and Holidays
- 10 points – Equipment Operator rate for Monday through Friday from 8:00 am to 5:00 pm
- 10 points - Equipment Operator rate for Monday through Friday overtime (OT)
- 5 points - Equipment Operator rate for Saturdays, Sundays and Holidays
- 10 points - Truck Driver rate for Monday through Friday from 8:00 am to 5:00 pm
- 10 points - Truck Driver rate for Monday through Friday overtime (OT)
- 5 points - Truck Driver rate for Saturdays, Sundays and Holidays

Points scoring for category 3 will be as follows:

- The scoring will be based upon the number of bids received with the highest score for the lowest overhead and profit percentage.

The winning bids will be selected based on the total combined points.

## SECTION 23: WORK SITE CLEANUP

(a) The Contractor shall exercise great care not to damage public or private property. Any damage done shall be repaired or replaced by the Contractor at his own cost and expense.

(b) As the work progresses, all rubbish, refuse and unused materials, tools and equipment shall be removed at once. After final inspections of the work have been made the Contractor shall remove all stakes, boards, sticks and similar obstructions whether used for grade, reference, or other purposes upon this Contract. The Contractor shall restore the work site and adjacent properties affected by the construction work to the same condition as they were before the work was commenced.

## SECTION 24: GENERAL DESCRIPTION OF WORK

1. General - The selected contractor(s) shall provide labor, materials and equipment as needed to provide maintenance services on an on-call basis as requested by the Town. The extent of work is not known currently. No work shall be subcontracted to another contractor without written approval from the Town. It is anticipated that the Town will have on-call a maximum of three (3) contractors for this on-call service.

2. On-Call Maintenance Procedure and Response – Upon notification of a pending project, the selected contractor(s) shall:
   - Coordinate with the Town to meet with DPW staff to discuss the project and conduct a site visit to the project area within two (2) business days from the notification date.
   - Submit a written cost and schedule to perform the work within five (5) calendar days from the notification date.
   - Once cost is finalized and approved, commence construction work within five (5) business days and complete the work as per agreed upon schedule.
   - Failure to respond to an on-call maintenance notification, meeting with the town and conducting a site visit, or to submit a cost and schedule within the timeframes stated above, unless an extension is approved in advance by the Town, more than two (2) times during the contract term shall be grounds of termination of the on-call contract for cause by the Town.

Only qualified maintenance services contractors shall be considered.

**RESOLUTION NO. 99.24**

**CALL FOR BIDS FOR ON CALL PLUMBING CONSTRUCTION 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 On Call Plumbing Construction 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 Friday, the 1st day of March 2024, at 11:15 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 close of business the next day, of all bid submissions received pursuant to this notice. Additionally, the official bid report and all bids shall be available in the office of the Town Clerk for public inspection during regular business hours, for the purchase by the Town of Rotterdam of the following:

**ON CALL PLUMBING CONSTRUCTION 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 TO THE TOWN CLERK PRIOR TO 11:15 A.M., FRIDAY, MARCH 1, 2024**

The Town Board reserves the right to accept or reject any and all bids or proposals or any specific part of any item of any bid.

DRAFT

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

**DATED:** February 14, 2024
**BidNet:** Please publish on February 16, 2024
**Daily Gazette:** Please publish once on February 16, 2024
**Town Clerk Post**

**SECTION 3.** This resolution shall become effective February 14, 2024

**DATED:** February 14, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | | | |
| Mastroianni | | | |
| Gallucci | | | |
| Schlag | | | |
| Collins | | | |

DRAFT

# 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 31, 2024

TO: Town Board

FROM: Fred Mastroianni, P.E., Town Consultant Engineer

TITLE OF REQUEST: To authorize the Town Board to obtain sealed bids for on-call plumbing contractors for construction and repair services.

TOWN BOARD MEETING: February 14, 2024

Background Information: The Town's Department of Public Works would like to have a list of qualified plumbing contractors to replace or repair mechanical systems on town properties. The intent is to have a list of no more than three contractors. The selection of contractors will be based upon "Best Value" methodology that includes qualifications, experience, references, hourly rates, overhead and profit percentages.

Evaluation/Analysis: Once bids are received, the Town can evaluate if this on-call method is preferred with respect to time and cost.

Recommendation(s): I recommend that the Town Board approve obtaining sealed construction bids for on-call plumbing services. Depending upon the bids received, the Town has the option to reject all bids if the cost does not appear to be reasonable.

Attachment/Document(s): Bid Documents

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

# *Town of Rotterdam*
# *Request for Bids (RFB)*

# ***On-Call Plumbing Construction Services***

## *Bid Opening:*
## ***March 1, 2024***
## ***@ 11:15 AM.***

# TOWN OF ROTTERDAM

## ADVERTISEMENT FOR BIDS

Sealed bids for the furnishing of all labor and material necessary for the Town of Rotterdam On-Call Electrical Contractor Services will be received by the Town of Rotterdam Town Clerk at 1100 Sunrise Boulevard, Rotterdam, New York 12306 until 11:15 AM local time on Friday, March 1, 2024, at which time and place they will be publicly opened and read aloud.

Bids will be received for the following Contract:

> On-Call Plumbing Contractor Services: The work shall include providing all labor, materials and equipment, and other means of construction necessary and incidental for the removal, repair or replacement of various town owned mechanical and plumbing systems in buildings as determined by the Town on an as needed basis.

Digital copies of Bidding Documents may be obtained from the Empire State Purchasing Group on BidNet at http://www.bidnetdirect.com/townofrotterdam. Copies of Bidding Documents obtained from any other source are not considered official copies. Neither Owner nor Engineer can guarantee the accuracy and are not responsible for any errors contained in documents obtained from an alternate source. Only those vendors who obtain documents from the BidNet system are guaranteed to receive addendum information if issued.

Each Bid must be submitted on the prescribed Bid Form and subject to the conditions provided in the Information for Bidders. No Bidder may withdraw the bid within forty-five (45) days after the actual date of opening thereof. The bid shall be for the year 2024 construction season.

There will be no formal Pre-Bid Meeting held, but any Bidder that has any questions shall contact Jim Keith of the Department of Public Works at (518) 355-7575 extension 340 to discuss this on-call plumbing contractor services.

Bidders shall not include in their bid sales and compensating use taxes on the cost of any materials which are to be incorporated into the work and which are to be separately sold by the Contractor to the Town of Rotterdam prior to incorporation into the work of the Contract.

The attention of Bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under the Contract.

The right is reserved to waive any informalities in the Bid and to reject any or all Bids.

# TOWN OF ROTTERDAM

## ***BID FORM***

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

## ***On-Call Plumbing Contractor Services***

*A. QUALIFICATIONS, EXPERIENCE AND REFERENCES*

**Section 1: Previous Experience in providing a superior level of service on like-sized public and/or private projects:**

Answer the following:

1. How many years has your company been in business under its present business name? _____

2. Describe your previous experience providing plumbing contractor construction, maintenance and repair services to like-sized public agencies and/or private companies:_____

_____

_____

_____

3. Provide five (5) Client References (Name, address, phone number and E-Mail address):

Client 1 _____

Client 2_____

Client 3 _____

Client 4_____

Client 5_____

4. Names of Staff to be assigned to the on-call contract and number of years of plumbing experience:

a. Master Plumber_____

b. Apprentice Plumber_____

c. General Plumber/Pipefitter_____

*B. LABOR RATES*

The following labor rates are to be listed by craft and classification and are to include base wages, benefits, taxes, insurance, and payroll costs complete. Overhead and profit are not to be included:

1. Master Plumber Labor Rate (weekdays - 8 hours) Hourly Rate _____
2. Master Plumber Labor Rate (weekdays OT) Hourly Rate _____
3. Master Plumber Labor Rate (weekends & holidays) Hourly Rate _____
4. Apprentice Plumber Rate (weekdays - 8 hours) Hourly Rate _____
5. Apprentice Plumber Rate (weekdays OT) Hourly Rate _____
6. Apprentice Plumber Rate (weekends & holidays) Hourly Rate _____
7. General Plumber/Pipefitter Rate (weekdays - 8 hours) Hourly Rate_____
8. General Plumber Rate (weekdays OT) Hourly Rate _____
9. General Plumber/Pipefitter Rate (weekends & holidays) Hourly Rate_____

If there are any other laborer rates that may be needed on a project, the Town and Contractor will agree on an approved rate prior to the start of the project.

*C. OVERHEAD AND PROFIT*

Overhead and profit mark-up shall be based upon the total cost of labor, material and equipment needed to install new plumbing or replace deteriorated piping for each project. Below provide a percentage of the overall overhead and profit to be charged to the Town.

Percentage _____

*D. MATERIALS*

The Material cost will not be part of the bid evaluation. The contractor shall provide the Town as part of the overall cost of the project, with a listing of all materials needed for the plumbing work and their associated cost. The contractor, by submitting this bid, agrees not to include any markup to the material cost.

In submitting this Bid, BIDDER represents as more fully set forth in the Agreement, that BIDDER has examined and carefully studied the Bidding Documents and the following Addenda receipt of all which is hereby acknowledged: (List Addenda by Addendum Number and Date)

_____

_____

_____

_____

By signing and dating below, the contractor understands and accepts all terms, condition and cost associated with each plumbing project:

SUBMITTED on _____ 2024.

*The entire bid is strictly in accordance with the specification set forth in the bid documents herein.*

_____

***Signature***

_____

***Name of Company or Corporation***

_____

***Address***

_____

***City*** ***State*** ***Zip***

_____

***Email***

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.

*If submitting bid in person or by mail, please write bid title on the outside envelope and submit in a sealed envelope to the Town Clerks Office, 1100 Sunrise Blvd, Rotterdam, NY 12306, during regular business hours, Monday – Friday 8am- 4pm.*

## SECTION 1: INSTRUCTIONS TO BIDDERS (ITB)

1. All bids must be submitted before **11:15 a.m. on March 1, 2024**, the day of opening.

2. Electronic and in person 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 **11:15 a.m. March 1, 2024** will be opened electronically and in person 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 this Request for Bid may be obtained from the Empire State Purchasing Group on BidNet at http://www.bidnetdirect.com/townofrotterdam. Copies of RFB 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, RFB 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 for 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. 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 the year 2024 construction season.

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 and/or grounds of the Town of Rotterdam as specified (if applicable).

10. Delivery (if applicable): 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 waiver 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 RFB shall be disqualified and the bid shall be rejected.

## SECTION 2: NON-COLLUSION BIDDING CERTIFICATION

A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, an 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 certificating, 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 Company: _____

Signed by:_____ Title:_____

Signature: _____ Date:_____

Email: _____

## SECTION 3: 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 _____ _____, **20__.**

**(SEAL OF THE CORPORATION)**

_____

Signature of Secretary

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## 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

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## 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: _____

Signature:_____ Date:_____

## SECTION 4: NON-DESCRIMINATION AND HARRASSMENT (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:
    - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
    - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
    - 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;
    - 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:
    - 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:
    - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
    - Sabotaging an individual's work;
    - 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 (DHR)

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 DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR 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 DHR 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 DHR, and there is no cost to file with DHR. DHR 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, DHR 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 DHR 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 DHR. 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 DHR, DHR 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.

## SECTION 5: TERM OF THE BID

The bid shall be in effect from the date of the contract's execution until completion of all work under the contract. Prices shall remain firm until work is completed and the entire year 2024. If the project extends beyond the year 2024, prices shall not change.

## SECTION 6: GENERAL PROVISIONS OF LAWS COVERING WORKERS ON PUBLIC WORKS CONTRACT

The Labor Law requires public work contractors and subcontractors to pay laborers, workers, or mechanics employed in the performance of a public work contract not less than the prevailing rate of wage and supplements (fringe benefits) in the locality where the work is performed. The contractor shall comply with the labor law that includes the prevailing wage rate payment of all employees. The contractor shall provide supporting documentation of wages paid for each employer via certified payroll and supporting documentation.

## SECTION 7: BONDS

No Bonds are required upon entering into this on-call contract. However, bonds will be required for Work Orders of more than $25,000.

## SECTION 8: INSURANCE

The successful Bidder will be required to procure and maintain, at its own expense, the following insurance coverage:

(a) **Workers' Compensation and Employers Liability Insurance:** A policy or policies providing protection for employees in the event of job-related injuries.

(b) **Automobile Liability Insurance**: A policy or policies with the limits of not less than $1,000,000 combined for each accident because of bodily injury, sickness, or disease, sustained by any person, caused by accident, and arising out of the ownership, maintenance, or use of any automobile for damages because of injury to or destruction of property, including the loss of use thereof.

(c) **General Liability Insurance**: A policy or policies of comprehensive all-risk insurance with limits of not less than:

Liability For: Combined Single Limit
Property Damage $1,000,000 per occurrence/$2,000,000 aggregate
Bodily Injury $1,000,000 per occurrence/$2,000,000 aggregate Personal Injury $1,000,000 per occurrence/$2,000,000 aggregate

(d) **Umbrella/Excess Liability Insurance:** A policy or policies with Umbrella/Excess Coverage with limits of not less than:

Liability For: Combined Single Limit

All Other Circumstances $1,000,000

(e) **Disability Insurance**: A policy or policies providing appropriate disability benefits in accordance with Section 220 Subdivision 8 of the Disability Benefits Law (DBL).

Each policy of insurance required shall be of form and content satisfactory to the Town Attorney.

(a) The Town shall be named as an additional named insured on all liability policies.
(b) The policy shall not be changed or cancelled until the expiration of thirty (30) days after written notice to the Town of Rotterdam. It shall be automatically renewed upon expiration and continued in force unless the Town is given at least thirty (30) days written notice to the contrary.

No work shall be commenced under the contract or purchase order until the successful Bidder has delivered to the Town proof of issuance of all policies of insurance required by the contract to be procured by the successful Bidder. If at any time, any of said policies shall expire or become unsatisfactory to the Town, the successful Bidder shall promptly obtain a new policy and submit proof of issuance of the same to the Town for approval. Upon failure of the successful Bidder to furnish, deliver and maintain such insurance as above provided, the contract or purchase order may, at the election of the Town, be forthwith declared suspended, discontinued, or terminated. Failure of the successful Bidder to procure and maintain any required insurance shall not relieve the successful Bidder from any liability under the contract, nor shall the insurance requirements be construed to conflict with the obligations of the successful Bidder concerning indemnification.

## SECTION 9: INDEMNIFICATION

The successful Bidder shall defend, indemnify and save harmless the Town, its employees and agents, from and against all claims, damages, losses and expenses (including, without limitation, reasonable attorneys' fees) arising out of, or in consequence of, any negligent or intentional act or omission of the successful Bidder, its employees or agents, to the extent of its or their responsibility for such claims, damages, losses and expenses.

## SECTION 10: BID FORM

(a) The Bid Form is provided herein; additional copies may be obtained from the Town.
(b) Bids must be made on the Bid Form provided by the Town. The Bid Form must be completed manually in black ink or typed. 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 and email address to which communications regarding the bid are to be directed must be included on the Bid Form.

## SECTION 11: AWARD OF BID

(a) After the award has been approved by the Town governing authority, the successful bidder will be issued a Notice of Award. A notice of contract award shall not be binding upon the Town until the contract has been fully executed by both parties. The following documents shall be incorporated, to the extent deemed appropriate in the sole discretion of the Town, within the contract between the Town of Rotterdam and the apparent successful Bidder: the successful Bidder's bid, this Request for Bids and any written Addenda issued by the Town of Rotterdam in response to inquiries of prospective bidders.

(b) 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 the prior written consent of the Town of Rotterdam Supervisor. 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 this 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 Rotterdam of an attachment against the successful bidder, the Town of Rotterdam shall be relieved and discharged 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 lessees 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.

## SECTION 12: REMEDY FOR BREACH

In the event of a breach by the Contractor, the 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, together with the Town's own costs incurred in procuring a substitute contractor.

## SECTION 13: DELIVERY AND PAYMENT

(a) 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.

(b) Payment will be made upon the submission of a completed payment request and supporting documentation.

(c) The Town of Rotterdam is not subject to federal, state, or local taxes.

(d) Pursuant to NYS Finance Law §139-F, the contractor shall periodically, in accordance with the terms of the contract, submit to the Town a request for a progress payment for the work performed and/or materials furnished to the date of the request, less any amount previously paid against contract to the contractor. In accordance with the terms of the contract, the Town shall approve and promptly pay the request less any amount necessary to satisfy any claims, liens or judgements which have not been suitably discharged as well as a retainage

of 5 percent (5%) of each progress payment. If there is no requirement by the Town for a performance bond as well as a labor and material bond in the full amount of the contract, the retainage will be in excess of 5 percent (5%) but no more than 10 percent (10%).

(e) When the work as stated in the terms of the contract are substantially completed, the contractor shall request a final and complete inspection of all work to be completed as defined by the bid specifications as well as any approved change orders, after which the contractor will submit to the public owner and/or his agent a request for payment of the remaining amount of the contract balance. The Town shall pay the contractor the requested amount due less two times the value of any remaining items to be completed and an amount necessary to satisfy any claims, liens or judgments against the contractor which have not been suitably discharged.

## SECTION 14: OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) CONSTRUCTION SAFETY AND HEALTH COURSE

In compliance with NYS Labor Law Sec. 220-h, the contract required for the construction, reconstruction, maintenance and/or repair of the public work herein described, where the total cost of all work to be performed is at least TWO HUNDRED THOUSAND ($200,000.00) DOLLARS, shall require that all laborers, workers, and mechanics employed in the performance of the work on the public work site either by the Contractor, Sub-Contractor or other person doing or contracting to do the whole or a part of the work herein described, shall be certified prior to performing any work on the project as having successfully completed a course in construction safety and health approved by the U.S. Department of Labor's Occupational Safety and Health Administration that is at least ten hours in duration.

## SECTION 15: SAMPLES AND SHOP DRAWINGS

Prior to commencing work under this Contract, the Contractor shall furnish such samples of materials proposed for use in the work, along with manufacturers' certificates, shop drawings, test results made by independent testing facilities and any other information as may be required by the Town or specified herein.

## SECTION 16: SUBCONTRACTORS

Subcontractors will not be allowed to work on any project without prior written approval from the Town. All costs and contract language agreed upon between the Town and Contractor shall apply to any subcontractors that have been approved by the Town.

## SECTION 17: ETHICS

The bidder shall not accept or offer any gifts of anything of value nor enter any business arrangement with any employee, official or agent of the Town of Rotterdam. Any contract between a Bidder and Town employees, board members, other than with the Department Head responsible for the bid, shall be grounds for disqualification.

## SECTION 18: CLAIMS AGAINST THE TOWN

The claims by the Contractor against the Town for damages from any cause shall be reported to the Town, in writing, at the time such alleged damage occurs. All such claims, if continuous, must also be presented at the end of the month in which such damages or claims occur and if the same continues during more than one month, at the end of each month of the continuance

of such claimed damages. Any provisions relative to extra work and claim therefore and reports thereof appearing elsewhere in this Contract shall not be superseded by the provisions of this section but will be in addition thereto.

## SECTION 19: LAWS AND ORDINANCES

On all operations connected with the work herein specified, the Contractor shall keep fully informed of all Federal, State and Town Laws, Ordinances, rules and regulations, including but not limited to OSHA, controlling or limiting in any way the actions of those engaged on the work of affecting the materials and equipment used, and shall strictly comply in every way with such laws, ordinances, rules and regulations.

## SECTION 20: PROTECTION OF EXISTING STRUCTURES

When work is to be done around existing structures, the Contractor will exercise every precaution against possible injury to them. In case any structure is damaged, the total cost of such work shall be borne by the Contractor at no cost to the Town. The Contractor shall be held responsible for all materials and work during the progress of construction and for all injury to existing structures met with in the execution of the work. The Contactor will be required to make good at their own cost any injury or damages which said materials, work or structures may sustain from any source or cause before the acceptance of the work on the Contract.

## SECTION 21: HEALTH AND SAFETY REQUIREMENTS

(a) Pursuant to the General Duty Clause of the U.S. Occupational Safety and Health Act of 1970 (OSHA), Public Law 91-596, Section 5, the contractor is directly responsible for the health and safety of their staff, subcontractors, and other firms working for the contractor, Department staff on the site, and the affected pubic. The Town of Rotterdam does not have the authority to enforce OSHA regulations, but the Town of Rotterdam does have the authority to enforce the contract.

(b) Pursuant to 29 CFR 1926 Subpart C, contractors entering a contract with the Town of Rotterdam are expected to provide the Town of Rotterdam with a safety and health plan that incorporates the following safety elements, when applicable to the scope of work:
   (1) High Visibility Apparel/ Personal Protective Equipment per 29 CFR 1926 Subpart E.
   (2) Accident Reporting per 29 CFR 1926 Subpart C
   (3) Imminent Danger Situations and Emergency Actions per 29 CFR 1926 Subpart P
   (4) Fall Protection per 29 CFR 1926 Subpart M
   (5) Working Over Water per 29 CFR 1926 Subpart O
   (6) Electrical Safety per 29 CFR 1926 Subpart K
   (7) Open Excavations and Trenches per 29 CFR 1926 Subpart P
   (8) Hazardous Materials per 29 CFR 1926 Subpart Z
   (9) Involving Radioactive Materials per 1926 CFR Subpart D/12 NYCRR 38
   (10) Silica protection per 29 CFR 1926, 29 CFR 1926.55/ Subpart D.
   (11) Demolition of Buildings and Structures 29 CFR 1926, Subpart T
   (12) Drilling and blasting per 29 CFR 1926, Subpart U
   (13) Equipment Safety Procedures per 29 CFR 1926, Subpart O

(14) Lifting per 29 CFR 1926, Subpart N
(15) Confined Spaces per 29 CFR 1910, Subpart J
(16) Fire and Explosion Prevention per 29 CFR 1926, Subpart F

## SECTION 22: CONTRACTOR(S) SELECTION CRITERIA

The Town will be awarding up to three (3) contracts using a "Best Value" methodology including evaluation of price, responses of contractor questionnaire and references. Points will be awarded based on the following categories:

1. 50 points for Qualifications, Experience, References
2. 75 points for On-Call Plumbing Contractor Rates.
3. 50 points for overhead and profit mark-up as percentage of construction cost.

Points scoring for category 1 will be as follows:

- 15 points - previous experience in providing superior plumbing construction, maintenance, and repair services at like-sized public and/or private facilities.
- 15 points - assessments of work quality, performance and working relationships by current and recent clients that indicate high levels of satisfaction and effectiveness as evidenced by references.
- 10 points - qualifications of staff proposed to provide on-call plumbing contractor services at Town Facilities. Experience and background of those who will be providing services for the Town.
- 10 points - well-organized communication systems that demonstrate an ability to complete tasks efficiently and effectively and do not require constant supervision by the Town.

Points scoring for category 2 will be as follows:

- 10 points – Master Plumber rate for Monday through Friday from 8:00 am to 5:00 pm
- 10 points - Master Plumber rate for Monday through Friday overtime (OT)
- 5 points - Master Plumber rate for Saturdays, Sundays and Holidays
- 10 points – Apprentice Plumber rate for Monday through Friday from 8:00 am to 5:00 pm
- 10 points - Apprentice Plumber rate for Monday through Friday overtime (OT)
- 5 points - Apprentice Plumber rate for Saturdays, Sundays and Holidays
- 10 points – General Plumber rate for Monday through Friday from 8:00 am to 5:00 pm
- 10 points - General Plumber rate for Monday through Friday overtime (OT)
- 5 points - General Plumber rate for Saturdays, Sundays and Holidays

Points scoring for category 3 will be as follows:

- The scoring will be based upon the number of bids received with the highest score for the lowest overhead and profit percentage.

The winning bids will be selected based on the total combined points.

## SECTION 23: WORK SITE CLEANUP

(a) The Contractor shall exercise great care not to damage public or private property. Any damage done shall be repaired or replaced by the Contractor at his own cost and expense.
(b) As the work progresses, all rubbish, refuse and unused materials, tools and equipment shall be removed at once. After final inspections of the work have been made the Contractor shall remove all stakes, boards, sticks and similar obstructions whether used for grade, reference,

or other purposes upon this Contract. The Contractor shall restore the work site and adjacent properties affected by the construction work to the same condition as they were before the work was commenced.

## SECTION 24: GENERAL DESCRIPTION OF WORK

1. General - The selected contractor(s) shall provide labor, materials and equipment as needed to repair or replace mechanical systems that have been damaged on an on-call basis as requested by the Town. The extent of plumbing work is not known currently. No work shall be subcontracted to another contractor without written approval from the Town. It is anticipated that the Town will have on-call a maximum of three (3) contractors for this on-call construction services.

2. On-Call Construction Services Procedure and Response – Upon notification of a pending plumbing project, the selected contractor(s) shall:
   - Coordinate with the Town to meet with DPW staff to discuss the project and conduct a site visit to the project area within two (2) business days from the notification date.
   - Submit a written cost and schedule to perform the work within five (5) calendar days from the notification date.
   - Once cost is finalized and approved, commence construction work within five (5) business days and complete the work as per agreed upon schedule.
   - Failure to respond to an on-call plumbing project notification, meeting with the town and conducting a site visit, or to submit a cost and schedule within the timeframes stated above, unless an extension is approved in advance by the Town, more than two (2) times during the contract term shall be grounds of termination of the on-call contract for cause by the Town.

Only qualified plumbing contractors shall be considered.

**RESOLUTION NO. 100.24**

**TO EXTEND THE BID CONTRACT FOR TREE CUTTING AND REMOVAL SERVICES WITH HARMONY TREE SERVICE LLC**

**WHEREAS,** on April 13, 2022, the Town Board of the Town of Rotterdam passed resolution 130.22 awarding the Tree Cutting and Removal Services to Harmony Tree Service LLC, and within the bid packet under general requirements, section 5 it is noted that at the mutual consent of both the Town and the Contractor, the term of the contract and or bid price may be extended to a second or third year; and

**WHEREAS,** on February 8, 2023 the Town Board passed Resolution 82.23 extending the bid contract to Harmony for the second year; NOW

**THEREFORE, UPON MOTION OF** Councilmember _____,

seconded by Councilmember _____,

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes to extend the awarded bid contract for Tree Cutting & Removal Services, with Harmony Tree Service LLC of 350 Mariaville Rd. Rotterdam, New York 12306 through April 13, 2025, in the amount(s) not to exceed the original agreement prices set forth in Certified Resolution #130.22 dated April 13, 2022.

**SECTION 2.** The Supervisor of the Town of Rotterdam is hereby authorized to execute the extended contract with said awarded bidder in accordance with the terms of the bid proposal as submitted. Summary of bid process are on file in the Town Clerk's office.

**SECTION 3.** This resolution shall become effective February 14, 2024.

**DATED:** February 14, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | | | |
| Mastroianni | | | |
| Gallucci | | | |
| Schlag | | | |
| Collins | | | |

DRAFT

# 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 26, 2024 |
| TO: | Town Board |
| FROM: | Larry Lamora, Highway Superintendent |
| TITLE OF REQUEST: | Agreement to Extend Awarded Bid Contract for Tree Cutting & Removal Services |
| TOWN BOARD MEETING: | February 14, 2024 |
| Background Information: | Harmony Tree Service LLC was awarded the Tree Cutting & Removal Service bid in 2022, Cert. Res. #130.22 |
| Evaluation/Analysis: | In the bid packet under General Requirements, paragraph #5, it offers the extension of a contract for a 2nd or 3rd year based on the mutual agreement of the Town and awarded Contractor. |
| Recommendation(s): | To extend the 2022 Tree Cutting & Removal Services Contract with Harmony Tree Services LLC of 350 Mariaville Rd. Rotterdam, NY 12306 for a third year until April 13, 2025. |
| Attachment/Document(s): | Harmony Tree Service LLC 2022 bid packet, Certified Resolution #130.22, Letter of interest to extend bid from Harmony Tree Service, & Agreement to extend contract. |
| Compliance with Purchasing Policy: | Yes |
| Effect(s) on Existing Law(s): | N/A |
| LEGISLATION WILL BE PREPARED BY: | Supervisors Office |

# Town of Rotterdam

## Highway Department

54 Duanesburg Road, Rotterdam, New York 12306

Agreement to extend the 2022 Bid contract for Tree Cutting and Removal Services

The Town of Rotterdam awarded the bid for Tree Cutting & Removal Services to Harmony Tree Service LLC on April 13,2022, Certified Resolution #130.22. Both parties have agreed to extend the bid contract an additional 12 months per mutual agreement to abide by the original awarded bid contract under General Requirements #5. This bid may be eligible for extension beyond April 13, 2025, at the agreement of the Town and Harmony Tree Service LLC.

Town of Rotterdam Supervisor Date

Harmony Tree Service Date

LLC Representative

Harmony Tree Care Specialists LLC

350 Mariaville rd

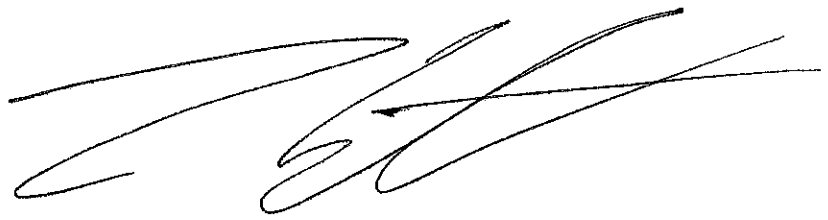
Schenectady NY 12306

518-355-4700 January25 20024

To whom it may concern within the Town of Rotterdam,

Harmony Tree Care Specialists LLC is willing to extend our current tree work bid for the year 2023 for one more bid year 2024. We are willing to keep the contract as is, without Increasing pricing.

Thank you,



Trevor Stanton,

Owner, Harmony Tree Care Specialists LLC

Harmony Tree

## 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 Item | 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 | 154.97 | x | 3 | = | 464.91 | x 8 hrs./day | $3,719.28 | |
| B | Bucket Truck Rental | | | | | | x 8 hrs./day | $ 0.00 | |
| C | Chipper Equipment Rental | | | | | | x 8 hrs./day | $0.00 | |
| D | Tree Removal Truck (rack or comparable) | | | | | | x 8 hrs./day | $0.00 | |
| E | Logging Truck | | | | | | x 8 hrs./day | $0.00 | |
| F | Crane Rental | | | | | | x 8 hrs./day | $1,200.00 | |

| | | | |
|---|---|---|---|
| G | Total Cost Per Day (Sum of Daily Rates for A, B, C, D and E From Column 7) | $3,719.28 | |

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: 03/09/2022

(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: Trevor W Stanton

Address: 350 Mariaville Rd, Schenectady, NY 12306

Telephone: 518-355-4700

5. Non-collusion Affidavit Signed (Section 04800)

☐ Yes ☐ No

Harmony Tree

# *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 opened electronically and in person 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 waiver 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.

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 of 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.

## 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 or 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.

## 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.

## 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 Harmony Tree Care Specialists LLC

Signed By _____

Title Owner

Date 03/09/2022

**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, Trevor W Stanton, hereby sign and submit this bid proposal for Harmony Tree Care Specialists LLC, 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.

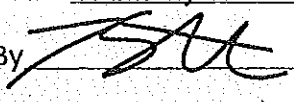
Signature of Individual: _____

Date 03/09/2022

## 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 Harmony Tree Care Specialists LLC

Signed By 

Title Owner

Date 03/09/2022

**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: Harmony Tree Care Specialists LLC

Signed by: _____ Title: Owner

Date: 03/09/2022

# NON-COLLUSION BIDDING CERTIFICATION

A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, an 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 certificating, 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: Harmony Tree Care Specialists LLC

Signed by: Trevor W Stanton Title: Owner

Signature: Date: 03/09/2022

## 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 _____, 2018.

(SEAL OF THE CORPORATION)

_____
Signature of Secretary

---

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

I, Trevor W Stanton hereby sign and submit this bid or proposal for Harmony Tree Care Specialists LLC 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.

_____ 03/09/2022
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:

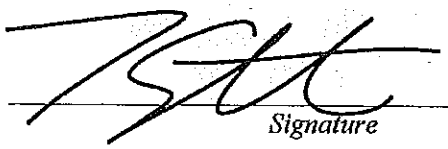
Name of Firm: Harmony Tree Care Specialists LLC

Signed by: Trevor W Stanton Title: Owner

Signature: _____ Date: 03/09/2022

# Town of Rotterdam Harassment Policy Clause

*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*

Harmony Tree Care Specialists LLC

*Name of Company or Corporation*

350 Marlaville Rd

*Address*

Schenectady, NY 12306

*City, State Zip*

## RESOLUTION NO. 130.22

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, April 13, 2022, at 7:00 p.m., the following resolution was duly adopted:

### TO ACCEPT BIDS AND AWARD CONTRACTS FOR TREE CUTTING AND REMOVAL SERVICES

**WHEREAS,** Pursuant to notice duly published according to Section One Hundred Three of the General Municipal Law of the State of New York, the Town of Rotterdam on Friday, February 25, 2022 posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (http://bidnetdirect.com/townofrotterdam). Additionally, the official bid report and all bids were made available in the Office of the Town Clerk for public inspection upon request, for the purchase by the Town of Rotterdam of the following:

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

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1**. The Town Board of the Town of Rotterdam does hereby accept and award the bid for Tree Cutting and Removal Services, for the Town of Rotterdam to Harmony Tree Service of 350 Mariaville Road Rotterdam New York 12306, in the amount not to exceed the daily rate/total cost per day (8 hours) of three thousand seven hundred nineteen and 28/100 dollars ($3,719.28), and a crane rental fee of one thousand two hundred and 00/100 dollars ($1,200) per 8-hour day, on an as needed basis. The above daily rate includes: Bucket Chipper rental (8 hours), Chipper Equipment rental (8 hours), Tree Removal Truck (8 hours) and Logging Truck (8 hours).

**SECTION 2.** The Supervisor of the Town of Rotterdam is hereby authorized to execute a contract with said bidder in accordance with the terms of the bid proposal as submitted. Summary of bid prices are on file in the Town Clerk's office;

**SECTION 3**. This resolution shall become effective April 13, 2022.

**DATED:** April 13, 2022

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on April 13, 2022, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this April 18, 2022.

Diane M. Marco

Diane M. Marco, Town Clerk

**RESOLUTION NO. 101.24**

**TO DECLARE LEAD AGENCY FOR SEQR REVIEW ON A CHANGE OF ZONE REQUEST OF ±1.86 ACRES FROM SINGLE FAMILY RESIDENTIAL (R-1) AND RETAIL BUSINESS (B-1) TO GENERAL BUSINESS (B-2) FOR PROPERTY LOCATED AT HIGHBRIDGE ROAD, MERCER STREET, AND SHERMAN STREET**

**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 declares the Town Board as Lead Agency under 6NYCRR Part 617 SEQR (State Environmental Quality Review) in connection to the proposed change of zone from on ±1.86 acres from Single Family Residential (R-1) and Retail Business (B-1) to General Business (B-2) to facilitate the construction of a ±3,975 square foot Stewart's Convenience Store with four (4) fueling islands. Property is located at Highbridge Road, Mercer Street, and Sherman Street and comprises 5 parcels of property known as Tax Map No. 59.16-2-10, 59.16-2-9.2, 59.16-2-9.1, 59.16-2-40.2 and 59.16-2-40.1.

**SECTION 2.** The Town Board of the Town of Rotterdam hereby authorizes the Senior Planner to prepare, file, publish, and distribute all documents as necessary to comply with 6NYCRR Part 617 SEQR.

**SECTION 3**. This resolution shall become effective February 14, 2024.

**DATED:** February 14, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | | | |
| Mastroianni | | | |
| Gallucci | | | |
| Schlag | | | |
| Collins | | | |

DRAFT

# 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 7, 2024 |
| TO: | Mollie Collins, Town Supervisor |
| FROM: | Peter Comenzo, Senior Planner |
| TITLE OF REQUEST: | Declare Lead Agency for a Change of Zone from Single Family Residential (R-1) and Retail Business (B-1) to General Business (B-2). |
| TOWN BOARD MEETING: | February 14, 2024 |
| Background Information: | Stewart's Shops Corporation (Contract Vendee)<br>c/o Charles Marshall<br>P.O. Box 435<br>Saratoga Springs, NY 12866<br><br>Change of Zone request on ±1.86 acres from Single Family Residential (R-1) and Retail Business (B-1) to General Business (B-2) to facilitate the construction of a ±3,975 square foot Stewart's Convenience Store with four (4) fueling islands. Property is located at Highbridge Road, Mercer Street, and Sherman Street and comprises 5 parcels of property known as Tax Map No. 59.16-2-10, 59.16-2-9.2, 59.16-2-9.1, 59.16-2-40.2 and 59.16-2-40.1. |
| Evaluation/Analysis: | The proposal is a State Environmental Quality Review (SEQR) Unlisted Action and will require environmental review prior to the Town Board making a decision on the request. |
| Recommendation(s): | Town Board should Declare Lead Agency, conduct a coordinated SEQR review and authorize the Senior Planner to distribute all documents in accordance with SEQR. |
| Attachment/Document(s): | Short Environmental Assessment Form |
| Compliance with Purchasing Policy: | N/A |
| Effect(s) on Existing Law(s): | 6NYCRR Part 617<br>State Environmental Quality Review |
| LEGISLATION WILL BE PREPARED BY: | Supervisors Office |

# *Short Environmental Assessment Form*
## *Part 1 - Project Information*

**Instructions for Completing**

**Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| **Part 1 – Project and Sponsor Information** | | |
|---|---|---|
| Stewart's Shops Corp. | | |
| Name of Action or Project:<br>Stewart's Shops Highbridge Road | | |
| Project Location (describe, and attach a location map):<br>Higbridge Road bound by Sherman St and Mercer Ave | | |
| Brief Description of Proposed Action:<br>Stewart's proposes the rezoning of 5 parcels currently zoned B1 with frontage on Highbridge Rd, Mercer Ave and Sherman St. Upon rezoning the parcels, Stewart's will seek Planning Board approval for a new Stewart's Shop (convenience store) with self-service gasoline. Any structures on the property will be razed to enable the construction of new improvements. | | |
| Name of Applicant or Sponsor:<br>Stewart's Shops Corp. | Telephone: (518) 581-1201 ext 4435<br>E-Mail: cmarshall@stewartsshops.com | |
| Address:<br>P.O. Box 435 | | |
| City/PO:<br>Saratoga Springs | State:<br>NY | Zip Code:<br>12866 |

| | NO | YES |
|---|---|---|
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | ☐ | ☑ |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency?<br>If Yes, list agency(s) name and permit or approval: Town of Rotterdam Planning and ZBA<br>Schenectady County DPW | ☐ | ☑ |

| | |
|---|---|
| 3. a. Total acreage of the site of the proposed action? | 1.8 acres |
| b. Total acreage to be physically disturbed? | 1.5 acres |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | 1.8 acres |

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☑ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
☐ Parkland

| | NO | YES | N/A |
|---|---|---|---|
| 5. Is the proposed action, | | | |
| a. A permitted use under the zoning regulations? | ☑ | ☐ | ☐ |
| b. Consistent with the adopted comprehensive plan? | ☐ | ☑ | ☐ |

| | NO | YES |
|---|---|---|
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | ☐ | ☑ |

| | NO | YES |
|---|---|---|
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? | | |
| If Yes, identify: _____ | ☐ | ☑ |

| | NO | YES |
|---|---|---|
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? | ☐ | ☑ |
| b. Are public transportation services available at or near the site of the proposed action? | ☐ | ☑ |
| c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action? | ☐ | ☐ |

| | NO | YES |
|---|---|---|
| 9. Does the proposed action meet or exceed the state energy code requirements? | | |
| If the proposed action will exceed requirements, describe design features and technologies: | | |
| Meets but does not exceed | ☐ | ☑ |

| | NO | YES |
|---|---|---|
| 10. Will the proposed action connect to an existing public/private water supply? | | |
| If No, describe method for providing potable water: _____ | ☐ | ☑ |

| | NO | YES |
|---|---|---|
| 11. Will the proposed action connect to existing wastewater utilities? | | |
| If No, describe method for providing wastewater treatment: _____ | | |
| Private sewer | ☑ | ☐ |

| | NO | YES |
|---|---|---|
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? | ☑ | ☐ |
| b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | ☑ | ☐ |

| | NO | YES |
|---|---|---|
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? | ☑ | ☐ |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? | ☐ | ☐ |
| If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ | | |

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☑ Urban ☑ Suburban

| | NO | YES |
|---|---|---|
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? | ☑ | ☐ |
| 16. Is the project site located in the 100-year flood plan? | ☑ | ☐ |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? | ☐ | ☑ |
| If Yes, | | |
| a. Will storm water discharges flow to adjacent properties? | ☐ | ☑ |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? | ☐ | ☑ |
| If Yes, briefly describe: | | |
| Proposing to tie into existing roadway drainage courses | | |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? | NO | YES |
| If Yes, explain the purpose and size of the impoundment: | ☐ | ☑ |
| Temporary impoundment of stormwater before release to conveyance systems | | |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? | NO | YES |
| If Yes, describe: | ☑ | ☐ |
| 20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? | NO | YES |
| If Yes, describe: | ☑ | ☐ |

**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

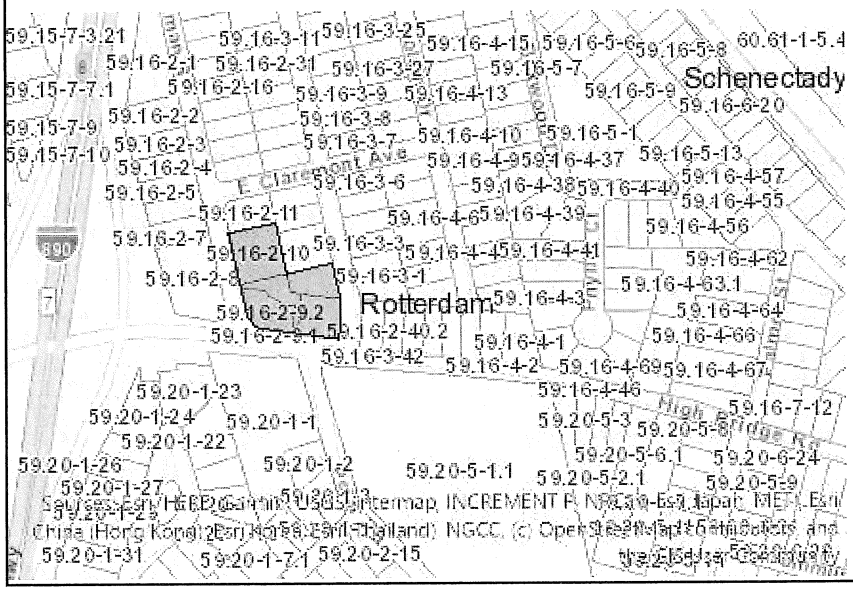
Applicant/sponsor/name: Stewart's Shops Corp Date: 1/10/24

Signature: Charles Marshall (Charles Marshall) Title: Real Estate Rep

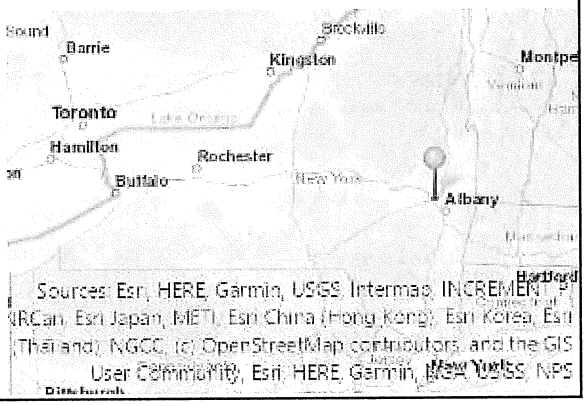
PRINT FORM

# EAF Mapper Summary Report

Monday, January 8, 2024 8:42 PM




**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.




| | |
|---|---|
| Part 1 / Question 7 [Critical Environmental Area] | No |
| Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] | No |
| Part 1 / Question 12b [Archeological Sites] | No |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] | No |
| Part 1 / Question 15 [Threatened or Endangered Animal] | No |
| Part 1 / Question 16 [100 Year Flood Plain] | No |
| Part 1 / Question 20 [Remediation Site] | No |

**RESOLUTION NO. 102.24**

**TO CALL FOR A PUBLIC HEARING ON THE PROPOSED INTRODUCTORY LOCAL LAW __ OF 2024; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE RELATING TO A CHANGE OF ZONE FROM SINGLE FAMILY RESIDENTIAL (R-1) AND RETAIL BUSINESS (B-1) TO GENERAL BUSINESS (B-2) FOR PROPERTY LOCATED AT HIGHBRIDGE ROAD, MERCER STREET, AND SHERMAN STREET**

**WHEREAS,** the Town Board passed Resolution No. 79.24 to recognize the introduction of Introductory Local Law __ of 2024; To amend Chapter 270, Zoning, of the town code, relating to a change of zone from Single Family Residential (R-1) and Retail Business (B-1) to General Business (B-2); and

**WHEREAS,** the Planning Commission, on February 6, 2024 issued a positive recommendation on the change of zone requested by Stewart's Shops Corp.; and

**WHEREAS,** the Town Board Declared Lead Agency on the Change of Zone application under 6NYCRR Part 617 State Environmental Quality Review (SEQR) on February 14, 2024; NOW

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

**TOWN OF ROTTERDAM**
**NOTICE OF HEARING**

**PLEASE TAKE NOTICE:** That the Town Board of the Town of Rotterdam will hold a public hearing at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306, at 7:00 p.m. on the 28th day of February, 2024 for the following purpose:

> To recognize the introduction of Introductory Local Law ___ of 2024; a Change of Zone request on ±1.86 acres from Single Family Residential (R-1) and Retail Business (B-1) to General Business (B-2) to facilitate the construction of a ±3,975 square foot Stewart's Convenience Store with four (4) fueling islands. Property is located at Highbridge Road, Mercer Street, and Sherman Street and comprises 5 parcels of property known as Tax Map No. 59.16-2-10, 59.16-2-9.2, 59.16-2-9.1, 59.16-2-40.2 and 59.16-2-40.1.

DRAFT

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

**DATED**: February 14, 2024
**Daily Gazette:** Please publish once on February 16, 2024
**Town Clerk**
**Post**

**SECTION 2.** This resolution shall become effective February 14, 2024.

**DATED:** February 14, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | | | |
| Mastroianni | | | |
| Gallucci | | | |
| Schlag | | | |
| Collins | | | |

DRAFT

# 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 7, 2024 |
| TO: | Mollie Collins, Town Supervisor |
| FROM: | Peter Comenzo, Senior Planner |
| TITLE OF REQUEST: | Call for a Public Hearing on a Change of Zone from Single Family Residential (R-1) and Retail Business (B-1) to General Business (B-2). |
| TOWN BOARD MEETING: | February 14, 2024 |
| Background Information: | Stewart's Shops Corporation (Contract Vendee)<br>c/o Charles Marshall<br>P.O. Box 435<br>Saratoga Springs, NY 12866<br><br>Change of Zone request on ±1.86 acres from Single Family Residential (R-1) and Retail Business (B-1) to General Business (B-2) to facilitate the construction of a ±3,975 square foot Stewart's Convenience Store with four (4) fueling islands. Property is located at Highbridge Road, Mercer Street, and Sherman Street and comprises 5 parcels of property known as Tax Map No. 59.16-2-10, 59.16-2-9.2, 59.16-2-9.1, 59.16-2-40.2 and 59.16-2-40.1. |
| Evaluation/Analysis: | Planning Commission issued a positive recommendation on February 6, 2024 on the Change of Zone request. |
| Recommendation(s): | Town Board should call for a Public Hearing to be held on February 28, 2024. |
| Attachment/Document(s): | Application Materials<br>Planning Commission Report and Recommendation |
| Compliance with Purchasing Policy: | N/A |
| Effect(s) on Existing Law(s): | NYS Town Law Article 16<br>Proposed Local Law of the Year 2024 |
| LEGISLATION WILL BE PREPARED BY: | Supervisors Office |

**********

# TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

**Application Fee** **$1,000**

**Existing Zone Classification:** B-1 Retail Business

**Proposed Zone Classification:** B-2 General Business

## PART II
## GENERAL INFORMATION

Legal Owner's Name: Valentine Family Estate and attorney contact is Michael Mullaney, Esq.
Mailing Address: 43 British American Boulevard
City: Latham State: New York Zip: 12110
Daytime Phone: (518) 459-2100 E-mail: mmullaney@pierrolaw.com

**If applicant is not the owner, include written owner authorization for the below-designated contact to serve as representative.**

Owner's Designated Contact: Charles Marshall - Stewart's Shops Corp.

Mailing Address: P.O. Box 435
City: Saratoga Springs State: New York Zip: 12866
Daytime Phone: (518) 581-1201 ext 4435 E-mail: cmarshall@stewartsshops.com
Project/Proposal Site Area: (Acres or sq. ft.) 1.84 ac
Assessor Tax Parcel No.(s) of Site: 59.16-2-10.0; 59.16-2-9.2; 59.16-2-9.1; 59.16-2-40.2;59.16-2-40.1
Adjacent Parcels Owned or Controlled and Tax Map Parcel No: (Acres or sq. ft.)

Street Address of Proposed Site (if any): 110 Highbridge Rd

Describe Existing Use(s) on Proposed Site: (commercial vacant, residential, buildings, well, sewer drainfield, etc.)

Existing use are vacant land and under utilized structures

School District: Mohonasen Fire District: Rotterdam 3

Water Supply: Public

**LEGAL INFORMATION**

Location of Proposal Site: (General description by which direction and how far from roads and intersections and other community features)

Highbridge Rd bound by Sherman and Mercer

Name of Public Road(s) Providing Access: Highbridge Rd, Mercer St and Mercer Ave

Width of Property Fronting on the Existing Public Road in Linear Feet: Highbridge: 263ft Mercer: 132 ft Sherman: 315 ft

Does the Proposal Have Access to an Arterial or Planned Arterial? ( ) Yes (X) No

Name(s) of Arterial Road(s): _____

A legal description of the proposed site must be attached: ( X ) Yes ( ) No

A copy of the assessor's map of the proposed site must be attached: ( X ) Yes ( ) No

A copy of the most current deed(s) of the proposed site must be attached: ( X) Yes ( ) No

(All applications must contain a legal description that describes the exterior boundaries of the entire area to be rezoned. Please include the legal description for the entire area to be rezoned and also a copy of the assessor's map. A simple copy of the deed is not sufficient to process the change of zone request).

If you do not hold title to property, what is your interest in it? Contract vendee

What factors support this rezone? (This may be provided on a separate sheet of paper if necessary)

Comprehensive Plan page I-2 discussion on roadway network and viability discussion continues on III-3 where 2008 transportation study analyzed and need for infill development.

Does any City officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? YES _____ NO X. If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

**UTILITIES**

Proposed Source of Water:
( ) Individual Wells (X) Public System ( ) Private Community System
( ) Other, please describe _____

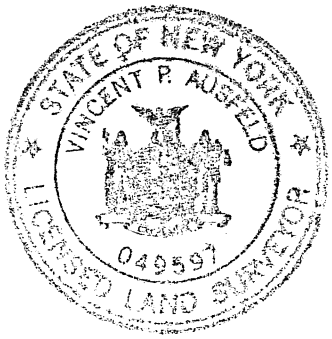
Proposed Means of Sewage Disposal:
( ) Public Sewer ( ) Dry Sewer ( ) Community System (X) Septic Tank & Leachfield
( ) Other, please describe _____

**PART III**

**********
**SURVEYOR/ARCHITECT/ENGINEER VERIFICATION**
**********

I, the undersigned, a licensed land surveyor, architect, and/or engineer, have completed the information requested. The legal description has been prepared by me or under my supervision in accordance with the requirements of the Town of Rotterdam regulations and the laws of the State of New York.

Signed: _____ Date: 1/10/24
Address: 323 CLINTON ST Phone: 518-346-1595
SCHENECTADY NY Zip: 12305




PLEASE AFFIX SURVEYOR/ARCHITECT/ENGINEER SEAL HERE

**Ausfeld & Waldruff Land Surveyors LLP**
*514 State Street, Schenectady, New York 12305*
*Phone: (518) 346-1595 Fax: (518) 770-1655*
*www.awlsllp.com*

# LEGAL DESCRIPTION

***Combined Legal Description***
***High Bridge Road***

All that piece or parcel of land situate in the Town of Rotterdam, County of Schenectady and the State of New York, bounded and described as follows:

Beginning at a point located at the intersection of northerly line of High Bridge Road with the westerly line of Mercer Avenue; thence from said point of beginning and along said northerly line of High Bridge Road, the following three courses: 1) North 85°46'15" West, 137.62 feet to a point; 2) N 80°18'15" West, 112.94 feet to a point and 3: along a curve to the right having a radius of 60.00 feet, an arc length of 70.65 feet and bearing a chord of North 46°34'15" West, 66.64 feet to a point; thence along the easterly line of Sherman Avenue, North 12°50'15" West, 258.99 feet to a point; thence along the lands now or formerly of Rachel & Nathan Graber (Book 2076, Page 785), North 77°09'45" East, 150.00 feet to a point; thence along the lands of Carol Putorti (Book 1801, Page 48), John Bailey & Delores Dumar (Book 2099, Page 112) and Elizabeth Knight (Book 2017, Page 35), South 12°50'15" East, 160.00 feet to a point; thence continuing along the aforesaid lands of Knight, North 77°09'45" East, 150.00 feet to a point; thence along the aforesaid westerly line of Mercer Avenue, the following two courses: 1) South 12°50'15" East, 122.61 feet to a point and 2) South 00°22'45" West, 118.61 feet to the point or place of beginning.

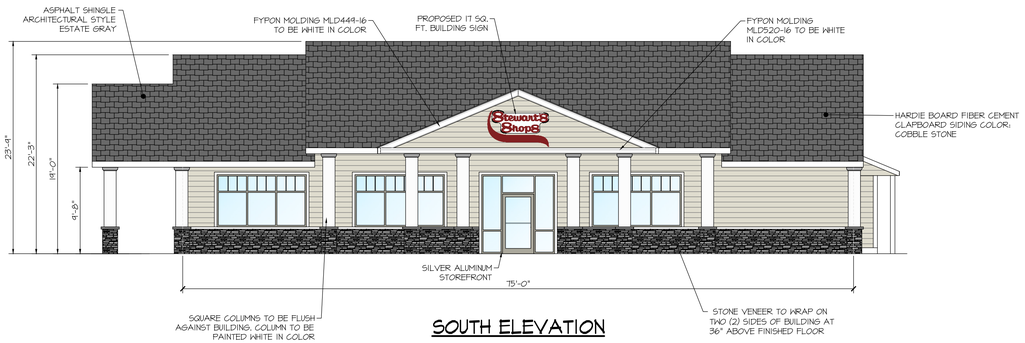
Containing in all 1.861 acres of land being more or less.

January 11, 2024 Vincent P. Ausfeld P.L.S.

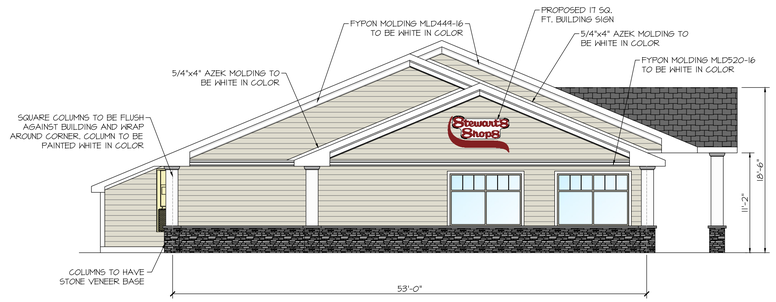
Z:\PROJECTS\2023\23-3616\High Bridge Combined Legal Desc.doc

# PROPOSED STEWART'S SHOP

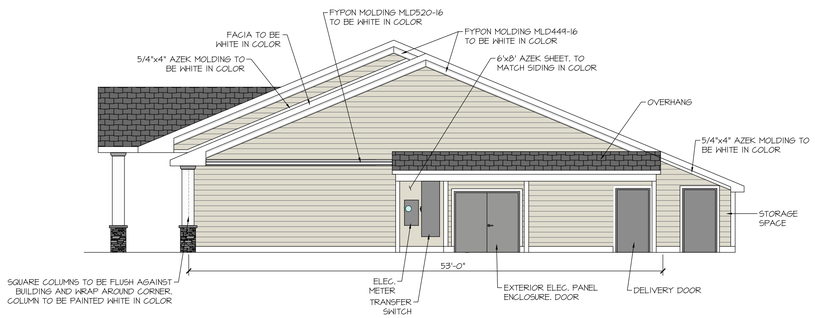
## 1098 HIGHBRIDGE ROAD - SCHENECTADY (T/ ROTTERDAM), NY 12303



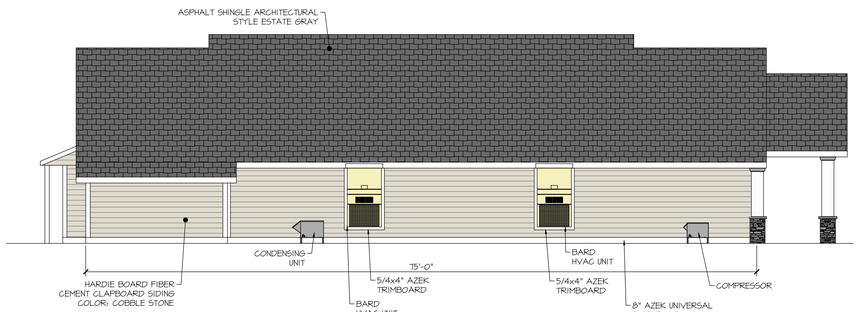

SOUTH ELEVATION




WEST ELEVATION




EAST ELEVATION



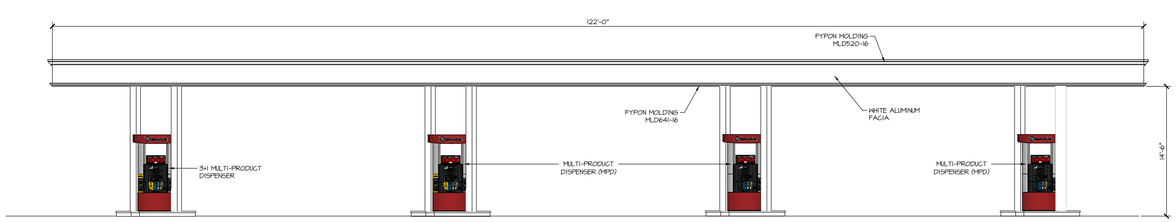

NORTH ELEVATION

PROPOSED FREESTANDING SIGN

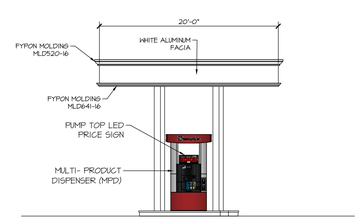
SIZE: - 7'-10"x8' = 63 SQ. FT.

LETTERS: - 1/8" PLEXIGLASS FACE ON 4-1/2" THICK CAN

ILLUMINATION:
- INTERNALLY ILLUMINATED WITH LED LIGHTING
- BURGUNDY LETTERS
- WHITE COLOR BACKGROUND
- 16" RED LED GAS PRICE NUMBERS
- 16" GREEN LED DIESEL PRICE NUMBERS




GAS CANOPY FRONT ELEVATION




GAS CANOPY SIDE ELEVATION

Stewart's Shops

TYPICAL BUILDING SIGN

SIZE: - 17 SQ. FT.

LETTERS: - 1/8" PLEXIGLASS FACE ON 4-1/2" THICK CAN

ILLUMINATION:
- INTERNALLY ILLUMINATED WITH LED LIGHTING
- BURGUNDY LETTERS
- WHITE COLOR BACKGROUND

STATE OF NEW YORK · SCOTT EDWIN KRISHNER · 091096 · LICENSED PROFESSIONAL ENGINEER

ALTERATIONS TO THIS DOCUMENT BY OTHER THAN AN AUTHORIZED LICENSED PROFESSIONAL ENGINEER IS ILLEGAL AND A VIOLATION OF THE NEW YORK STATE EDUCATION LAW

STORE NAME, ABBREVIATION & NO.: HIGHBRIDGE ROAD - HBR - 400

SITE LOCATION: 1098 HIGHBRIDGE ROAD - SCHENECTADY (T/ ROTTERDAM), NY 12303

| DATE | NO. | REVISIONS |
|---|---|---|
| . | . | . |


Stewart's Shops
SARATOGA SPRINGS, NY 12866
TEL. (518)581-1200 FAX (518)581-1209


DRAWN BY: JRG
SCALE: AS SHOWN
DATE: 1/2/24

DRAWING NO.: T-1

TITLE: TITLE SHEET



February 14, 2024

N
W E
S

STATE OF NEW YORK
SCOTT EDWIN KRETCHER
091096
LICENSED PROFESSIONAL ENGINEER

ALTERATIONS TO THIS DOCUMENT BY OTHER THAN AN AUTHORIZED LICENSED PROFESSIONAL ENGINEER IS ILLEGAL AND A VIOLATION OF THE NEW YORK STATE EDUCATION LAW

STORE NAME, ABBREVIATION # NO.
HIGHBRIDGE ROAD - HBR - 400

SITE LOCATION
1098 HIGHBRIDGE ROAD - SCHENECTADY (T/ ROTTERDAM), NY 12303

| DATE | NO. | REVISIONS |
|---|---|---|
| . | . | . |

Stewart's Shops
SARATOGA SPRINGS, NY 12866
TEL. (518)581-1200 FAX (518)581-1209

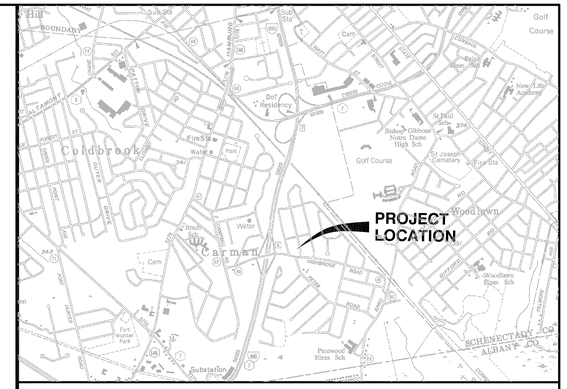
DRAWN BY: JRG
SCALE: 1"=30'
DATE: 1/2/24

DRAWING NO.
S-2

TITLE:
PROPOSED SITE PLAN

## LEGEND:

- CB — CATCH BASIN
- HYD — HYDRANT
- LP — LIGHT POLE
- SMH — SANITARY MANHOLE
- DMH — STORM MANHOLE
- EMH — ELECTRIC MANHOLE
- WV — WATER VALVE
- TEL PED — TELEPHONE PEDESTAL
- EPH — ELECTRIC BOX
- ELEC. TRANS — ELECTRIC TRANSFORMER
- UP — UTILITY POLE
- TMH — TELEPHONE MANHOLE
- TCCB — TRAFFIC CONTROL BOX
- TSP — TRAFFIC SIGNAL POLE
- G — GAS LINE
- S — SANITARY LINE
- ST — STORM LINE
- W — WATER LINE
- T — TELEPHONE LINE
- OH — OVERHEAD WIRES
- + 357.82 — SPOT ELEVATION
- CIRF — CAPPED IRON ROD FOUND
- IRF — IRON ROD FOUND
- IPF — IRON PIPE FOUND
- LA — LANDSCAPED AREA
- RD — ROOF DRAIN
- SB — SOIL BORING
- MW — MONITORING WELL
- GMK — GAS MARKER POST
- EM — ELECTRIC METER
- GM — GAS METER




**SITE LOCATION PLAN: 1"=2000'**

## LEGAL DESCRIPTION - COMBINED:

ALL THAT PIECE OR PARCEL OF LAND SITUATE IN THE TOWN OF ROTTERDAM, COUNTY OF SCHENECTADY AND THE STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED AT THE INTERSECTION OF NORTHERLY LINE OF HIGH BRIDGE ROAD WITH THE WESTERLY LINE OF MERCER AVENUE; THENCE FROM SAID POINT OF BEGINNING AND ALONG SAID NORTHERLY LINE OF HIGH BRIDGE ROAD, THE FOLLOWING THREE COURSES: 1) NORTH 85°46'15" WEST, 137.62 FEET TO A POINT; 2) N 80°18'15" WEST, 112.94 FEET TO A POINT AND 3: ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET, AN ARC LENGTH OF 70.65 FEET AND BEARING A CHORD OF NORTH 46°34'15" WEST, 66.64 FEET TO A POINT; THENCE ALONG THE EASTERLY LINE OF SHERMAN AVENUE, NORTH 12°50'15" WEST, 258.99 FEET TO A POINT; THENCE ALONG THE LANDS NOW OR FORMERLY OF RACHEL & NATHAN GRABER (BOOK 2076, PAGE 785), NORTH 77°09'45" EAST, 150.00 FEET TO A POINT; THENCE ALONG THE LANDS OF CAROL PUTORTI (BOOK 1801, PAGE 48), JOHN BAILEY & DELORES DUMAR (BOOK 2099, PAGE 112) AND ELIZABETH KNIGHT (BOOK 2017, PAGE 35), SOUTH 12°50'15" EAST, 160.00 FEET TO A POINT; THENCE CONTINUING ALONG THE AFORESAID LANDS OF KNIGHT, NORTH 77°09'45" EAST, 150.00 FEET TO A POINT; THENCE ALONG THE AFORESAID WESTERLY LINE OF MERCER AVENUE, THE FOLLOWING TWO COURSES: 1) SOUTH 12°50'15" EAST, 122.61 FEET TO A POINT AND 2) SOUTH 00°22'45" WEST, 118.61 FEET TO THE POINT OR PLACE OF BEGINNING.
CONTAINING IN ALL 1.861 ACRES OF LAND BEING MORE OR LESS.

## TAX PARCEL NUMBER:

TOWN OF ROTTERDAM, SCHENECTADY COUNTY, NEW YORK SEC. 59.16 – BLK. 2 – PARCELS 10, 9.1, 9.2, 40.2 & 40.1.

## DEED REFERENCES:

1. MOBIL OIL CORPORATION TO PHILOMENA VALENTINE DATED NOVEMBER 2, 1987, AND RECORDED IN THE SCHENECTADY COUNTY CLERKS OFFICE IN DEED BOOK 1169, PAGE 233.

2. VINCENZO AND BIAGIO POLSINELLI TO PHILOMENA VALENTINE DATED APRIL 28, 1961, AND RECORDED IN THE SCHENECTADY COUNTY CLERKS OFFICE IN DEED BOOK 809, PAGE 649.

3. VINCENZO AND BIAGIO POLSINELLI TO PHILOMENA VALENTINE DATED JUNE 27, 1960, AND RECORDED IN THE SCHENECTADY COUNTY CLERKS OFFICE IN DEED BOOK 799, PAGE 25.

4. VINCENZO AND BIAGIO POLSINELLI TO BENJAMIN AND PHILOMENA VALENTINE DATED SEPTEMBER 25, 1956, AND RECORDED IN THE SCHENECTADY COUNTY CLERKS OFFICE IN DEED BOOK 741, PAGE 342.

## MAP REFERENCES:

1. "HIGH BRIDGE MANOR, MAP NO. 4, LANDS OF VINCENT POLSINELLI" PREPARED BY C.T. MALE ASSOCIATES, DATED JULY 9, 1959, AND FILED IN THE SCHENECTADY COUNTY CLERKS OFFICE ON OCTOBER 27, 1959 IN PLAT CABINET G, MAP 221.

2. "MAP #2 OF HIGH BRIDGE MANOR, DATED FEBRUARY 25, 1949, PREPARED BY WALTER E. MAXWELL, AND FILE IN THE SCHENECTADY COUNTY CLERKS OFFICE ION APRIL 29, 1949 IN PLAT CABINET G, MAP 123.

3. "INTERSTATE RTE. CONNECTION NO. 550–2–1.1 SCHENECTADY SPUR, MAP NO. 365, PARCEL 371 AND MAP 339, PARCEL 339, FURNISHED BY THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION, REGION ONE.

## GENERAL NOTES:

HORIZONTAL DATUM IS NEW YORK STATE PLANE EAST ZONE, ESTABLISHED FROM GPS OBSERVATIONS AT THE TIME OF SURVEY

VERTICAL DATUM IS NAVD88, ESTABLISHED FROM GPS OBSERVATIONS AT THE TIME OF SURVEY

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

SURVEYED FROM RECORD DESCRIPTION AND AS IN POSSESSION.

SUBJECT TO COVENANTS, EASEMENTS, RESTRICTIONS, CONDITIONS AND AGREEMENTS OF RECORD.

SURVEY SUBJECT TO ANY RIGHT, TITLE OR INTEREST THE PUBLIC MAY HAVE FOR HIGHWAY USE.

SURVEY SHOWN IS SUBJECT TO ANY SUBSURFACE CONDITIONS THAT MAY EXIST, IF ANY.

UNDERGROUND FACILITIES AND STRUCTURES SHOWN HEREON WERE TAKEN FROM DATA OBTAINED FROM PREVIOUS MAPS AND RECORD DRAWINGS. ALL ABOVE GROUND STRUCTURES AND SURFACE FEATURES SHOWN HEREON ARE THE RESULT OF A FIELD SURVEY UNLESS OTHERWISE NOTED. THERE MAY BE OTHER UNDERGROUND UTILITIES, THE EXISTENCE OF WHICH ARE NOT KNOWN OR CERTIFIED BY THE UNDERSIGNED. THE SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES AND STRUCTURES MUST BE VERIFIED BY THE APPROPRIATE AUTHORITIES. THE UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION MUST BE NOTIFIED PRIOR TO CONDUCTING TEST BORINGS, EXCAVATION AND CONSTRUCTION.

HIGHBRIDGE ROAD

# BOUNDARY & TOPOGRAPHIC SURVEY OF THE LANDS OF PHILOMENA VALENTINE

| | |
|---|---|
| TOWN OF ROTTERDAM | SCHENECTADY COUNTY, N.Y. |
| SCALE: 1"=20' | JANUARY 10, 2024 |
| DRAWN BY: JH | PROJECT NO: 23-3616 |

REVISION:
DATE:


**Ausfeld & Waldruff Land Surveyors LLP**
323 CLINTON STREET, SCHENECTADY NY
Phone: (518) 346-1595 Fax: 518-770-1655

VINCENT P. AUSFELD P.L.S.
LICENSE #049597
www.awlsllp.com


Drawing Name: Z:\PROJECTS\2023\23-3616\dwg\23-3616-BM.dwg
Xref's Attached:
Date Printed: Jan 11, 2024, 9:10am

# Town of Rotterdam
## Office of the Planning Commission

Kimberly Ricker Scannell, Chairman
Peter J. Comenzo, Senior Planner

Telephone (518) 355-7575
Facsimile (518) 355-2725

**Resolution Number PC2024-10**
Moved by Mr. Collins seconded by Mr. Miglucci
Applicant: Stewart's Shops Corp.

**Resolution Adopting a Report and Recommendation on the Change of Zone Request by Stewart's Shops Corp.**

**WHEREAS,** the Town Board of the Town of Rotterdam ("Town Board") has received an application from Stewart's Shops Corp. ("Applicant") for a Change of Zone request on ±1.86 acres from Single Family Residential (R-1) and Retail Business (B-1) to General Business (B-2) to facilitate the construction of a ±3,975 square foot Stewart's Convenience Store with four (4) fueling islands. Property is located at Highbridge Road, Mercer Street, and Sherman Street and comprises 5 parcels of property known as Tax Map No. 59.16-2-10, 59.16-2-9.2, 59.16-2-9.1, 59.16-2-40.2 and 59.16-2-40.1; and

**WHEREAS,** the Town Board referred the Change of Zone application to the Planning Commission on January 24, 2024 for a report and recommendation thereon; and

**WHEREAS,** the Applicant, through its representative, Chuck Marshall, presented the Change of Zone application to the Planning Commission at its regularly scheduled meeting held on February 6, 2024; and

**WHEREAS,** the Planning Commission reviewed the proposed Change of Zone at its regularly scheduled meeting held on February 6, 2024; and

**WHEREAS,** the Planning Commission has deliberated on the proposed Change of Zone;

**NOW, THEREFORE,** upon motion of Member Collins, seconded by Member Miglucci,

**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 Change of Zone:

   The Change of Zone request concerns a total of ±1.86 acres consisting of five separate parcels located on the corner of Highbridge Road, Mercer Street, and Sherman Street. 106 Sherman Street is currently vacant, 102 Sherman Street surrounds Tax Parcel 59.16-2-9.2 which previously operated as a gas station/auto repair facility that has not been in operation for several years, 1100 Highbridge Road contains a dilapidated structure that was previously utilized as a convenience store and deli, and 101 Mercer Avenue which is currently a two-family residence. The Applicant seeks the change of zone to facilitate the construction of a new Stewart's Shop (convenience store) with fuel pumps. The property was previously developed with a motor vehicle fueling station and convenience store on separate properties. Over the last 40 years or so, modernization of these types of uses have evolved and the combining of these two uses into one building site is standard. The Town Zoning Code was

amended to recognize this and updates to the Town Code in regards to Convenience Stores was amended on April 11, 2001 by the Town Board.

Rezoning the parcel would expand the allowable uses to include, in addition to uses allowed in the B-1 zoning district, the following:

- Establishments for making, assembling or repairing articles, with all such activities and Storage located entirely within an enclosed building;
- Commercial health and recreation establishments;
- Wholesale business and storage conducted entirely within an enclosed building;
- Data processing and computer services;
- Motor vehicle repair shops (special use permit);
- Propane gas filling stations (special use permit);
- Car washes (special use permit);
- Dry-cleaning laundry facilities (special use permit);
- Mass transportation facilities (special use permit);
- Drive-in establishments (special use permit);
- Public utility or communications installations (special use permit);
- Hotels and motels (special use permit);
- Contractor's shops and equipment storage yards (special use permit);
- Veterinary hospitals (special use permit);
- Motor vehicle sales and rental establishments (special use permit);
- Motor vehicle fuel filling stations (special use permit); and
- Convenience stores (special use permit).

There would be no change in the required lot area or lot frontage; the B-1 and B-2 zoning districts both require a minimum lot area of 15,000 square feet, with a minimum lot width of 100 feet.

2. Subject to the considerations set forth below in Paragraph 3, the Planning Commission hereby adopts **a positive recommendation** on the Stewart's Shops Corp. Change of Zone request for the following reasons: The proposed Change of Zone would permit the existing abandoned motor vehicle repair facility and deli located on the site to be demolished and the site redeveloped, modernized, and expanded. Pursuant to the Town's Comprehensive Plan, this property is in/near a Key Regional Access point which promotes the accessibility of the Town in the Capital Region and beyond. Enhancing regional connections and gateways creates a sense of place and creates opportunities to attract future business, industry, employers, and residents and provides an opportunity for marketing the Town. The property is in the "gateway" to the Highbridge neighborhood and currently an eyesore. Permitting a redevelopment/expansion of this property into a Stewart's Shop would be an asset to the community and would align with the goals set forth in the Comprehensive Plan.

3. This recommendation is subject to the following considerations:

    a. The various lots should be consolidated into one parcel if and when the Applicant seeks approval to redevelop the parcels for a new Stewart's Shop.

b. Neither a positive recommendation by the Planning Commission, nor any rezoning action taken by the Town Board, should be construed as an approval or other favorable position concerning any proposed conceptual development plan. Any proposed development shall remain subject to full review by the Planning Commission and, as necessary, by the Zoning Board of Appeals.

| Member | Aye | Nay |
|---|---|---|
| **Kimberly Ricker Scannell** | **X** | |
| **Mark D'Alessandro** | | **X** |
| **Wayne Calder** | **X** | |
| **Clark Collins** | **X** | |
| **Joseph Miglucci** | **X** | |
| **Lynn Flansburg** | **X** | |
| **Joseph Signore** | **X** | |

Peter J. Comenzo
Senior Planner

Kimberly Ricker Scannell
Planning Commission Chairman

**RESOLUTION NO. 103.24**

**TO AUTHORIZE THE PURCHASE OF ONE EXCAVATOR FOR THE HIGHWAY DEPARTMENT**

**THEREFORE, UPON MOTION OF** Councilmember _____,

seconded by Councilmember _____,

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the purchase of one 308 Caterpillar Excavator, from Milton Cat, located at 500 Commerce Drive Clifton Park NY, with compliance under OGS Contract #PC69406 in the amount not to exceed one hundred fifty-four thousand eight hundred twenty-eight and 72/100 ($154,828.72) dollars, paid out of fund line DA5110-2000, Highway Equipment.

**SECTION 2.** This resolution shall become effective February 14, 2024.

**DATED:** February 14, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | | | |
| Mastroianni | | | |
| Gallucci | | | |
| Schlag | | | |
| Collins | | | |

DRAFT

# 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 6, 2024 |
| TO: | Town Board |
| FROM: | Larry Lamora, Highway Superintendent |
| TITLE OF REQUEST: | Purchase of a 308 Caterpillar Excavator |
| TOWN BOARD MEETING: | February 14, 2024 |
| Background Information: | Resolution 320.23 declared the Rubber Tire Excavator 495D obsolete and was sold in auction due to the inability to purchase replacement parts because of the age of equipment. |
| Evaluation/Analysis: | Milton Cat is on OGS Contract #PC69406 and quoted the purchase of a 308 Caterpillar Excavator for the amount not to exceed $154,828.72. Highway Budget line DA5110-2000 (Equipment) currently has the total amount of $175,000.00. |
| Recommendation(s): | To approve the purchase of a 308 Caterpillar Excavator from the Highway Budget line DA5110-2000 in the amount of $154,828.72. |
| Attachment/Document(s): | Milton Cat Quote |
| Compliance with Purchasing Policy: | Yes |
| Effect(s) on Existing Law(s): | General Municipal Law §104 |
| LEGISLATION WILL BE PREPARED BY: | Supervisors Office |

Mike Chase
500 Commerce Drive
Clifton Park NY
Milton CAT

2/5/2024

## Town of Rotterdam Highway Department
## 308 - CAT Quote

| | | |
|---|---|---|
| 615-9672 | 308 07A CR MHE DCA8D | $186,440.00 |
| 0P-9001 | LANE 1 ORDER | $0.00 |
| 421-8926 | SERIALIZED TECHNICAL MEDIA KIT | $0.00 |
| 0P-2266 | SHIPPING/STORAGE PROTECTION | $271.00 |
| | ELECTRICAL ARR C3.3 HRC | |
| | DRAIN ECOLOGY | |
| | HEATER WATER JACKET | |
| | SEAT AIR SUSP FABRIC HEATED | |
| | 3" SEAT BELT | |
| | ALARM TRAVEL | |
| | MONITOR NEXT GEN ADVANCED CR | |
| | LIGHTS LED | |
| | INTEGRATED RADIO | |
| | CAMERA REAR VIEW | |
| | BOOM SWING | |
| | LINES BOOM | |
| | LINES STICK | |
| | LINE QC LONG STICK 3 LINE | |
| | ENGINE EPA TIER 4 FINAL | |
| | CONTROL QC LINE 3 | |
| | CAT KEY W PASSCODE OPTION | |
| | COUNTERWEIGHT EXTRA | |
| | STD BLADE U/C TG W PAD | |
| | | |
| | Caterpillar 308 List Price - - | $186,711.00 |
| | NYS OGS Contract #PC69406 Advertised Discount 21% - - | -$39,209.31 |
| | **Caterpillar 308 Net Price - -** | **$147,501.69** |
| | | |
| | **Work Tools** | |
| 295-5953 | BUCKET-HD, 30", 10.9 FT3, 7T | $2,924.00 |
| 485-5302 | COUPLER ,PG, HYDR.D.LOCK, 7-9T | $6,313.00 |
| 620-7656 | THUMB,HYDRAULIC,7-9T,PG | $4,806.00 |
| 504-6011 | FLAILMOWER,HMF210 | $15,500.00 |
| 609-6155 | CASE DRAIN KIT | $153.00 |
| AMI | 48" TILTING DC BUCKET | $6,348.00 |
| | Work Tools List Price - - | $36,044.00 |
| | NYS OGS Contract #PC69406 Advertised Discount 15% - - | -$5,406.60 |
| | Work Tools Net Price - - | **$30,637.40** |
| | | |
| | Caterpillar Special Discount - - | -$23,310.37 |
| | | |
| | **Caterpillar 308 with Work Tools Sale Price - -** | **$154,828.72** |
| | | |

*Due to the current situation with Global steel costs, this quote is valid for 30 days. We'll do our best to hold the price when an order is placed, but please contact me for an updated quote if it's been longer than 30 days. Lead times are based on current demand and subject to change without notice*

**RESOLUTION NO. 104.24**

**TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH LABERGE GROUP FOR PROFESSIONAL GRANT WRITING SERVICES FOR THE 2023-24 DHSES V-FIRE GRANT PROGRAM**

**THEREFORE, UPON MOTION OF** Councilmember _____,

seconded by Councilmember _____,

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with Laberge Group, located at 4 Computer Drive West, Albany, New York 12205, for professional grant writing services and application submitting related to the SFY2023-2024 Volunteer Fire Infrastructure & Response Equipment (V-FIRE) Grant Program, in a lump sum amount of six thousand five hundred and 00/100 ($6,500.00) dollars plus expenses.

**SECTION 2.** This resolution shall become effective February 14, 2024.

**DATED:** February 14, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | | | |
| Mastroianni | | | |
| Gallucci | | | |
| Schlag | | | |
| Collins | | | |

DRAFT

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 6, 2024 |
| TO: | Mollie Collins – Town Supervisor |
| FROM: | Peter Comenzo – Sr. Planner |
| TITLE OF REQUEST: | Authorization to retain the services of Laberge Group to assist the Town with the preparation of a Volunteer Fire Infrastructure & Response (V-FIRE) Grant and Authorization for the Town Supervisor to execute all documents necessary to retain the Laberge Group and apply for the V-FIRE grant. |
| TOWN BOARD MEETING: | February 14, 2024 |
| Background Information: | The Town of Rotterdam owns the Volunteer Firefighter Training Center located on Burdeck Street which is in need of repairs & upgrades. |
| Evaluation/Analysis: | The NYS Department of Homeland Security and Emergency Services have announced the availability of $25,000,000 in state funds to assist volunteer fire departments.<br><br>The LaBerge Group has the necessary grant preparation experience to assist the Town in the grant application process. Upgrades to driveway, burn room, and addressing ground subsidence at the Burdeck Street facility are necessary. This grant opportunity can assist the Town financially in keeping the facility operational for our local firefighters. |
| Recommendation(s): | Town Board to authorize the Town Supervisor to execute all documents necessary to retain the Laberge Group for a lump sum fee of $6,500 plus expenses and apply for the V-FIRE grant. |
| Attachment/Document(s): | Proposal from Laberge Group dated January 31, 2024<br>V-FIRE Grant Program Request for Applications |
| Compliance with Purchasing Policy: | Yes |
| Effect(s) on Existing Law(s): | N/A |
| LEGISLATION WILL BE PREPARED BY: | Attorney for the Town |

NEW YORK STATE | Homeland Security and Emergency Services | Fire Prevention and Control

# SFY2023-2024
# Volunteer Fire Infrastructure & Response Equipment (V-FIRE) Grant Program
# Request For Applications (RFA)

Application Deadline: April 30, 2024, by 5:00 PM

To ensure adequate time to respond, substantive written questions regarding this Request for Applications will be accepted until April 23, 2024, by 12:00 Noon

Technical Assistance for E-Grants will not be available after 5:00 PM on April 30, 2024

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# I. Introduction

In May of 2023, New York State Governor Kathy Hochul, through her initiatives outlined in the FY2024 State Budget, has devoted $25,000,000 in State funding to support volunteer fire departments. To fortify these efforts, the SFY2023-2024 Volunteer Fire Infrastructure & Response Equipment (V-FIRE) Grant Program has been issued by the New York State Division of Homeland Security and Emergency Services (DHSES) to enhance the security and safety of the citizens of New York State by providing critical funding to strengthen volunteer fire departments and districts.

The purpose of this Request for Applications (RFA) is to solicit eligible applications for up to $1,000,000 in funding to support construction, renovation, or purchase costs of critical facilities (buildings, training facilities, etc.) that support fire operations, or up to $500,000 in funding to support the purchase of allowable fire service equipment to upgrade and improve their facilities and response capabilities. Funds will be awarded competitively, based on the review of applications submitted.

The $25,000,000 available in State funding for this initiative will be divided into two tracks of eligible projects to maximize the benefits of the program funds. Eligible applicants may only select **ONE** of the following options for their grant applications:

- **Funding Option 1:**
    - **Construction/Renovation/Facility Purchase Projects:** A total of $20,000,000 in program funds will be devoted to support Construction/Renovation/Facility Purchase projects and is available to all eligible applicants. The funding amount per application may not exceed **$1,000,000** in projects requested under Funding Option 1.
- **Funding Option 2:**
    - **Equipment Projects:** A total of $5,000,000 in program funds will be devoted to support allowable fire service equipment projects and is available to all eligible applicants. The funding amount per application may not exceed **$500,000** in projects requested under Funding Option 2.

Should an eligible applicant submit for multiple projects within an application under one of the above funding options, they are highly encouraged to prioritize their projects with the most pressing needs and most significant capability gaps. DHSES reserves the right to adjust the allocation caps for either track of funding to support the most critical needs of the fire service community based on the number and type of applications received.

# II. Eligibility

### A. Eligibility

Only eligible entities that are located within the State of New York and serve one or more local governments may apply. All applications must articulate how they meet the eligibility requirements within their application.

1. **Eligible organizations include:**

   - **Volunteer Fire Companies** that are comprised of 100% volunteer firefighters, that are responsible for providing fire protection services to one or more jurisdiction(s). These entities are required to submit the signed contract agreement with the town or village they are covering.

     - Nonprofit Fire Companies are eligible to apply and are subject to Prequalification or Prequalification Exempt status as identified below.

   - **Municipalities – Villages, Towns, Cities and Fire Districts** responsible for providing fire protection through a fire department comprised of 100% volunteer firefighter membership.

   - **Counties and Municipal Shared Services Applications:** Counties may only apply on behalf of local volunteer fire departments that are comprised of 100% volunteer firefighter membership, provided the applying county has a minimum of 60% documented approval from the volunteer fire departments within the county that will directly benefit from the requested project(s). Requests for grant funds under a county application must be for shareable projects that will benefit and be accessible to the volunteer fire departments represented in the application. The applying County must complete and submit the Local Volunteer Fire Department Consent Form (Exhibit C), to include at least 60% sign-off from the fire chiefs of agencies represented in the application.

   - Two or more municipalities may apply for shared projects that will benefit and be accessible to two or more volunteer fire departments.

     Examples of shareable projects include, but are not limited to, the following:

     - Fire Training Center, training tower or other training facility
     - Decontamination or gear-washing trailer
     - SCBA fill station

2. **Organizations that are <u>not</u> eligible for this Grant Program include:**

   - Fire departments and/or fire companies whose volunteer membership is less than 100% of their total workforce.
   - Statewide, local, or regional organizations.
   - Federal fire departments and fire departments under contract with the Federal Government whose sole responsibility is fire protection on Federal property.
   - NYS Division of Homeland Security and Emergency Services, to include Offices and units within the Agency.
   - For-profit fire departments (i.e., do not have specific nonprofit status or do not support a municipality).
   - Applicants that have defaulted or are delinquent on a loan(s) as part of the Emergency Services Revolving Loan Program are not eligible to apply.

Laberge Group

1964 - 2019 55 YEARS OF EXCELLENCE

ENGINEERING • ARCHITECTURE • SURVEYING • PLANNING

January 31, 2024
**VIA EMAIL ONLY**

Mr. Peter Comenzo, Town Planner
Town of Rotterdam
1100 Sunrise Boulevard
Rotterdam, NY 12306

Re: **Professional Grant Writing Services Proposal**
**2023-24 DHSES V-FIRE Grant Program**
Town of Rotterdam, New York

Dear Mr. Comenzo:

Thank you for inviting Laberge Group to submit our proposal to provide grant development services to help fund critical improvements to the Town's volunteer fire department training facility. We are confident that we can assist the Town with developing and completing a project in an efficient, cost-effective and timely manner.

**Introduction**

As you are aware, Laberge Group's extensive experience working with municipal governments has provided us with an understanding of the many needs and concerns that impact each of our clients. In response, and with a commitment to uphold our philosophy to provide the highest quality service for each client's requirement, Laberge Group has designed a grants' strategy, surveillance, and development process that has proven successful in receiving over $420 million in State and Federal funding for our clients.

**Scope of Services**

After receiving direction from the Town, Laberge Group will proceed with the following tasks as summarized below:

1. **Project Selection:** In concert with the Town, Laberge Group will finalize the selection of V-FIRE eligible projects.

2. **Start-Up Package:** A start up package prepared by Laberge Group is comprised of an assortment of grant support items that will add to the competitiveness of the grant application. The package normally consists of the following items:

    - Draft resolution to apply *(if necessary)*;
    - Application cover letter *(if necessary)*;
    - Letter requesting agency and/or elected official expressions of support;
    - Sample support letter(s);

    The start-up package will also include the instructions explaining the appropriate action required for each item.

3. **Grant Application Forms:** Grant application forms are provided by the funding source and will be completed with assistance from the Town.

4. **Grant Application Narratives:** Grant application narratives will be prepared in response to questions asked in the application guidance or instructions. Narratives are of paramount importance in preparing an application and will be tied to the ranking materials or priorities provided within the instructions or grant guidance.

5. **Exhibits:** As necessary, the Laberge Group will complete the application and exhibits which might include items such as census maps, project location maps, plan excerpts, and/or other supporting documentation.

6. **Quality Reviews:** The process to complete a final application includes a 3-step quality review: Upon completion of the narrative portion of the application, 1) a draft copy will be sent to the Town for review and comment. Any changes will be made at this point; 2) a peer review of the full grant document is conducted in our office; 3) Once the grant application is completely assembled, a final Quality Review will be scheduled prior to application submission, with a copy of the complete application package forwarded to the Town.

**Fee Proposal**

Laberge Group is pleased to provide a lump sum fee of $6,500 plus expenses for the development of the 2023-24 V-FIRE Grant. Should the town require engineering assistance for supporting documentation, Laberge Group shall do so in accordance with our normal hourly rates (attached) Upon review and approval, we will send a contract for execution. We thank you for the opportunity to submit our proposal, and as always, if you have any questions or comments, please feel free to contact our office.

Very truly yours,
LABERGE GROUP

By: _____
Richard F. Laberge, P. E.
President

RFL: BHS: cjb

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**HOURLY RATE SCHEDULE**
**GENERAL SERVICES**
**EFFECTIVE: January 2024**

## TECHNICAL CATEGORY

| | |
|---|---|
| Officer, Principal, Architect, Engineer, Planner, Surveyor | 240 – 290 |
| Engineering-Project Managers | 200 – 275 |
| Architecture-Project Managers | 175 – 230 |
| Surveying-Project Managers | 165 – 200 |
| Planning-Project Managers | 165 – 230 |
| Engineers | 130 – 205 |
| Architects | 130 – 190 |
| Landscape Architects | 130 – 190 |
| Interior Designers | 125 – 165 |
| Planners/Community Developers | 125 – 165 |
| Surveyors - Party Chief/Instrument Person | 95 – 130 |
| Surveyors (NYS Prevailing Rate Work) | 125 – 170 |
| Engineering Technicians | 120 – 160 |
| Architectural Technicians | 120 – 160 |
| Surveying Technicians | 115 – 150 |
| Planning/Community Development Technicians | 100 – 145 |
| Interior Design Technicians | 100 – 135 |
| Resident Managers | 120 – 185 |
| Project Representatives | 110 – 165 |
| Financial/Fiscal/Administration/Accounting | 90 – 150 |
| Project Coordinators | 90 – 130 |
| Administrative Assistants | 85 – 125 |

NOTES:

1. Rates based on range of Direct Personnel Expense (DPE) plus 1.7 DPE.

2. All rates subject to change without notice due to salary increases, State or Federal requirements or new personnel.

3. Reimbursable Expenses (other than Labor) shall be compensated at the actual cost thereof, plus an additional $0.20 per dollar incurred.

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# STANDARD AGREEMENT for PROFESSIONAL SERVICES
## (2024013-00)

This is an Agreement made as of February 1, 2024 between Town of Rotterdam of 1100 Sunrise Blvd., Rotterdam, New York 12306, (Hereinafter called the CLIENT), and LABERGE ENGINEERING & CONSULTING GROUP, LTD., 4 Computer Drive West, Albany, NY 12205, which is a Corporation registered in the State of New York (hereinafter called LG).

A. CLIENT and LG, for the mutual consideration hereinafter set forth, agree as follows:

The development of a 2023-24 NYS Department of Homeland Security and Emergency Services (DHSES) Volunteer Fire Infrastructure & Response Equipment (V-FIRE) grant application per the attached Laberge Group proposal dated January 31, 2024 (Attachment A). Should the CLIENT require engineering assistance for supporting documentation, LG sgall do so at normal hourly rates (Attachment B).

B. CLIENT agrees to pay LG as compensation for services as follows:

$6,500 plus reimbursable expenses.

C. CLIENT agrees to pay LG a retainer with this Agreement of $ 0.00 .

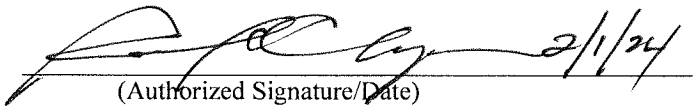
Fees and other charges will be invoiced monthly. The amount of each invoice shall be due at the time of billing. When bills are not paid within 30 days, a late payment service charge will be charged on any unpaid balance at the rate of 1.5% compounded monthly (annual rate of 18%) or the highest rate allowable under applicable State Law, whichever is higher.

D. CLIENT shall furnish the following:

Information in client's possession relevant to completing the services requested.

E. This Agreement includes the Standard Terms and Conditions shown on pages 2 & 3 of this document and are incorporated herein by this reference.

F. The person signing this Agreement warrants he/she has authority to sign as, or on behalf of, the CLIENT. If such person does not have such authority, it is agreed that he/she will be personally liable for all breaches of this Agreement, and that in any action against them for breach of such warranty, a reasonable attorney's fee shall be included in any judgment rendered.

| | |
|---|---|
| AGREED TO: | AGREED TO: |
| Town of Rotterdam<br>(Client's Name) | LABERGE ENGINEERING & CONSULTING GROUP, LTD. |
| BY: Mollie A. Collins | BY: Richard F. Laberge, P.E. |
| (Authorized Signature/Date) |  2/1/24<br>(Authorized Signature/Date) |
| TITLE: Town Supervisor | TITLE: President |

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## STANDARD TERMS & CONDITIONS OF AGREEMENT

1. **EXTRA WORK**: Extra work shall include, but not be limited to, additional office or field work caused by policy or procedural changes of governmental agencies, changes in the project, and work necessitated by any of the causes described in Paragraph 5 hereof.

2. **Ownership of Documents:** Drawings, specifications and other work product of the Consultant for this Project shall upon final payment by the Owner of all monies due and owing Consultant, become the property of the Owner, which the Owner may thereafter utilize without additional compensation. Consultant may retain copies of such work product, which it considers necessary or appropriate, and may use it for publicity purposes. Consultant may also use and reproduce the style, structure and format of plan documents, as it deems appropriate. Neither party shall be liable to the other for any damage, liability or cost, including reasonable attorney's fees, as a result of any unauthorized modification, alteration or changes to any drawing, specification, other work product, including electronic files, by a third party.

3. **LIMITATIONS OF COST ESTIMATES**: Any estimate of the cost of the project services or any part thereof is not to be construed, nor is it intended, as a guarantee of the total cost.

4. **APPROVAL OF WORK**: The work performed by LG shall be deemed approved and accepted by CLIENT as and when invoiced unless CLIENT objects within 15 days of the invoice date by written notice specifically stating the details in which CLIENT believes such work is incomplete or defective.

5. **DELAY**: Any delay, default or termination in or of the performance of any obligations of LG under this Agreement caused directly or indirectly by strikes, accidents, acts of God, shortage or unavailability of labor, materials, power or transportation through normal commercial channels, failure of CLIENT or CLIENT'S agents to furnish information or to approve or disapprove LG's work promptly; late, slow or faulty performance by CLIENT, other contractors or governmental agencies, the performance of whose work is precedent to or concurrent with the performance of LG's work, or any other acts of the CLIENT or any other Federal, State or local government agency, or any other cause beyond LG's reasonable control, shall not be deemed a breach of this Agreement. The occurrence of any such event shall suspend the obligations of LG as long as performance is delayed or prevented thereby, and the fees due hereunder shall be equitably adjusted.

6. **TERMINATION**: The obligation to provide further services under this Agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. In the event of any termination, LG shall be paid for all services rendered to the date of termination as well as for all reimbursable expenses and termination expenses. For purposes of this section, the failure of the CLIENT to pay LG within thirty (30) days of receipt of an invoice shall be considered such a substantial failure. In the event of a substantial failure on the part of the CLIENT, LG, in addition to the right to terminate set forth in the paragraph, may also elect to suspend work until the default in question has been cured. No delay or omission on the part of LG in exercising any right or remedy hereunder shall constitute a waiver of any such right or remedy on any future occasion.

7. **INDEMNIFICATION**: CLIENT shall indemnify, defend and hold LG harmless for any and all loss, cost, expense, claim, damage, or liability of any nature arising from: (a) soil conditions; (b) changes in plans or specifications made by CLIENT or others; (c) use by CLIENT or others of plans, surveys, or drawings unsigned by LG or for any purpose other than the specific purpose for which they were designed; (d) job site conditions and performance of work on the project by others; (e) inaccuracy of data or information supplied by CLIENT; and (f) work performed on material or data supplied by others, unless said loss was solely caused by LG's own negligence.

8. **LITIGATION**: Should litigation be necessary to collect any portion of the amounts payable hereunder, then all costs and expenses of litigation and collection, including without limitation, fees, court costs, and attorney's fees (including such costs and fees on appeal), shall be the obligation of the CLIENT.

9. **REPLACEMENT OF SURVEY STAKES**: LG, if included in Paragraph A of the Agreement, will provide necessary construction stakes. In instances where it is determined that negligence on the part of the CLIENT or others results in the need for restaking, the cost of such restaking will be billed as an extra to the CLIENT on a time and material basis. It will be the CLIENT'S responsibility to provide adequate protection of the stakes against their own negligence or the negligence of those working for or with them and against vandalism by others. If staking is ordered by the CLIENT or others prematurely and construction does not take place, it will also be the CLIENT'S responsibility to protect said stakes until such time as construction takes place.

10. **OBSERVATION AND TESTING OF CONSTRUCTION, SAFETY**: The observation and testing of construction is not included herein unless specifically agreed upon in the Scope of Services as set forth in Paragraph A of this Agreement. It should be understood that the presence of LG's field representative will be for the purpose of providing observation and field testing. Under no circumstances is it LG's intent to directly control or supervise the physical activities of the contractor's workmen to accomplish the work on this project. The presence of LG's field representative at the site is to provide the CLIENT with a continuing source of information based upon the field representative's observations of the contractor's work, but does not include any superintending, supervision, or direction of the actual work of the contractor or the contractor's workmen. The contractor should be informed that neither the presence of LG's field representative nor observation and testing personnel shall excuse the contractor in any way for defects discovered in their work. It is understood that LG will not be responsible for job or site safety on the project.

11. **RESTRICTIONS ON USE OF REPORTS**: It should be understood that any reports rendered under this Agreement will be prepared in accordance with the agreed Scope of Services and pertain only to the subject project and are prepared for the exclusive use of the CLIENT. Use of the reports and data contained therein for other purposes is at the CLIENT'S sole risk and responsibility.

12. **LIMITATIONS OF CONSULTANT'S LIABILITY**: The CLIENT agrees to limit LG's liability to the CLIENT and to all Construction Contractors and Subcontractors on the Project, due to LG's professional negligent acts, errors or omissions, such that the total aggregate liability of LG to those named shall not exceed five thousand dollars ($5,000) or 50% of LG's total fee for services rendered on this Project, whichever is the greater.

13. **CONTROLLING LAWS**: This Agreement is to be governed by the Laws of the State of New York.

14. **INSURANCE**: LG shall procure and maintain throughout the period of this Agreement, at LG's own cost, insurance for protection from claims under worker's compensation, temporary disability and other similar insurance required by applicable State and Federal Laws. Certificates for all such policies of insurance shall be provided to the CLIENT upon written request. LG shall not be responsible for any loss, damage or liability beyond the amounts, limits and conditions of such insurance.

15. **SUCCESSORS AND ASSIGNS**: Neither CLIENT nor LG shall assign, sublet or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this Agreement without the written consent of the other, except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law.

16. **ARBITRATION**: All claims, counterclaims, disputes and other matters in question between the parts hereto arising out of or relating to this Agreement or breach thereof may, at the option of LG be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association. Any such arbitration shall take place in the Town of Colonie, Albany County, New York.

17. **NOTICES**: All notices called for by this Contract shall be in writing and shall be deemed to have been sufficiently given or served when presented personally and when deposited in the mail, postage prepaid, certified and return receipt requested, addressed as stated in the Agreement.

18. **RIGHT OF ENTRY**: The CLIENT will provide right of entry for our staff, subcontractors and all necessary equipment in order to complete the work. LG will take all reasonable precautions to minimize damage to the property. It is understood by CLIENT that in the normal course of work some damage may occur, the correction of which is not part of this Agreement.

19. **UTILITIES**: In the prosecution of our work, LG will take all reasonable precautions to avoid damage or injury to subterranean structures or utilities. CLIENT agrees to hold LG harmless for any damages to subterranean structures and utilities.

20. **STANDARD OF CARE**: Services performed by LG under this Agreement will be conducted in a manner with the level of care and skill ordinarily exercised by members of the professions currently practicing under similar conditions. No other warranty, express or implied is made.

21. **RENOVATION/REHABILITATION OF EXISTING BUILDINGS**: Where the work involves remodeling and/or rehabilitation of an existing building, CLIENT agrees that certain assumptions must be made regarding existing conditions, and because some of these assumptions may not be verifiable without expending additional sums of money, or destroying otherwise adequate or serviceable portions of the structure, CLIENT agrees that, except for negligence on the part of LG, CLIENT will hold harmless, indemnify and defend LG from and against any and all claims arising out of the professional services provided under this Agreement.

22. **EMPLOYEE RETENTION**: Client agrees not to hire or solicit for employment, for themselves or others, LG employee during the term of this agreement and for a period of two years thereafter.

23 **ASBESTOS AND HAZARDOUS WASTE**: Where the work involves asbestos and/or hazardous wastes, CLIENT agrees that the handling or removal of asbestos, asbestos products and hazardous wastes involves certain health risks which require specific safety measures. LG will not be responsible for safety and safety measures on the job, including measures for the protection of employees, contractors, subcontractors and/or the general public. Such responsibility for safety and safety measures is and shall remain that of the contractor. CLIENT agrees that, except for claims and damages arising from negligent acts, errors or omissions of LG, CLIENT will hold harmless, defend and indemnify LG from all claims, suits, expenses or damages arising from or alleged to arise from exposure to or inhalation of asbestos, asbestos fibers or hazardous wastes.

Nothing in this Agreement shall impose liability on LG for claims, lawsuits, expenses of damages arising from, or in any manner related to, the exposure to or the handling, manufacture of disposal of asbestos, asbestos products, or hazardous waste in any of its various forms, as defined by the Environmental Protection Agency.

24. **SEISMIC DESIGN**: If the project is located in New York State, it will be designed in accordance with the structural requirements of the New York State Uniform Fire Prevention & Building Code, which does not specify any requirements for seismic design.

The structure will have some seismic resistance; however, seismic design will not be incorporated in the structural design of the project unless specifically requested by CLIENT as an additional service.

25. **CONSTRUCTION PHASE SERVICES**: Where LG's services do not include review or site observation of the contractor's work and performance, CLIENT agrees to defend, indemnify and hold harmless LG from any claim or suit whatsoever, including, but not limited to all payments, expenses or costs involved, arising from or alleged to have arisen from the contractor's performance or the failure of the contractor's work to conform to the design intent and the contract documents. LG agrees to be responsible for its own sole negligent acts, errors or omissions.

**RESOLUTION NO. 105.24**

**TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW NO. __ OF 2024; TO AMEND §255-2 OF ARTICLE I, SENIOR CITIZENS EXEMPTIONS; IMPLEMENTATION OF STATUTORY PROVISIONS, AND SCHEDULE A PUBLIC HEARING THEREON**

**THEREFORE, UPON MOTION OF** Councilmember _____,

seconded by Councilmember _____,

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** The Town Board recognizes the introduction of Introductory Local Law No. __ of 2024; To amend §255-2 of Article I, Senior Citizens Exemptions; of the code of the Town of Rotterdam entitled, "Exceptions; implementation of statutory provisions" by increasing the exemption levels for Senior Citizens pursuant to the attached schedule listed "Proposed Schedule for Senior Citizens (RP-467)".

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

**TOWN OF ROTTERDAM**
**NOTICE OF HEARING**

**PLEASE TAKE NOTICE:** That the Town Board of the Town of Rotterdam will hold a public hearing at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306, at 7:00 p.m. on the 28th day of February, 2024 for the following purpose:

> For receipt of comment on the proposed Introductory Local Law No. __ of 2024; To amend §255-2 of Article I, Senior Citizens Exemptions; of the code of the Town of Rotterdam entitled, "Exceptions; implementation of statutory provisions" by increasing the exemption levels for Senior Citizens (RP-467).

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

**DATED**: February 14, 2024
**Daily Gazette**: Please publish once on February 16, 2024
**Town Clerk**
**Post**

DRAFT

**SECTION 3.** This resolution shall become effective February 14, 2024.

**DATED:** February 14, 2024

| NAME | AYES | NOES | ABSTAIN |
|---|---|---|---|
| Dodson | | | |
| Mastroianni | | | |
| Gallucci | | | |
| Schlag | | | |
| Collins | | | |

DRAFT

# Proposed Schedule for Senior Citizens (RP-467)

# Scale:

| | |
|---|---|
| $34,000-less | 50% |
| $34,001-$34,999 | 45% |
| $35,000-$35,999 | 40% |
| $36,000-$36,999 | 35% |
| $37,000-$37,899 | 30% |
| $37,900-$38,799 | 25% |
| $38,800-$39,699 | 20% |
| $39,700-$40,599 | 15% |
| $40,600-$41,499 | 10% |
| $41,500-$42,400 | 5% |

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 Boulevard, Rotterdam, New York on Wednesday, January 24, 2007 at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 85.07**

**WHEREAS,** pursuant to notice duly published in the official newspaper of the Town of Rotterdam, the Town Board of the Town of Rotterdam held a public hearing on the 10th day of January 2007 at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York, at 7:00 p.m., upon adoption of a **Proposed Local Law of the Year 2007,** for the following purpose:

> **To amend §255-2 of Article I, Senior Citizens Exemption, of the Code of the Town of Rotterdam entitled, "Exceptions; implementation of statutory provisions" by increasing the exemption levels for Senior Citizens through calendar year 2009.**

**WHEREAS,** all persons were duly heard both in the affirmative and negative thereon; **NOW**

**THEREFORE, UPON MOTION** of Councilmember Signore, seconded by Councilmember Mertz, it is hereby

**RESOLVED AS FOLLOWS:**

**LOCAL LAW NO. THREE (3) OF THE YEAR 2007**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ROTTERDAM**

**SECTION 1.** Amend §255-2 of Article I, Senior Citizens Exemption of the Code of the Town of Rotterdam entitled, "Exceptions; implementation of statutory provisions," as follows:

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**ARTICLE I, Senior Citizens Exemption [Adopted 1-20-1971 by L.L. No. 1-1971]**

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**§ 255-2. Exemptions; implementation of statutory provisions. [Last amended 2-14-2001 by L.L. No. 3-2001]**

A. Purpose: Adopting a graduated minimum income exemption eligibility level for the granting of a partial exemption from real property taxation to certain persons 65 years of age and applicable for assessment rolls prepared on the basis of taxable status dates occurring on or after March 1, 2005, for the Town of Rotterdam as provided in § 467 of the Real Property Tax Law of the State of New York pursuant to the following schedule: [Amended 3-12-2003 by L.L. No. 4-2003; 2-23-2005 by L.L. No. 5-2005]

**2006**
**SENIOR CITIZENS (RP-467)**

| ANNUAL INCOME | PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION |
|---|---|

| | |
|---|---|
| Less than $26,000 | 50% |
| More than $26,001 but less than $26,999.99 | 45% |
| More than $27,000 but less than $27,999.99 | 40% |
| More than $28,000 but less than $28,999.99 | 35% |
| More than $29,000 but less than $29,899.99 | 30% |
| More than $29,900 but less than $30,799.99 | 25% |
| More than $30,800 but less than $31,699.99 | 20% |
| More than $31,700 but less than $32,599.99 | 15% |
| More than $32,600 but less than $33,499.99 | 10% |
| More than $33,500 but less than $34,399.99 | 5% |

**2007**
**SENIOR CITIZENS (RP-467)**

| ANNUAL INCOME | PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION |
|---|---|
| Less than $27,000 | 50% |
| More than $27,001 but less than $27,999.99 | 45% |
| More than $28,000 but less than $28,999.99 | 40% |
| More than $29,000 but less than $29,999.99 | 35% |
| More than $30,000 but less than $30,899.99 | 30% |
| More than $30,900 but less than $31,799.99 | 25% |
| More than $31,800 but less than $32,699.99 | 20% |
| More than $32,700 but less than $33,599.99 | 15% |
| More than $33,600 but less than $34,499.99 | 10% |
| More than $34,500 but less than $35,399.99 | 5% |

**2008**
**SENIOR CITIZENS (RP-467)**

| ANNUAL INCOME | PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION |
|---|---|
| Less than $28,000 | 50% |
| More than $28,001 but less than $28,999.99 | 45% |
| More than $29,000 but less than $29,999.99 | 40% |
| More than $30,000 but less than $30,999.99 | 35% |
| More than $31,000 but less than $31,899.99 | 30% |
| More than $31,900 but less than $32,799.99 | 25% |
| More than $32,800 but less than $33,699.99 | 20% |
| More than $33,700 but less than $34,599.99 | 15% |
| More than $34,600 but less than $35,499.99 | 10% |
| More than $35,500 but less than $36,399.99 | 5% |

**2009**
**SENIOR CITIZENS (RP-467)**

| ANNUAL INCOME | PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION |
|---|---|
| Less than $29,000 | 50% |
| More than $29,001 but less than $29,999.99 | 45% |
| More than $30,000 but less than $30,999.99 | 40% |
| More than $31,000 but less than $31,999.99 | 35% |
| More than $32,000 but less than $32,899.99 | 30% |
| More than $32,900 but less than $33,799.99 | 25% |
| More than $33,800 but less than $34,699.99 | 20% |
| More than $34,700 but less than $35,599.99 | 15% |

| | |
|---|---|
| More than $35,600 but less than $36,499.99 | 10% |
| More than $36,500 but less than $37,399.99 | 5% |

B. The aforesaid exemption may be subject to the following conditions, to wit:

(1) No exemption shall be granted if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the maximum sum listed in any given year. "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or moneys earned through employment in the federal foster grandparent program, and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

(2) No exemption shall be granted unless the property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption herein:

(3) No exemption shall be granted unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in § 2801 of the Public Health Law, provided that any income accruing to the person shall be considered income for purposes of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.

**SECTION 2.** This local law shall take effect upon filing with the Secretary of State as required by Section 27 of the Municipal Home Rule Law and by posting of appropriate signage.

**BY ORDER OF THE ROTTERDAM TOWN BOARD**
**Eunice O. Esposito, Town Clerk**

**DATED:** January 24, 2007
**Town Clerk**
**Post**

I, Eunice O. Esposito, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution as adopted by the Town Board of the Town of Rotterdam on January 24, 2007 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 meeting.

**IN WITNESS WHEREOF,** I have hereunto set my hand and the seal of the Town of Rotterdam this January 25, 2007.

Eunice O. Esposito

EUNICE O. ESPOSITO
TOWN CLERK