

MEETING OF THE ROTTERDAM TOWN BOARD

August 13, 2025

7:00 PM

Agenda Review 6:30 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

SUPERVISOR'S REMARKS: Supervisor Mollie A. Collins

PROCLAMATIONS

PUBLIC HEARING

PRESENTATIONS

EXECUTIVE SESSION

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 order of their signing in. People 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. People 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 given a maximum of four (4) minutes to address the Town Board.

INTRODUCTION OF MOTIONS, ORDERS AND RESOLUTIONS: RESOLUTIONS

- 254.25** Accepting Town Board Meeting Minutes. Pg. 4
- 255.25** To appoint Joshua Nellis to the position of Skilled Laborer. Pg. 37
- 256.25** To reappoint Daniel Gaudio to the Board of Assessment Review. Pg. 44
- 257.25** To amend Resolution 67.25 of the year 2025; To appoint employees to various additional duties for the calendar year 2025. Pg. 46
- 258.25** To authorize the Town Supervisor to execute the memorandum of agreement between the Town of Rotterdam and the Civil Service Employees' Association recognizing the new job title of Public Works Coordinator. Pg. 48
- 259.25** To approve 2025 quarterly expense transfers of gas and diesel. Pg. 50
- 260.25** To approve budget transfers to the 2025 budget. Pg. 52
- 261.25** To accept revenue for Town Clerk's office for July 2025. Pg. 54
- 262.25** To declare highway vehicles, small engines, small hand tools and plows + wings obsolete. Pg. 59
- 263.25** To declare police department tasers obsolete. Pg. 63
- 264.25** To declare IT equipment obsolete. Pg. 66
- 265.25** To negotiate and execute an agreement with LaBella Associates for the Senior Center Sanitary Sewer Connection Project. Pg. 68
- 266.25** To negotiate and execute an agreement with Tabner, Ryan and Keniry, LLP. Pg. 79
- 267.25** To accept and award bid for Water District No. 5 Water System Improvements – Contract No. 2 – Valve & Hydrant Replacement to Birdsall Excavation and Construction, LLC. Pg. 84
- 268.25** Adoption of the 2025 adjusted base proportions. Pg. 115
- 269.25** A Resolution in connection with authorizing and submitting a New York State Water Infrastructure Improvement Act grant application for the Town of Rotterdam Water Districts No. 3 & No. 4 Water System Improvements Project. Pg. 123
- 270.25** To approve the JCAP 2025-2026 Grant for the Justice Court. Pg. 125

- 271.25** Call for bids for On-Call Maintenance Contractor Services for remainder of year 2025 and all of year 2026. Pg. 132
- 272.25** To adopt a SEQR Negative Declaration on a Change of Zone application from Agricultural (A-1) to General Business (B-2) located at 774 and 778 Duanesburg Road. Pg. 165
- 273.25** To Enact Local Law No. 5 of 2025; To amend Chapter 270, Zoning, of the Town Code, relating to a Change of Zone request on a ±14.02-acre parcel from Agricultural (A-1) to General Business (B-2) located at 774 and 778 Duanesburg Road. Pg. 280
- 274.25** To negotiate and execute an amendment to an existing agreement with HydroSource Associates, PC for Change Order #2 to include additional hydrogeological services. Pg. 294
- 275.25** To promote and appoint Lisa Gallo to the position of Public Works Coordinator. Pg. 311
- 276.25** Call for Bids for Run of Bank Gravel Installation in Basement of Demolished Building Located at 369 Duanesburg Road. Pg. 318

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

RESOLUTION NO. 254.25

ACCEPTING 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 July 9, 2025 Town Board meeting as attached.

SECTION 2. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

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: August 5, 2025

TO: Mollie A. Collins, Supervisor

FROM: Diane M. Marco, Town Clerk

TITLE OF LEGISLATIVE REQUEST: To adopt meeting minutes from the July 9, 2025, Town Board Meeting.

TO BE PLACED ON TOWN BOARD AGENDA OF: August 13, 2025

TO BE PLACED ON TOWN BOARD MEETING OF: August 13, 2025

Background Information: Attached. To adopt the meeting minutes from the July 9, 2025 Town Board Meeting.

Evaluation/Analysis: N/A

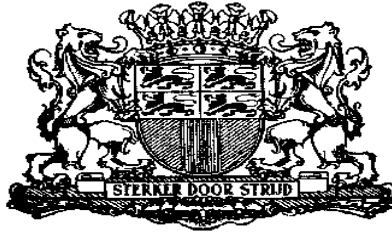
Recommendation(s): To place on Town Board agenda and Town Board meeting of August 13, 2025.

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

July 14, 2025

Certified Resolutions: #236.25-#247.25, and #250-#253.25 for the year 2025 was duly adopted at the Town Board Meeting held at the J.F. Kirvin Government Center, 1100 Sunrise Boulevard Rotterdam, New York, 12306 that was held Wednesday, July 9, 2025. Resolutions #248.25 and #249.25 were tabled. The Town Board Agenda Meeting started at approximately 6:30 p.m. Motion #13 was made by Councilmember Dodson and Seconded by Councilmember Gallucci to table Resolutions #248.25 and #249.25. All agreed to table them. The agenda meeting was adjourned at approximately 6:40 p.m. all agreed to adjourn the agenda meeting. The Town Board meeting began at approximately 7:00 p.m. Motion #14 was made by Councilmember Dodson and seconded by Councilmember Gallucci to go into executive session at approximately 7:05 all agreed to go into executive session. The executive session ended at approximately 7:12pm and the Town Board Meeting continued. The Town Board Meeting was adjourned at approximately 7:30 p.m. by Councilmember Dodson and seconded by Councilmember Gallucci. All agreed to adjourn the Town Board Meeting.

Councilmembers Schlag and Mastroianni were absent

Diane M. Marco

Diane M. Marco, Town Clerk

MEETING OF THE ROTTERDAM TOWN BOARD

July 9, 2025

7:00 PM

Agenda Review 6:30 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

SUPERVISOR'S REMARKS: Supervisor Mollie A. Collins

PROCLAMATIONS

PUBLIC HEARING

PRESENTATIONS

- Bohler Engineering – Tractor Supply Project – 774/448 Duanesburg Road SEQR & COZ

EXECUTIVE SESSION

- Personnel matter relating to employee number 07092025

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

13.25 I make a motion to table Resolutions #248.25 and #249.25.

14.25 I make a motion to go into Executive Session.

RESOLUTIONS

236.25 Accepting Town Board Meeting Minutes. Pg. 4

237.25 To appoint Joshua Nellis to the position of Water & Sewer Maintenance Worker. Pg. 47

238.25 To appoint members of the Town of Rotterdam Conservation Advisory Council. Pg. 54

239.25 To authorize the Supervisor to negotiate and execute an agreement with Mohonasen Central School District to staff two school resource officers (SRO) for their school resource program. Pg. 56

240.25 To authorize the Supervisor to negotiate and execute an agreement with Schalmont Central School District to staff one school resource officer (SRO) for their school resource program. Pg. 61

241.25 To approve budget transfers to the 2025 budget. Pg. 66

242.25 To accept general utility, waterline, and sanitary sewer easements from Development at Helderberg Meadows, LLC. Pg. 69

243.25 To negotiate and execute an agreement with Rotterdam Heating and Air Conditioning for air conditioning and furnace replacement services at the Rotterdam Senior Center. Pg. 102

244.25 To purchase one Ferris lawn mower for the Water Treatment Plant. Pg. 113

245.25 To accept revenue for Town Clerk's office for June 2025. Pg. 118

246.25 To authorize an agreement with FCM Engineering PLLC for construction support and observation engineering services for the Curry Road (Route 7) Reconstruction, between Altamont Avenue and Deforest Street. Pg. 124

247.25 To recognize the introduction of Introductory Local Law ____ of 2025; To amend Chapter 270, Zoning, of the town code, relating to Battery Energy Storage Systems (BESS), and refer to the Planning Commission for report and recommendation. Pg. 128

248.25 To adopt a SEQR Negative Declaration on a Change of Zone application from Agricultural (A-1) to General Business(B-2) located at 774 and 778 Duanesburg Road. Pg. 155 **TABLED**

249.25 To enact Local Law No. 5 of 2025; To amend Chapter 270, Zoning, of the town code, relating to a change of zone request on a ±14.02-acre parcel from Agricultural (A-1) to General Business (B-2) located at 774 and 778 Duanesburg Road. Pg. 270 **TABLED**

250.25 Declaring the intent of the Town of Rotterdam Town Board to act as Lead Agency for the Town of Rotterdam Curry Road Water Main Replacement Project. Pg. 284

251.25 Requesting bids for Town of Rotterdam Kiwanis International Water Park Waterfront Access Improvements Project. Pg. 302

252.25 To authorize the Town Supervisor to execute the Memorandum of Agreement between the Town of Rotterdam and the Civil Service Employees' Association (CSEA) to settle Public Employment Relations Board (PERB) case number U-38064. Pg. 307

253.25 To adopt the factual findings contained in the report on personnel matter 07092025. Pg. 309

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, July 9, 2025, at 7:00 p.m., the following motion passed to table Resolutions #248.25 and #249.25.

MOTION 13.25

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 table Resolutions #248.25 and #249.25.

SECTION 2. This motion shall become effective July 9, 2025.

DATED: July 9, 2025 **To Table Resolutions #248.25 and #249.25**

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 passed to table Resolutions #248.25 and #249.25 by the Town Board of the Town of Rotterdam on July 9, 2025 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 July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following motion passed to go into executive session.

MOTION 14.25

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 go into executive session.

SECTION 2. This motion shall become effective July 9, 2025.

DATED: July 9, 2025 **To go into executive session.**

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 passed to go into executive session by the Town Board of the Town of Rotterdam on July 9, 2025 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 July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 236.25

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 June 11, 2025, Town Board meetings as attached.

SECTION 2. This resolution shall become effective July 9, 2025.

DATED: July 9, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 July 9, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 237.25

**TO APPOINT JOSHUA NELLIS TO THE POSITION OF WATER & SEWER
MAINTENANCE WORKER**

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Joshua Nellis, of Pattersonville, New York 12137, is hereby appointed to the position of Water & Sewer Maintenance Worker, probationary, full time, with full employee benefits, and subject to pre-employment background checks, at an annual salary of fifty-five thousand seven hundred thirty and 10/100 (\$55,730.10) dollars, commencing July 14th, 2025.

SECTION 2. This resolution shall become effective July 9, 2025.

DATED: July 9, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 July 9, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 238.25

**TO APPOINT MEMBERS OF THE TOWN OF ROTTERDAM CONSERVATION
ADVISORY COUNCIL**

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The following individual(s) of Rotterdam, New York are hereby appointed as members to the Town of Rotterdam Conservation Advisory Council to fill the remaining vacancies to the committee with a term commencing July 9, 2025, through December 31, 2025:

Dan Brudos

SECTION 2. This resolution shall become effective July 9, 2025.

DATED: July 9, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 July 9, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 239.25

TO AUTHORIZE THE SUPERVISOR TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MOHONASEN CENTRAL SCHOOL DISTRICT TO STAFF TWO SCHOOL RESOURCE OFFICER (SRO) FOR THEIR SCHOOL RESOURCE PROGRAM

WHEREAS, the Mohonasen Central School District desires to continue their respective School Resource Officer (SRO) Programs, furthering the development of strong, supportive relationships between students, faculty and law enforcement, to deter criminal behavior and maintain a safe learning environment; and

WHEREAS, the Mohonasen Central School District desires to add an additional SRO to the 2025-2026 agreement; and

WHEREAS, the Mohonasen Central School has agreed to reimburse the Town for seventy percent (70%) of the expense of the program; **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 authorizes the Supervisor to negotiate and execute an agreement with Mohonasen Central School District, located at 2072 Curry Road, Schenectady, New York 12303, to staff two (2) School Resource Officer (SRO) to continue their School Resource Program commencing July 1, 2025, through June 30, 2026.

SECTION 2. This resolution shall become effective July 9, 2025.

DATED: July 9, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 July 9, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 240.25

TO AUTHORIZE THE SUPERVISOR TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH SCHALMONT CENTRAL SCHOOL DISTRICT TO STAFF ONE SCHOOL RESOURCE OFFICER (SRO) FOR THEIR SCHOOL RESOURCE PROGRAM

WHEREAS, the Schalmont Central School District desires to continue their respective School Resource Officer (SRO) Programs, furthering the development of strong, supportive relationships between students, faculty and law enforcement, to deter criminal behavior and maintain a safe learning environment; and

WHEREAS, the Schalmont Central School has agreed to reimburse the Town for seventy percent (70%) of the expense of the program; **NOW**

THEREFORE, UPON MOTION OF Councilmember **GALLUCCI**, 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 an agreement with Schalmont Central School District, located at 4 Sabre Drive, Schenectady, New York 12306, to staff one (1) School Resource Officer (SRO) to continue their School Resource Program commencing July 1, 2025, through June 30, 2026.

SECTION 2. This resolution shall become effective July 9, 2025.

DATED: July 9, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 July 9, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 241.25

TO APPROVE BUDGET TRANSFERS TO THE 2025 BUDGET

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

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 2025 are hereby audited and approved:

<u>Fund</u>	<u>Account No.</u>	<u>Title</u>	<u>Amount</u>
Water Dist 3	W38320-2000	FROM: Water 3 Equipment	\$ (4,698.00)
Water Dist 3	W38320-4880	FROM: Equip Maint & Repair	(14,476.00)
Water Dist 3	W38320-4904	TO: Buildings & Ground Maint	19,174.00

SECTION 2. This resolution shall become effective July 9, 2025.

DATED: July 9, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 July 9, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 242.25

TO ACCEPT GENERAL UTILITY, WATERLINE, AND SANITARY SEWER EASEMENTS FROM DEVELOPMENT AT HELDERBERG MEADOWS, LLC

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 accepts permanent easements for the following:

- A. Water line easement (privately owned infrastructure) entitled: “Map showing proposed water utility easement of lands of Development at Helderberg Meadows, LLC” dated June 24, 2025 as prepared by Stephen P. Walrath, L.S. dated June 24, 2025.
- B. Sanitary Sewer Forcemain easement (publicly owned infrastructure) entitled: “Map showing amended forcemain utility easement of lands of Development at Helderberg Meadows, LLC” dated June 24, 2025 as prepared by Stephen P. Walrath, L.S. dated June 24, 2025.
- C. General utility maintenance easement over common lands entitled: “Map showing parcel consolidation of lands of Development at Helderberg Meadows, LLC Tax Map ID Numbers 58.19-1-17, 58.19-1-10, 58.15-6-3.112 and 58.14-1-3.21” dated July 17, 2024.

SECTION 2. The Town Board hereby authorizes the Town Supervisor to execute all documents required for acceptance of these easements subject to final review and approval by the Town Designated Engineer and Department of Public Works. In addition, final documents shall be approved as to form by the Attorney for the Town.

SECTION 3. This resolution shall become effective July 9, 2025.
DATED: July 9, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 July 9, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 243.25

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH ROTTERDAM HEATING AND AIR CONDITIONING FOR AIR CONDITIONING AND FURNACE REPLACEMENT SERVICES AT THE ROTTERDAM SENIOR CENTER

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 Rotterdam Heating and Air Conditioning, located at 3101 N. Thompson Street, Rotterdam, NY 12306, for air conditioning and furnace replacements in two rooms, in the total amount not to exceed fourteen thousand one hundred fifty and 00/100 (\$14,150.00) dollars.

SECTION 2. This resolution shall become effective July 9, 2025.

DATED: July 9, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 July 9, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 244.25

TO PURCHASE ONE FERRIS LAWN MOWER 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 Supervisor to negotiate and execute the purchase of one Ferris lawn mower from Jack Miller's Tractors & Trucks Inc., located at 4932 State Route 30, Schoharie, New York 12157, for the Town's Water Treatment Plant, in an amount not to exceed eleven thousand fifty and 00/100 (\$11,050.00) dollars.

SECTION 2. This resolution shall become effective July 9, 2025.

DATED: July 9, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 July 9, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 245.25

TO ACCEPT REVENUE FOR TOWN CLERK'S OFFICE FOR JUNE 2025

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

SECTION 1. The Town Clerk's report for the month of June 2025 has been placed on file and the Town Clerk's check in the amount of seven thousand five hundred eighteen dollars and 63/100 (\$7,518.63) has been submitted to the Supervisor for deposit.

SECTION 2. This resolution shall become effective July 9, 2025.

DATED: July 9, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 July 9, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 246.25

TO AUTHORIZE AN AGREEMENT WITH FCM ENGINEERING PLLC FOR CONSTRUCTION SUPPORT AND OBSERVATION ENGINEERING SERVICES FOR THE CURRY ROAD (ROUTE 7) RECONSTRUCTION, BETWEEN ALTAMONT AVENUE AND DEFOREST STREET

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 FCM Engineering PLLC, located at 156 Spring Road, Scotia, New York 12302, for construction support and observation engineering services relating to the Curry Road (Route 7) Reconstruction, between Altamont Avenue and Deforest Street, in an amount not to exceed seven thousand five hundred and 00/100 (\$7,500.00) dollars.

SECTION 2. This resolution shall become effective July 9, 2025.

DATED: July 9, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 July 9, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 247.25

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW ____ OF 2025; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, RELATING TO BATTERY ENERGY STORAGE SYSTEMS (BESS), AND REFER TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

WHEREAS, the Energy Advisory Committee for the Town of Rotterdam was charged with developing proposed Zoning Code language to address Battery Energy Storage Systems in the Town; NOW

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

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 2025; To amend Chapter 270, Zoning, of the Town Code, Relating to Battery Energy Storage Systems (BESS).

SECTION 2. The Town Board hereby refers this Introductory Local Law No. ____ of 2025 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

SECTION 3. This resolution shall become effective July 9, 2025.

DATED: July 9, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 July 9, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following resolution was **TABLED**:

RESOLUTION NO. 248.25 TABLED

**TO ADOPT A SEQR NEGATIVE DECLARATION ON A CHANGE OF ZONE
APPLICATION FROM AGRICULTURAL (A-1) TO GENERAL BUSINESS (B-2)
LOCATED AT 774 AND 778 DUANESBURG ROAD**

**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 SEQR Negative Declaration dated July 9, 2025, as prepared by the Senior Planner, for a Change of Zone request from Agricultural (A-1) to General Business (B-2) to facilitate the construction of a ±22,000 square foot retail business, on a ±14.02 acre parcel, located at 774 Duanesburg Road (Tax Map No. 57.7-1-14) and 778 Duanesburg Road (Tax Map No. 57-3-6.1).

SECTION 2. The Town Board hereby authorizes the Senior Planner to distribute all documents necessary to comply with 6 NYCRR Part 612.12 (State Environmental Quality Review).

SECTION 3. This resolution shall become effective July 9, 2025.

DATED: July 9, 2025 **TABLED**

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 **TABLED** by the Town Board Meeting of the Town of Rotterdam on July 9, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following resolution was **TABLED**:

RESOLUTION NO. 249.25 TABLED

TO ENACT LOCAL LAW NO. 5 OF 2025; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, RELATING TO A CHANGE OF ZONE REQUEST ON A ±14.02 ACRE PARCEL FROM AGRICULTURAL (A-1) TO GENERAL BUSINESS (B-2) LOCATED AT 774 AND 778 DUANESBURG ROAD

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

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 5 of 2025.

SECTION 2. The Town Clerk is directed, following consultation with the Attorney to the Town, to file said Local Law in final form with the New York State Department of State.

SECTION 3. This resolution shall become effective July 9, 2025.

DATED: July 9, 2025 **TABLED**

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 **TABLED** by the Town Board Meeting of the Town of Rotterdam on July 9, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 250.25

**DECLARING THE INTENT OF THE TOWN OF ROTTERDAM TOWN BOARD TO
ACT AS LEAD AGENCY FOR THE TOWN OF ROTTERDAM CURRY ROAD WATER
MAIN REPLACEMENT PROJECT**

WHEREAS, the Town of Rotterdam is proposing the Town of Rotterdam Curry Road Water Main Replacement Project (Project) located in the Town of Rotterdam, Schenectady County, New York; and

WHEREAS, the Project has been classified as an “Unlisted Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.2(al); and

WHEREAS, it is the intent of the Town of Rotterdam Town Board to assume the role of “Lead Agency” for purposes of conducting a SEQRA assessment of the Project; and

WHEREAS, Part I of a Full Environmental Assessment Form (FEAF) has been completed, reviewed by the Town of Rotterdam Town Board, and will be circulated to all Involved and Interested Agencies for purposes of establishing the Town of Rotterdam Town Board as “Lead Agency” in accordance with 6 NYCRR Part 617.6(b); NOW

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town of Rotterdam Town Supervisor hereby is authorized to sign Part I of the FEAF (page 13).

SECTION 2. The Town of Rotterdam Town Board will send said Part I of the Full Environmental Assessment Form and associated site figure to the attached list of “Interested/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 of Rotterdam Town Supervisor, together with the Town of Rotterdam Attorney and B&L, are hereby authorized to take all actions, serve all notices, and complete all documents required to give full force and effect to this determination.

SECTION 4. This resolution shall become effective July 9, 2025.

DATED: July 9, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 July 9, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 251.25

**REQUESTING BIDS FOR TOWN OF ROTTERDAM KIWANIS INTERNATIONAL
WATER PARK WATERFRONT ACCESS IMPROVEMENTS PROJECT**

WHEREAS, the Town of Rotterdam is advancing improvements to the Kiwanis International Water Park Waterfront Access area; and

WHEREAS, the Town intends to procure construction services for said improvements in compliance with New York State General Municipal Law and the requirements of the New York State Department of State (DOS) and Article 15-A of the Executive Law pertaining to Minority and Women-Owned Business Enterprise (MWBE) participation; and

WHEREAS, the Town desires to solicit sealed bids and ensure all applicable DOS and MWBE protocols are integrated in the bid invitation and contractor procurement; **NOW**

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Bid Authorization

The Town Board of the Town of Rotterdam hereby authorizes the Town Supervisor to issue a bid invitation for the Kiwanis International Water Park Waterfront Access Improvements Project, subject to the prior review and approval by the New York State Department of State (DOS).

SECTION 2. Public Notice

The Town Clerk shall cause the following notice to be published in the *Daily Gazette* on Saturday, July 12, 2025, and the Supervisor shall ensure the bid is posted on the Empire State Purchasing Group via BidNet (<http://www.bidnetdirect.com/townofrotterdam>) at least five (5) days before bid opening:

**TOWN OF ROTTERDAM
NOTICE TO BIDDERS**

PLEASE TAKE NOTICE that sealed bids will be received by the Town Clerk of the Town of Rotterdam until 2:00 P.M., Tuesday, August 19, 2025, at which time they will be opened in person. The Town will post the official bid report to the Empire State Purchasing Group on BidNet when it is available. All bid submissions and reports will be available for public inspection at the Town Clerk's Office, 1100 Sunrise Boulevard, Rotterdam, NY.

PROJECT TITLE:

KIWANIS INTERNATIONAL WATER PARK WATERFRONT ACCESS IMPROVEMENTS

Bid Documents:

Digital copies may be obtained from the Empire State Purchasing Group on BidNet at <http://www.bidnetdirect.com/townofrotterdam>. 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 vendors who obtain documents directly from BidNet will receive official updates or addenda.

MWBE Participation:

Bidders must demonstrate good faith efforts to meet applicable MWBE participation goals as defined by NYS Executive Law Article 15-A. Documentation of outreach to NYS-certified MWBEs and compliance efforts must accompany all bid submissions.

Bid Requirements:

All bids shall comply with NYS General Municipal Law public procurement procedures. The Town reserves the right to accept or reject any or all bids or any specific part thereof.

Delivery of Bids:

All bid proposals must be submitted through BidNet or delivered to the Town Clerk's Office prior to the deadline. All handling costs (mailing, delivery, reproduction) shall be the responsibility of the bidder.

SECTION 3. Procurement Compliance

The Town Supervisor shall ensure that the procurement process complies with General Municipal Law, including competitive bidding procedures, and shall certify such compliance to the New York State Department of State.

Documentation of good faith MWBE outreach efforts shall be retained, including directory searches, direct solicitations, advertisements, and participation records.

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

DATED: July 9, 2025

BidNet: Please publish on July 12, 2025

Daily Gazette: Please publish once on July 12, 2025

Town Clerk Post

SECTION 4. This resolution shall become effective July 9, 2025.

DATED: July 9, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 July 9, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 252.25

TO AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE THE MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF ROTTERDAM AND THE CIVIL SERVICE EMPLOYEES' ASSOCIATION (CSEA) TO SETTLE PUBLIC EMPLOYMENT RELATIONS BOARD (PERB) CASE NUMBER U-38064

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 execute the memorandum of agreement between the Town of Rotterdam and the Civil Service Employees' Association to settle Public Employment Relations Board (PERB) Case Number U-38064.

SECTION 2. This resolution shall become effective July 9, 2025.

DATED: July 9, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 July 9, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 14, 2025.

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, July 9, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 253.25

**TO ADOPT THE FACTUAL FINDINGS CONTAINED IN THE REPORT OF
PERSONNEL MATTER 07092025**

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 factual findings contained in the report on personnel matter 07092925.

SECTION 2. This resolution shall become effective July 9, 2025.

DATED: July 9, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni (Absent)			
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 July 9, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this July 14, 2025.

Diane M. Marco
Diane M. Marco, Town Clerk



RESOLUTION NO. 255.25

TO APPOINT JOSHUA NELLIS TO THE POSITION OF SKILLED LABORER

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Joshua Nellis, of Pattersonville, New York 12137, is hereby appointed to the position of Skilled Laborer, full time, probationary, with full employee benefits, and subject to pre-employment background checks, at an annual salary of fifty-two thousand three hundred ninety-three and 94/100 (\$52,393.94) dollars, commencing August 18, 2025.

SECTION 2. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

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: July 23, 2025

TO: Town Board

FROM: Mollie A. Collins, Supervisor

TITLE OF REQUEST: Appoint Mr. Joshua Nellis to the position of Skilled Laborer

TOWN BOARD MEETING: August 13, 2025

Background Information: Mr. Nellis was previously hired as a Water/Sewer Maintenance Worker. Civil Service did not deem him to have the qualifications (CDL) needed to hold that position.

Evaluation/Analysis: Mr. Nellis will apply for his CDL permit, train and then test for this license.

Recommendation(s): Recommend to appoint Mr. Nellis to the position of Skilled Laborer as of Monday, August 18, 2025.

Attachment/Document(s): See attached documents.

Compliance with Purchasing Policy: N/A

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

1. Skilled Laborer

POSITION TITLE

EXAM NUMBER

Date Received _____ Approved _____

Conditional _____ Disapproved _____

RECEIVED

JUL 23 2025

**Town of Rotterdam
SUPERVISORS OFFICE**

CIVIL SERVICE DEPT.
USE ONLY

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

2. Name and Legal Residence

Vellis Joshua S
Last Name First Name Middle Initial

Street Address or Road R.D. # or P.O. Box #
Schenectady Pattersonville NY 12137
City, Town, Village State Zip

Home Phone Number Cell Phone

Email Address

If mailing address is different:

Street Address or Road R.D. # or P.O. Box #
County City, Town, Village State Zip

Social Security Number

3. Police Officer & Firefighter Candidates Only:

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

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

	Name	Years	Months
State of:	<u>New York</u>		
County of:	<u>Schenectady</u>		
Village of:	<u>#</u>		
Town of:	<u>Pattersonville</u>		
City of:			
School District	<u>Schalmont</u>		

5. Citizenship

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

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

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

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

Religious ☐ Military ☐ Disability ☐

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

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

License #:	
Restrictions:	
Expiration Date:	
Endorsements:	
Class of License:	<u>D</u>
Is this License Currently Valid	YES ☒ NO ☐

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

	YES	NO
Have you ever served in the Armed Forces of the United States? (The Armed Forces means the Army, Navy, Marine Corps, Air Force, and Coast Guard, including all components thereof and the National Guard when in the service of the US pursuant to call as provided by Law on a full-time active duty basis other than active duty for training purposes).		X
Have you ever used additional credits as a disabled or non-disabled veteran for appointment to any position in the public employment of New York State or any of its civil divisions?		X
Do you have a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs? This disability must have been incurred during a Time of War period listed above.		X
After you were permanently appointed using non-disabled veteran credits, were you subsequently certified as having a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs?		
Are you currently a resident of New York State?	X	

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

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

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

REMARKS:

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

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

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

High School						
Have you ever graduated from High School or do you have possession of a High School Equivalency Diploma?						YES ☒ NO ☐
If Yes, Name and Location of High School or Issuing Government Authority:						
Equivalency Diploma Number:						
College, University, Professional or Technical School						
Name of School	Number of College Credits	Degree Earned	Major Subject/ Courses	Did You Graduate?		Date Degree Expected or Received
				Yes	No	

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

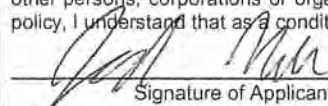
Length of Employment		Firm Name:	Town of Rotterdam
From:	[Redacted]	Firm Address:	
To:	[Redacted] Month/Year (mm/yyyy)	Description of Duties:	
Employment Details		Sewer & water maintenance	
Your Exact Title			
Sewer/Water Maintenance			
Name of Your Supervisor			
Mike Colarossi			
Supervisor's Title			
Waste/Sewer Manager			
Hours worked / wk. (exclusive of overtime)			
40			
Reason for Leaving			
Length of Employment		Firm Name:	J. Nellis Construction
From:	[Redacted]	Firm Address:	9339 Mariaville Rd Pattersonville MO 64637
To:	[Redacted] Month/Year (mm/yyyy)	Description of Duties:	
Employment Details		owner/operator	
Your Exact Title			
Owner			
Name of Your Supervisor			
SELF			
Supervisor's Title			
Owner			
Hours worked / wk. (exclusive of overtime)			
40			
Reason for Leaving			

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

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

THIS AFFIRMATION MUST BE COMPLETED

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


 Signature of Applicant

Dashua Wells
 Print Name

7/23/25
 Date

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

SKILLED LABORER

DISTINGUISHING FEATURES OF THE CLASS: This position involves responsibility for performing a variety of more skilled tasks than those normally associated with laborer. This classification is applied to employees who primarily, as a result of on-the-job training, have acquired a certain degree of proficiency in ordinary laboring work associated with the maintenance and repair of streets and sewers. This ability enables persons in this title to undertake jobs somewhat more complex than those with which Laborers are involved. Apart from this distinction, the two categories of Laborer are similar. Although generally limited to the Public Works Department, this title may exist on a limited basis in other agencies as well. Does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

- Assists in the maintenance or construction of streets, and drainage and sewage systems by performing the more skilled work in digging and backfilling trenches, preparing hot and cold patch, and spreading asphalt, sand and gravel;
- Operates power driven tools and equipment such as saws, compressors, drills, mixers, pumps and mowers;
- Helps to build and repair curbs, sidewalks, culverts and retaining walls;
- Fills sections of streets with hot and cold patch;
- Assists in the removal of obstructions from sewers and operates specialized equipment in the process;
- Directs traffic at repair projects;
- Cleans streets of leaves and refuse and participates in snow and ice removal and control;
- Performs general clean-up work such as removing debris, raking leaves, cutting grass and weeds, shoveling snow, and assisting in collection of rubbish and litter from public land and facilities;
- Assists skilled workers in a variety of maintenance and repair tasks.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS: Working knowledge of the common practices, tools and terminology used in street and sewer maintenance and construction activities; ability to carry out oral and written directions; dependability; mechanical aptitude.

MINIMUM QUALIFICATIONS: One year of experience as a laborer.

Adopted
CSC 3/14/95

JC: Non-Competitive - Rotterdam

RESOLUTION NO. 256.25

TO REAPPOINT DANIEL GAUDIO TO THE BOARD OF ASSESSMENT REVIEW

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 reappoints Daniel Gaudio as a member of the Board of Assessment Review, for a five (5) year term commencing October 1, 2025, through September 30, 2030.

SECTION 2. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
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LEGISLATIVE REQUEST FORM

DATE: July 14, 2025

TO: Town Board

FROM: Brad Canning, Assessor

TITLE OF LEGISLATIVE REQUEST: Re-appointment of Board of Assessment Review Member

TO BE PLACED ON TOWN BOARD AGENDA OF: August 13, 2025

TO BE PLACED ON TOWN BOARD MEETING OF: August 13, 2025

Background Information: Daniel Gaudio was re-appointed to the Board of Assessment Review in September 2020. Mr. Gaudio has faithfully served on the BAR since appointment and is in good standing, serving as chair of the BAR every year as voted on by other members.

Evaluation/Analysis: Mr. Gaudio's term will expire on September 30, 2025.

Recommendation(s): Mr. Gaudio to be re-appointed to a 5-year term to expire on September 30, 2030.

Attachment/Document(s): n/a. Resume could be supplied by Mr. Gaudio upon request.

Compliance with Purchasing Policy: n/a

Effect(s) on Existing Law(s): na

LEGISLATION WILL BE PREPARED BY: Town Attorney

RESOLUTION NO. 257.25

**TO AMEND RESOLUTION 67.25 OF THE YEAR 2025;
TO APPOINT EMPLOYEES TO VARIOUS ADDITIONAL DUTIES FOR THE
CALENDAR YEAR 2025**

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Section 1 of Resolution 67.25, as amended, is hereby amended, and restated to read as follows: The following employees are hereby appointed/reappointed to various additional duties at the indicated rates of pay, on an as needed basis as directed by the Supervisor or his/her designee, with no additional employee benefits for the year 2025 as follows:

ADA Compliance Officer/Safety Officer

James Keith Annual Stipend \$3,000

Grant Coordinator

Peter Comenzo Annual Stipend \$8,000

Events/Social Media Coordinator

Megan Griffin Annual Stipend \$5,000

CDL Trainer

Steven Skoda Annual Stipend \$1,000

Stormwater Management Officer

Daniel Marsello Annual Stipend \$3,500

Planning and Zoning Record Retention

Lisa Gallo Annual Stipend \$3,000

Underground Storage Tank Operator

Steven Skoda Annual Stipend \$500

Fleet Procurement Coordinator

Justin Peterson Annual Stipend \$1,000

SECTION 2. This resolution shall be effective August 13, 2025.

DATED: August 13, 2025

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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LEGISLATIVE REQUEST FORM

DATE: 8/1/2025
TO: Town Board
FROM: Mollie A. Collins, Supervisor

TITLE OF REQUEST: Stipend for Ms. Lisa Gallo

TOWN BOARD MEETING: 8/13/2025

Background Information: Ms. Lisa Gallo has been an employee for over twenty years. Her responsibilities as DPW Specialist and then Senior DPW Specialist continues to expand.

Evaluation/Analysis: Ms. Gallo has taken on additional duties which include assisting the Senior Planner with all aspects of planning; field work with the Stormwater Manager; GIS mapping coordinates and maintaining department data bases.

Recommendation(s): Recommend that Ms. Gallo's stipend be changed from DPW Records Management to Planning and Zoning Record Retention at an annual sum of \$3,000.00.

Attachment/Document(s): N/A

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisors Office

RESOLUTION NO. 258.25

**TO AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE THE MEMORANDUM
OF AGREEMENT BETWEEN THE TOWN OF ROTTERDAM AND THE CIVIL
SERVICE EMPLOYEES' ASSOCIATION RECOGNIZING THE NEW JOB TITLE OF
PUBLIC WORKS COORDINATOR**

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 the memorandum of agreement between the Town of Rotterdam and the Civil Service Employees' Association (CSEA) recognizing the position of Public Works Coordinator, a position in the competitive class of the civil service, as a CSEA bargaining unit position, covered under the Collective Bargaining Agreement between the Town of Rotterdam and the CSEA Town of Rotterdam Unit #8504.

SECTION 2. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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LEGISLATIVE REQUEST FORM

DATE: July 24, 2025

TO: Town Board

FROM: Mollie A. Collins, Supervisor

TITLE OF REQUEST: Authorize the supervisor to execute the Memorandum of Agreement between the Town of Rotterdam and the Civil Service Employees' Association (CSEA) to accept the position of Public Works Coordinator

TOWN BOARD MEETING: August 13, 2025

Background Information: The position of Public Works Coordinator has previously been held as an appointed position within the Department of Public Works.

Evaluation/Analysis: This position will provide needed communication between the Department of Public Works and the town supervisor. This position will work as the liaison in many aspects of the Department of Public Works including but not limited to coordinating work schedules; communications between construction, repair and maintenance of water distribution system; sanitary sewer system; storm water drainage; new construction, and other major department activities.

Recommendation(s): Recommend to authorize the supervisor to execute the Memorandum of Agreement between the Town of Rotterdam and the Civil Service Employees' Association (CSEA) to accept the position of Public Works Coordinator.

Attachment/Document(s): See attached document.

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisors Office

RESOLUTION NO. 259.25

TO APPROVE 2025 QUARTERLY EXPENSE TRANSFERS OF GAS AND DIESEL

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 the Town Law of the State of New York, regarding the Uniform System of Accounts, the following **GAS** expenditures to the various accounts for 2025 are hereby audited and approved:

<i>Fund</i>	<i>Account No.</i>	<i>Title</i>	<i>Amount</i>
General	A5132 4304	FROM: Central Gas Expenditure	-23,809.83
General	A3120 4302	INTO: Patrol Vehicle Gas	+17,003.45
General	A3310 4302	INTO: Traffic Control Gas	+443.67
General	A3620-4302	INTO Safety Inspection Gas	+925.06
General	A7110 4302	INTO: Parks Gas	+2,727.90
General	A1355-4302	INTO: Assessor	0
General	A3410 4302	INTO: Fire Fight Gas	+2,709.75
General	A5132 4304	FROM: Central Gas Expenditure	-4,518.11
Highway	DA5110 4304	INTO: Fuel General	+3,280.23
Highway	DA5140 4304	INTO: Fuel Brush & Weed	+1,237.88
General	A5132 4304	FROM: Central Gas Expenditure	-2,486.82
S2	S28120 4302	INTO: S2 Gas Oil Lube	+2,486.82
General	A5132 4304	FROM: Central Gas Expenditure	-2,602.77
W5	W58340 4302	INTO: W5 Gas Oil Lube	+2,602.77

SECTION 2. . Pursuant to Section 36 of the General Municipal Law of the State of New York and Sections 102, 112 and 113 of Town Law of the State of New York, regarding the Uniform System of Accounts, the following **DIESEL** expenditures to the various accounts for 2025 are hereby audited and approved:

<i>Fund</i>	<i>Account No.</i>	<i>Title</i>	<i>Amount</i>
Highway	DA5148 4304	FROM: Central Diesel Expenditure	-2,241.95
General	A81894302	INTO: Landfill Gas	+1,028.38
General	A3410 4302	INTO: Fire Fight Gas	+1,213.57
General	A3120-4204	INTO: Police Diesel Generator	0
Highway	DA5148 4304	FROM: Central Diesel Expenditure	-14,589.40
Highway	DA5110 4304	INTO: General Repairs	+9,235.91
Highway	DA5140 4304	INTO: Fuel Brush & Weed	+5,353.49

<i>Fund</i>	<i>Account No</i>	<i>Title</i>	<i>Amount</i>
Highway	DA5148 4304	FROM: Central Diesel Expenditure	-677.67
S2	S28120 4302	INTO: S2 Gas Oil Lube	+677.67
Highway	DA5148 4304	FROM: Central Diesel Expenditure	-649.29
W5	W58340 4302	INTO: W5 Gas Oil Lube	+649.29

SECTION 3. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

RESOLUTION NO. 260.25

TO APPROVE BUDGET TRANSFERS TO THE 2025 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 2025 are hereby audited and approved:

<i>Fund</i>	<i>Account No.</i>	<i>Title</i>	<i>Amount</i>
General	A6772-4132	FROM: CCDA & SCFS	\$ (3,500.00)
General	A6772-2005	FROM: Buildings/Facilities	(13,500.00)
General	A6772-4131	TO: Contracted Service- Engineer.	17,000.00

SECTION 2. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM



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LEGISLATIVE REQUEST FORM

DATE: **August 4, 2025**

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

FROM: **Senior Center/Comptroller's Office**

TITLE OF REQUEST: To approve budget transfers to the 2025 budget.

TOWN BOARD MEETING: To be placed on the Town Board Meeting of August 13, 2025.

Background Information: Budget transfers are needed to correct lines within the Senior Center budget to appropriately charge the costs of the sewer connections at the Senior Center building located at 2639 Hamburg Street.

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 August 13, 2025, and approve the transfers.

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): Town Law 102, 112 & 113

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

RESOLUTION NO. 261.25

TO ACCEPT REVENUE FOR TOWN CLERK'S OFFICE FOR JULY 2025

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____, **NOW**

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Clerk's report for the month of July 2025 has been placed on file and the Town Clerk's check in the amount of six thousand nine hundred eighty-nine dollars and 09/100 (\$6,989.09) has been submitted to the Supervisor for deposit.

SECTION 2. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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LEGISLATIVE REQUEST FORM

DATE: August 4, 2025

TO: Mollie A. Collins, Supervisor

FROM: Diane M. Marco, Town Clerk

TITLE OF LEGISLATIVE REQUEST: Revenue received for July \$6,989.09 in the Town Clerks office.

TO BE PLACED ON TOWN BOARD AGENDA OF: August 13, 2025

TO BE PLACED ON TOWN BOARD MEETING OF: August 13, 2025

Background Information: Attached

Evaluation/Analysis: Increase revenue for the Town.

Recommendation(s): To place on the Town Board Agenda and Town Board meeting of August 13, 2025.

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
Bingo 3%	Bingo 3%	A2530	13	698.60
			Sub-Total:	\$698.60
Conservation	Conservation	A1255	16	37.49
			Sub-Total:	\$37.49
Dog Licensing	Exempt Dog	A2544	5	0.00
Dog Licensing	Female, Spayed	A2544	123	1,722.00
Dog Licensing	Female, Unspayed	A2544	15	255.00
Dog Licensing	Male, Neutered	A2544	139	1,946.00
Dog Licensing	Male, Unneutered	A2544	19	323.00
Dog Licensing	Replacement Tags	A2544	1	3.00
			Sub-Total:	\$4,249.00
Ez pass	Ez Pass	A1255	3	75.00
			Sub-Total:	\$75.00
Late Fees	Late Fee -Dog Renewal	A1550	50	500.00
			Sub-Total:	\$500.00
Marriage Lic.	MARRIAGE LICENSE FEE	A1255	10	175.00
			Sub-Total:	\$175.00
MISC. FEES	Boarding - Dog		1	10.00
MISC. FEES	Certified Copies	A1255	107	1,220.00
			Sub-Total:	\$1,230.00
One Day Officiant License	One Day Officiant License	A1255	1	25.00
			Sub-Total:	\$25.00
PERMIT FEES	Garage Sale	A2590	136	680.00
			Sub-Total:	\$680.00
Senior Discount	Senior Discount	A2544	69	-681.00
			Sub-Total:	-\$681.00
Total Local Shares Remitted:				\$6,989.09
Amount paid to:	NYS Ag. & Markets for spay/neuter program			364.00
Amount paid to:	NYS Environmental Conservation			639.51
Amount paid to:	State Health Dept. For Marriage Licenses			225.00
Total State, County & Local Revenues:	\$8,217.60		Total Non-Local Revenues:	\$1,228.51

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

8/1/25

Date

Diane M. Marco

Town Clerk

8/1/25

Date

*Monthly Worksheet of Daily Work
July 2025*

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
7/1/2025	\$381.00	\$5.00	\$4.72	\$0.28	\$311.00	\$32.00	\$279.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/2/2025	\$373.79	\$55.00	\$51.96	\$3.04	\$192.00	\$23.00	\$169.00	\$40.00	\$22.50	\$17.50	\$26.79	\$0.00	\$0.00	\$0.00	\$0.00
7/3/2025	\$451.82	\$130.00	\$124.24	\$5.76	\$260.00	\$23.00	\$237.00	\$0.00	\$0.00	\$0.00	\$11.82	\$0.00	\$0.00	\$0.00	\$0.00
7/7/2025	\$529.63	\$0.00	\$0.00	\$0.00	\$345.00	\$28.00	\$317.00	\$0.00	\$0.00	\$0.00	\$24.63	\$0.00	\$0.00	\$0.00	\$0.00
7/8/2025	\$301.00	\$35.00	\$32.34	\$2.66	\$246.00	\$25.00	\$221.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/9/2025	\$416.19	\$35.00	\$32.34	\$2.66	\$225.00	\$22.00	\$203.00	\$40.00	\$22.50	\$17.50	\$11.19	\$0.00	\$0.00	\$0.00	\$25.00
7/10/2025	\$268.65	\$40.00	\$37.06	\$2.94	\$130.00	\$10.00	\$120.00	\$0.00	\$0.00	\$0.00	\$13.65	\$0.00	\$0.00	\$0.00	\$0.00
7/11/2025	\$185.65	\$30.00	\$28.34	\$1.66	\$86.00	\$10.00	\$76.00	\$0.00	\$0.00	\$0.00	\$34.65	\$0.00	\$0.00	\$0.00	\$0.00
7/14/2025	\$484.46	\$70.00	\$69.00	\$1.00	\$123.00	\$10.00	\$113.00	\$40.00	\$22.50	\$17.50	\$71.46	\$0.00	\$0.00	\$0.00	\$0.00
7/15/2025	\$291.00	\$0.00	\$0.00	\$0.00	\$71.00	\$7.00	\$64.00	\$40.00	\$22.50	\$17.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/16/2025	\$416.83	\$0.00	\$0.00	\$0.00	\$180.00	\$16.00	\$164.00	\$0.00	\$0.00	\$0.00	\$91.83	\$0.00	\$0.00	\$0.00	\$0.00
7/17/2025	\$391.03	\$25.00	\$23.62	\$1.38	\$260.00	\$18.00	\$242.00	\$0.00	\$0.00	\$0.00	\$36.03	\$0.00	\$0.00	\$0.00	\$0.00
7/18/2025	\$448.12	\$0.00	\$0.00	\$0.00	\$175.00	\$13.00	\$162.00	\$40.00	\$22.50	\$17.50	\$168.12	\$0.00	\$0.00	\$25.00	\$0.00
7/21/2025	\$685.00	\$40.00	\$37.06	\$2.94	\$275.00	\$23.00	\$252.00	\$80.00	\$45.00	\$35.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/22/2025	\$205.00	\$45.00	\$41.78	\$3.22	\$115.00	\$11.00	\$104.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/23/2025	\$275.00	\$55.00	\$51.96	\$3.04	\$130.00	\$11.00	\$119.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/24/2025	\$254.70	\$0.00	\$0.00	\$0.00	\$70.00	\$7.00	\$63.00	\$0.00	\$0.00	\$0.00	\$74.70	\$0.00	\$0.00	\$0.00	\$0.00
7/25/2025	\$444.80	\$5.00	\$4.72	\$0.28	\$165.00	\$15.00	\$150.00	\$0.00	\$0.00	\$0.00	\$64.80	\$0.00	\$0.00	\$0.00	\$0.00
7/28/2025	\$395.00	\$30.00	\$28.34	\$1.66	\$140.00	\$10.00	\$130.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50.00	\$0.00
7/29/2025	\$242.00	\$52.00	\$48.41	\$3.59	\$140.00	\$14.00	\$126.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/30/2025	\$380.00	\$0.00	\$0.00	\$0.00	\$75.00	\$9.00	\$66.00	\$120.00	\$67.50	\$52.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/31/2025	\$396.93	\$25.00	\$23.62	\$1.38	\$218.00	\$27.00	\$191.00	\$0.00	\$0.00	\$0.00	\$68.93	\$0.00	\$0.00	\$0.00	\$0.00
Audited by dmm 7/31/2025	\$8,217.60	\$677.00	\$639.51	\$37.49	\$3,932.00	\$364.00	\$3,568.00	\$400.00	\$225.00	\$175.00	\$698.60	\$0.00	\$0.00	\$75.00	\$25.00

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 FI

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

DATE August 4, 2025 29-7/21

PAY
TO THE
ORDER OF

Mollie Collins Supervisor

\$ 6,989.09

Six Thousand Nine Hundred Eighty Nine

DOLLARS

KeyBank 

KeyBank National Association

MEMO

Revenue July 2025

Dump M. W. Wade
Town Clerk

Mobile
Deposit
Safe
Details on

JB-3920167
SUPERIOR PRESS • 888-550-7998

RESOLUTION NO. 262.25

TO DECLARE HIGHWAY VEHICLES, SMALL ENGINES, SMALL HAND TOOLS AND PLOWS + WINGS OBSOLETE

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, on the advice and recommendation of the Highway Superintendent, hereby declares the following items obsolete and no longer needed by the Town and authorizes their proper disposal or auction:

Vehicles:

<u>Year:</u>	<u>Make/Model:</u>	<u>Vin#:</u>	<u>Condition:</u>
2007	F350 Crew Cab Chassis	1FDW36Y47EA61710	Doesn't Run
2002	Sterling 20yrd Packer Pac-Mor-Bodie	2FZABYCS12AJ415461	Runs/Drives
2001	Plow Wing + Salter FL 80	1FVABXAK72HK02141	Runs/Drives
2004	Int. 7400 4wd w/ Plow + Wings	1HTWEAD94JO92223	Runs, Needs Turbo
2009	Int. 4300 Brush Truck Grapple	1HTMMAAR69H080561	Runs/Drives
2012	F150 4x4	1FTNFIEFICKD79834	Runs/Drives

Small Engines:

- Honda GX 630 – Not Running
- Kohler KT 17 – Not Running

Small Hand Tools:

- Steel Max 7.25" – Broken metal cutter w/ case
- (1) Safety Vision TV Monitor – No Cables
- (1) SK47170 Ratch – Broken
- Stihl Pole Saw Shaft
- Weedwacker Shaft
- Chain Saw Parts

Plows + Wings:

- (4) Viking Tunnel Plow
- (4) Viking Wings

SECTION 2. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

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: July 24th, 2025

TO: Mollie Collins, Town Supervisor

FROM: Larry LaMora, Highway Superintendent

TITLE OF REQUEST: To declare the following Vehicles, Small Engines, Small Hand Tools and Plows + Wings Obsolete

TOWN BOARD MEETING: August 13th, 2025

Background Information: The Highway Department has the following Vehicles, Small Engines, Small Hand Tools and Plows + Wings that are no longer needed.

Evaluation/Analysis: Declare attached items obsolete and allow items to be sold at auction.

Recommendation(s): Declare attached list of equipment obsolete.

Attachment/Document(s): List of equipment

Compliance with Purchasing Policy: Yes

Effect(s) on Existing Law(s): General Municipal Law §§103,104-b

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

Highway Department Misc. Equipment

Vehicles:

<u>Year:</u>	<u>Make/Model:</u>	<u>Vin#:</u>	<u>Condition:</u>
2007	F350 Crew Cab Chassis	1FDW36Y47EA61710	Doesn't Run
2002	Sterling 20yrd Packer Pac-Mor-Bodie	2FZABYCS12AJ415461	Runs/Drives
2001	Plow Wing + Salter FL 80	1FVABXAK72HK02141	Runs/Drives
2004	Int. 7400 4wd w/ Plow + Wings	1HTWEAD94JO92223	Runs, Needs Turbo
2009	Int. 4300 Brush Truck Grapple	1HTMMAAR69H080561	Runs/Drives
2012	F150 4x4	1FTNFIEFICKD79834	Runs/Drives

Small Engines:

- Honda GX 630 – Not Running
- Kohler KT 17 – Not Running

Small Hand Tools:

- Steel Max 7.25" – Broken metal cutter w/ case
- (1) Safety Vision TV Monitor – No Cables
- (1) SK47170 Ratch – Broken
- Stihl Pole Saw Shaft
- Weedwacker Shaft
- Chain Saw Parts

Plows + Wings:

- (4) Viking Tunnel Plow
- (4) Viking Wings

RESOLUTION NO. 263.25

TO DECLARE POLICE DEPARTMENT TASERS OBSOLETE

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, on the advice and recommendation of the Rotterdam Police Department, hereby declares Thirty-six (36) - X26P model Tasers and assorted cartridges obsolete and no longer needed by the Rotterdam Police Department and authorizes their proper disposal to Atlantic Tactical, located at 7970 State Road Philadelphia, PA 19136:

SECTION 2. This resolution shall be effective August 13, 2025.

DATED: August 13, 2025

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: July 23, 2025

TO: Rotterdam Town Board

FROM: Deputy Chief William Male

TITLE OF REQUEST: Declare the following equipment obsolete in order to be sold.

- Thirty six (36) X26P model Tasers and assorted cartridges.

TOWN BOARD MEETING: August 13, 2025

Background Information: The above equipment is no longer being used by the Police Department due to a recent upgrade.

Evaluation/Analysis: N/A

Recommendation(s): Declare Rotterdam Police Department Tasers obsolete in order to be sold to Atlantic Tactical, 7970 State Road Philadelphia, PA 19136

Attachment/Document(s): Trade in quote from Atlantic Tactical

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: RPD



7970 State Road, Philadelphia, PA 19136
215-632-0341 • FAX 215-632-0639

REMIT TO: PO Box 109286, Atlanta, GA 30374

SALES QUOTE

SQ-80823805

7/17/2025



Customer		Contact		Ship To		
Rotterdam Town Police Accounts Payable 101 Princetown Rd ROTTERDAM NY 12306 Tel: (518)-355-7731				ROTTERDAM POLICE STATION SGT JEFFREY AMOROSO 101 PRINCETOWN ROAD ROTTERDAM NY 12306 Tel: (518)-355-7739		
Account	Terms	Due Date	Account Rep	Schedule Date		
341509	NET120 Days	11/14/2025	Chris Mesley	7/17/2025		
Quotation	PO #	Reference	Ship VIA	Page	Printed	
SQ-80823805		Taser Trade	FDX G Ground	1	7/17/2025 11:45:34AM	
I Item	Description	Qty	Price	UM	Discount	Amount
1	TRADE-IN	Trade- In of Taser X26P, Good Condition	36	\$16.00	EA	\$576.00
2						
3	TRADE-IN	Trade- In of Standard Green, 25FT, NS, Cartridge, Good Condition	94	\$4.00	EA	\$376.00
4						
5	TRADE-IN	Trade- In of Standard Yellow, 15FT, NS, Cartridge, Good Condition	20	\$4.00	EA	\$80.00
6						
7	TRADEVALID	Trade in quotes valid for 120 days.	1	\$0.00	EA	\$0.00
	Trade value is based on conveyed condition and is therefore subject to change upon final inspection of the weapons and/or accessories. Engraving, paint or other damage to the finish may negatively affect the trade value. \$15 deduction will be taken for each missing magazine.					
Pricing is valid for 30 days. * Please verify that the part numbers and descriptions are correct before submitting your order. * Restocking fees may apply to returned items. Firearms, ammunition, special order or customized items and certain other products may not be returned. * Many products sold have manufacturer's warranties. For returns related to matters covered by a manufacturer's warranty, please contact the manufacturer directly for instructions to repair or replace your product. We do not augment or supplement the manufacturer warranty. * Prices on this quotation assume payment with cash or check.			Tax Details EXEMPT \$0.000		Taxable Total Tax Exempt Total Balance	\$0.00 \$0.00 \$1,032.00 \$1,032.00 \$1,032.00
						August 13, 2025

RESOLUTION NO. 264.25

TO DECLARE IT EQUIPMENT OBSOLETE

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, on the advice and recommendation of the I.T. Department, hereby declares the following equipment obsolete and no longer needed by the Town and authorizes their proper disposal or auction:

- 4 HP 22” computer monitors (P2225H)
- 2 Dell 20” E207WFPc monitors
- 1 LaserJet Enterprise M605 with various printer modules and add-ons.
- 1 Epson DS 510 Printer
- 1 Dell Dimension B110 (XP generation computer)
- 1 Dell Optiplex 760
- 1 Dell Optiplex 5070
- 2 IBM xSeries 345 servers, no hard drives
- 1 HP Proliant DL360 G7 server, no hard drives
- 1 wireless keyboard and mouse, with dongle.

SECTION 2. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

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: July 30, 2025

TO: Town Board

FROM: Henry Gerhard I.T. Project Manager and Support Liaison

TITLE OF REQUEST: Declare the following equipment obsolete and to be auctioned/donated/scrapped

TOWN BOARD MEETING: August 13, 2025

Background Information:

We have accumulated obsolete technology as shown below:

- 4 HP 22" computer monitors (P2225H)
- 2 Dell 20" E207WFPc monitors
- 1 LaserJet Enterprise M605 with various printer modules and add-ons.
- 1 Epson DS 510 Printer
- 1 Dell Dimension B110 (XP generation computer)
- 1 Dell Optiplex 760
- 1 Dell Optiplex 5070
- 2 IBM xSeries 345 servers, no hard drives
- 1 HP Proliant DL360 G7 server, no hard drives
- 1 wireless keyboard and mouse, with dongle.

Evaluation/Analysis:

Research into each component has shown there is no useful purpose for the materials described.

Recommendation(s):

Working products should be auctioned or donated, non-working items should be scrapped via E-waste.

Attachment/Document(s):

N/A

Compliance with Purchasing Policy:

Fully compliant with the prescribed purchasing policy.

Effect(s) on Existing Law(s):

None

LEGISLATION WILL BE PREPARED BY:

Supervisors' Office

RESOLUTION NO. 265.25

**TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH LABELLA ASSOCIATES
FOR THE SENIOR CENTER SANITARY SEWER CONNECTION PROJECT**

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 Labella Associates, located at 4 British American Blvd, Latham, NY 12110, related to the Senior Center Sanitary Sewer Connection project for Investigation, Design, Bidding, and Construction Phase Professional Services, in an amount not to exceed forty one thousand nine hundred fifty and 00/100 (\$41,950.00) dollars.

SECTION 2. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org



LEGISLATIVE REQUEST FORM

DATE: July 18, 2025
TO: Mollie Collins, Town Supervisor
FROM: Peter Comenzo, Senior Planner *PC*
TITLE OF REQUEST: Senior Center Sanitary Sewer Connection
TOWN BOARD MEETING: August 13, 2025

Background Information: The Senior Center's current sanitary system consists of water closets, sinks and a kitchen that discharge to the exterior of the building at, at least two locations, and potentially four locations. Each of these locations are reportedly connected to a subsurface septic tank, distribution box, and leach field. The Town is requesting that LaBella perform an evaluation and mapping of the interior plumbing systems and determine how they connect to the exterior sanitary disposal system. This evaluation would also include a determination if the roof drains are connected into the existing sanitary system. After the investigative process determines the extent of the systems connected within and outside of the building, the Town would like to connect the Senior Center's sanitary system to the Town's sanitary sewer main along Hamburg Street. If any roof drains are found to be connected to the sanitary sewer, they are to be disconnected from the sanitary system and routed to an appropriate storm water disposal system. The kitchen's waste system is to be routed through a new appropriately sized exterior grease trap, before connecting with the other sanitary sewer piping. The sanitary systems from each side of the building are to be connected to new single gravity sewer on each side of the building that will then be routed around the building to a common junction point, before connecting to the Town Lateral.

Evaluation/Analysis: LaBella proposes to provide investigation, design, bidding, and construction phase services.

Recommendation(s): Town Board should consider declaring lead agency pursuant to NYCRR Part 617 – State Environmental Quality Review.

Attachment/Document(s): SEQR Environmental Assessment Form

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): NYCRR Part 617 – State Environmental Quality Review

LEGISLATION WILL BE PREPARED BY: Supervisors Office



July 17, 2025

Mollie A. Collins
Town Supervisor
Town of Rotterdam
Schenectady County, New York

**Re: Town of Rotterdam
Senior Center Sanitary Sewer Connection
Proposal for Investigation, Design, Bidding, and Construction Phase Professional
Services
LaBella Proposal No. P2504198, LaBella Project No. 2251053.02 (pending)**

Dear Supervisor Collins:

LaBella Associates, D.P.C. (LaBella) is pleased to provide this proposal for investigation, design, bidding, and construction phase professional services associated with the interconnection of the Senior Center's sanitary sewer system to the Town's sanitary sewer system on Hamburg Street. Please find our current project understanding, scope of services and associated fee schedule below.

Project Understanding

LaBella presently has a Professional Services Agreement (PSA) with the Town for "2025 TDE Basic Services".

Professional Services under this proposal would be provided as our second assignment following our basic services and assigned a project number 2251053.02.

The Senior Center's current sanitary system consists of water closets, sinks and a kitchen that discharge to the exterior of the building at, at least two locations, and potentially four locations. Each of these locations are reportedly connected to a subsurface septic tank, distribution box, and leach field. The Town is requesting that LaBella perform an evaluation and mapping of the interior plumbing systems and determine how they connect to the exterior sanitary disposal system. This evaluation would also include a determination if the roof drains are connected into the existing sanitary system.

After the investigative process determines the extent of the systems connected within and outside of the building, the Town would like to connect the Senior Center's sanitary system to the Town's sanitary sewer main along Hamburg Street via a lateral that was installed to the Right of Way/property line. If any roof drains are found to be connected to the sanitary sewer, they are to be disconnected from the sanitary system and routed to an appropriate storm water disposal system. The kitchen's waste system is to be routed through a new appropriately sized exterior grease trap, before connecting with the other sanitary sewer piping. The sanitary systems from each side of the building are to be connected to new single gravity sewer on each side of the building that will then be routed around the building to a common junction point, before connecting to the Town Lateral.

LaBella proposes to provide investigation, design, bidding, and construction phase services as described herein



Scope of Services

Based on our understanding of the project, LaBella will provide Investigation, Design, Bidding and Construction Award Phase services for the Senior Center's proposed sanitary sewer connection. LaBella proposes to complete this in phases and the first phase is investigation and documentation of existing conditions. The scope of this task is as follows:

Task 1 – Investigative Services

LaBella will provide the following:

1. Survey:

- o Boundary Survey: LaBella will complete a boundary survey of tax parcel 59.15-2-1.1 in the Village of Potsdam, St. Lawrence County NY (parcels outlined in blue, see "Project Details"). All surveying will be completed in accordance with the "Code of Practice" as adopted by the New York State Association of Professional Land Surveyors. The survey will demonstrate the location and description of property boundaries, site improvements, easements and rights of way of record. LaBella will complete research which is normal to the completion of surveys completed under the above referenced code. We do; however, recommend that an abstract of title be completed by a local title company. This will assure that all recorded easements and rights of way of record are discovered.
- o Topographic Survey: LaBella will complete a conventional topographic survey for the area outlined in yellow on "Project Details". The contour interval will be 1-foot. The Horizontal datum will be based on New York State Plane Coordinates (NAD83) and the vertical datum will be based on NAVD 88 as observed from GPS observations. A minimum of 2 permanent site benchmarks will be established. Topographic survey will include structures visible at ground surface, edge of woods lines, roads, drives, and visible utilities.

Underground utilities will be shown to the extent possible based on surface evidence and maps of record. LaBella will attempt to contact public utility owners and obtain existing underground utility locations within the project area. This coordination will be facilitated through the appropriate "One Call" center requesting "design mark out". However, we are increasingly finding that some utility companies will not perform mark out for design surveys.

Invert elevations will be determined based on measurements taken from the surface without entering the structure. Utilities will be shown in accordance with CI/ASCE 38-02, "Standard Guidelines for the collection and depiction of existing subsurface utility data", Quality Levels "C" and "D".

- o Subsurface Survey: LaBella will perform electromagnetic utility designation within accessible areas of the project limits in an attempt to determine the existence and approximate position of detectable subsurface utilities. All utility designation will



be in compliance with Quality Level “B” as defined by ASCE/UESI/CI 38-22, “Standard Guidelines for Investigating and Documenting Existing utilities” and ASCE/UESI/CI 75-22, “Standard Guidelines for Recording and Exchanging Utility Infrastructure Data, Any utilities not detected by surface geophysical methods and discovered through record information or where visually aligned with structures, will be defined as Quality Level “C” and “D”.

- o Standard Procedures – Designating - A LaBella SUE technician(s) will utilize a suite of utility locating instruments having differing frequencies and power settings to detect and follow locatable utility systems within the project site. The instruments will have the ability to provide passive signal detection, as well as active signal application by induction, direct connecting and inductive clamping. The utility designations will be targeted for survey by painting the approximate centerlines on the ground surfaces at reasonable distances. Flags may also be installed as needed. Paint and flags will be in accordance with the APWA uniform color code guidelines where allowed.
- o Field Notes & Sketches - LaBella SUE technician(s) will draft field sheets or a kmz file that show the location, trend and configuration of utilities detected. Field sheets will also show underground utility surface features and will be prepared with color to differentiate the utility types. Utilities will be annotated with size and material where/if available. A csv file can be provided to add to existing survey mapping if necessary. Project specific field notes will be shown as deemed appropriate.

Client Responsibilities -

- The Client, or Client’s Site Manager, shall coordinate the scheduling of field tasks to ensure that work areas where staking is to be performed are free of construction equipment, debris and/or stockpiles of stone, earth, topsoil or construction materials.
- The Client will provide access to any available plans to support the completion of the utility designating tasks.
- The client will be responsible for coordinating the access to basement piping, opening of cleanouts/ manholes, or other accesses for utility location as necessary.

Assumptions and Limitations - This proposal does not include, nor does the budget provide for:

- There are no areas that will require confined space access or entry equipment/personnel.
- Call-backs for repeated mark out. Costs assume that each task will be completed once. Re-staking will be completed at a loaded hourly rate.



Underground Utility Limitations - This service will be provided with due diligence and in a manner consistent with standards of the subsurface utility mapping industry. Every reasonable effort will be made to locate all systems of interest whether indicated on records available to us or not. However, we do not guarantee that all existing utility systems can or will be detected. It may not be possible to detect utilities without prior knowledge, such as systems that are not depicted on records made available to us. Further, this service is not intended to detect non-utility structures such as, but not limited to: foundations, irrigation systems, septic systems, wells, tunnels, concrete or metal structures, or the true size and limits of subsurface utility vaults and manholes. Use of this service does not relieve interested parties from their responsibility to make required notifications prior to excavation.

- Marking services will reflect interpretation of electronic data collaborated with record and visual indications. Professional judgment will be used to reflect the underground utilities with the intended utmost accuracy and comprehensiveness. The results may be affected by numerous site conditions, including but not limited to utility materials, joint types, fittings, density of underground utilities, interference with above ground conductors and soil characteristics. Underground conduits or utilities constructed of non-metallic or non-electrically conductive materials without a tracer wire may not be detectable by any means short of physically exposing them. There is no guarantee that all facilities can be found and shown.
- The utility designating service as per ASCE/UESI/CI 38-22 QL-B is intended to allow for fairly accurate and comprehensive mapping of underground utilities, active and abandoned, when the utilities can be electronically detected or known about from record or verbal recollections. The intent of the mark out and survey is to delineate the centerline of pipes or one single cable. When marking multiple cables or cables within duct systems, marking may be the result of the location of any cable within the system or an average electromagnetic field from a group of cables. The service is not intended to provide engineering grade data about a utility or to provide corridor marking for plant protection of a utility. Additional work would be needed by LaBella to acquire exact size, location and material of underground utilities, as well as to mark the actual width of a utility to ascertain clearance during mechanical excavation or for structure design purposes. It is the client's responsibility to notify LaBella in the event the mark out will be used for excavation purposes or detailed design work so that additional location recommendations can be made.
- Mapping of sanitary and storm sewers is typically performed at quality level (QL) C. When lines can be proven to be on straight line between manhole and/ or other types of gravity structures, the line will be correlated with record information and shown at QL C. When needed, a fish tape or traceable duct rodder may be inserted into pipes, if access is provided, to



detect and follow the piping. Insertion of the tape/ rodder will only be attempted from the ground surface without entering the manhole.

- Piping detected in this fashion will be mapped at QL B. Obstructions may limit the distance the fish tape or rodder can travel; therefore, preventing further mapping of the pipe. The location of the obstruction will be noted with an EOI (end of information) at that point. Sewer inspection with a camera or excavation may be needed to further investigate the piping. Sewer camera inspection is excluded from the scope of this proposal.
- There is no intent to perform a full coverage grid sweep of the project with Ground Penetrating Radar (GPR). GPR will be used in a targeted approach on the project where thought to be beneficial to supplement electromagnetic utility locating instruments.
- It should be noted that the metal-detector cannot be used over reinforced concrete or in the immediate vicinity (no less than 8-feet) of above ground metallic objects such as chain-link fences and vehicles.
- The mark out does not include the provision of any depth information for the utilities. If depths are needed, LaBella recommends the use of air/ vacuum test holes. A separate proposal for test holes will be prepared if requested.
- Unless specified as part of the scope and assigned staff are equipped/certified to do so, LaBella staff cannot enter confined spaces.

Assumptions and Limitations:

- Price does not include setting or replacing disturbed monuments. An additional fee can be negotiated to mark the property lines and set corners upon completion of the boundary survey.
- The client will arrange for all necessary permissions to allow LaBella and their employees to enter upon the lands of others as necessary to complete this proposed project, and to save and hold harmless LaBella its agents, servants, and employees from any claims for damages for trespass on the subject premises and adjoining lands.
- Boundary Survey depicts the position of boundaries with respect to existing field evidence and title information. The Boundary Survey must be based on sufficient record information and sufficient field evidence to enable LaBella to render a professional opinion as to the boundary location. This proposal and fee have been estimated with the assumption that the record information and field evidence is adequate to perform the survey. LaBella reserves the right to negotiate additional fees for this project, if the evidence is inadequate to render an opinion.



- Attendance at planning board meetings is not included.

Deliverables: LaBella will prepare a boundary & topographic map of the area outlined in the “Project Detail”. Mapping will be completed in AutoCAD Civil 3D format. The existing conditions base map will have a Border with Title Block, Name of Surveyor, Map Notes and References, Legend and Site Location Map. Deliverables will be a PDF copy of signed and sealed map and an AutoCAD Civil 3D file



2. Plumbing:

- o LaBella will perform investigative scoping for the existing roof drain system and sanitary system as required to document existing routing and connections throughout the building.
- o Invert elevations for sanitary and storm piping will be documented where it exits the building for Task 2 design and rework of the sanitary discharge points to the new sewer connection at Hamburg Street.

3. Architectural:

- o LaBella Architectural Team will review existing available documentation and prepare to scan the existing Building with our Scanner Device (Matterport). A building visit is going to be schedule with Client, due to the sensitivity of the Device, we prefer to have each room vacate by occupants while that specific room is scanned, this shouldn't take more than few minutes per room. The scan will include Basement, First Floor, Second Floor, Roof level.
- o Once the scan is completed, we will develop existing floor plans and roof plan to support the reconstruction work. Deliverable drawings will be to a acceptable architectural scale to allow other disciplines to identify the scope of work needed.



- o Remaining tasks are described and tentative in nature. A final scope and fee will be provided as an amendment to this proposal and following completion of tasks.

4. Civil:

- o LaBella will review field survey and SUE findings as well as record plans provided by the Town.
- o Findings for the plumbing investigation will also be reviewed and correlated with site infrastructure that is identified.
- o A summary report including the complied infrastructure from the investigation will be prepared, describing the investigation completed, findings and recommendations.

The remaining phases will follow the investigation phase and include:

- Task 2 – Design and Construction Documentation.
- Task 3 – Bidding and Award.
- Task 4 – Construction Contract Administration and Inspection.

The intended scope and fee for these tasks will be included in an amendment to this proposal for consideration by the Board.

Tasks RE05 – Reimbursable Expenses

Reimbursable expenses include our direct expenses, such as mileage, overnight mailings, and extensive photocopying and map reproductions. These fees will be tracked under this Task.

Professional Services Fee and Time Schedule

LaBella proposes to bill each task as indicated in the following Fee and Time Schedule Summaries. Invoices will be issued monthly for all services performed during that month and are payable upon receipt. Lump Sum tasks will be billed commensurately with the percentage of the task which has been completed. Time and Materials tasks will be billed based on the actual hours and reimbursable expenses incurred. Fees listed for Time and Materials tasks are estimates only. LaBella will make its best effort to complete each of these tasks within the estimated amounts; however, it is possible that it will be necessary to exceed these amounts in order to complete the scope of services for each task. We will not exceed any estimated fee amounts without first notifying you.

If additional professional services are required above that identified in this proposal, we will advise the Town and prepare a professional services change order for your review before exceeding the budget.



Fee Schedule Summary

Tasks		Fee Estimates	
Task No.	Task Description	Lump Sum Fee	Time and Materials Estimate ⁽¹⁾
1	Investigative Phase Services		
	• Survey⁽²⁾		
	o Boundary Survey	\$2,900	--
	o Topographic Survey	\$6,600	--
	o Subsurface Utility Designating (3-4 Days)	--	\$6,150-\$8,200
	• Architectural	\$7,150	--
	• Plumbing	\$9,600	--
	Civil	\$5,500	--
RE05	Reimbursable Expenses	--	\$2,000
Subtotals		\$31,750	\$8,150-\$10,200
Total Professional Fee (Task 1)		\$39,900 - \$41,950	

¹ Fees listed for Time and Materials tasks are estimates only. LaBella will bill for actual hours and reimbursable expenses incurred and will make its best effort to complete each of these tasks within the estimated amounts, although it is possible that it will be necessary to exceed these amounts in order to complete the scope of services for each task. We will not exceed any estimated fee amounts without written authorization from you.

² Survey and SUE services include the applicable prevailing wage requirements.

Time Schedule Summary

Tasks		Estimated Schedule1
Task No.	Task Description	Projected Start/End Dates
1	Investigative Services Phase	Start: Immediately after Notice to Proceed from Town. Anticipated Duration: 12-weeks.



2	Design and Construction Documentation Phase	TBD
3	Bid and Award Phase	TBD
4	Construction Contract Administration and Inspection	TBD

¹ Projected start dates and durations are subject to change. Because certain aspects of the project are outside of LaBella's control (access, coordination, etc.), LaBella cannot guarantee completion of the project within these proposed schedules.

Limitations

This proposal includes the cost for only those services specifically outlined above.

The client will arrange for all necessary permissions, to allow LaBella and their employees to enter upon the lands related to this assignment as necessary to complete this proposed project, and to save and hold harmless LaBella its agents, servants, and employees from any claims for damages for trespass on the subject premises and adjoining lands.

If this proposal is acceptable, and as our authorization to proceed, please send us a copy of the approved Town Board Resolution for LaBella's professional services as described in this proposal in the amount of \$39,900-\$41,950 to be provided under the standard terms and conditions of our existing Professional Services Agreement.

We would be glad to meet with you or the Town Board to further discuss our approach if deemed appropriate. Please feel free to contact me at ilanaro@labellapc.com if you have any questions or require clarification of the proposed scope of services offered. LaBella looks forward to the opportunity to work with the Town on this project.

Sincerely,

Joseph M. Lanaro, PE, M.ASCE

LaBella Associates | Vice President, Civil Division, Municipal Discipline Leader

cc: Jack Dodson, Deputy Town Supervisor
Dana Adiguzel, LaBella Associates
Tom Bates, LaBella Associates
File

Authorization to Proceed

Mollie A. Collins
Supervisor, Town of Rotterdam

(Date)

RESOLUTION NO. 266.25

**TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH TABNER, RYAN AND
KENIRY, LLP**

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 Tabner, Ryan and Keniry, LLP, located at 18 Corporate Woods Boulevard, Suite 8, Albany, New York 12211, for legal services related to the consolidation of Sewer District 7, at an hourly rate not to exceed \$300/hour, and in accordance with the fee schedule set forth in the attached agreement.

SECTION 2. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

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: 7/30/2025

TO: Town Board

FROM: Mollie A. Collins, Supervisor

TITLE OF REQUEST: Authorize the supervisor to negotiate and execute an agreement with Tabner, Ryan and Keniry, LLP for legal services for the consolidation of Sewer District 7

TOWN BOARD MEETING: 8/13/2025

Background Information: Currently the town has Sewer District 7, Sewer District 7 Extension 1 and Sewer District 7 Extension 2.

Evaluation/Analysis: The town wishes to consolidate Sewer District 7 and its extensions into one district. This will lower the O&M cost to the residents currently in separate extensions as the cost will be shared by all residents within the consolidated district.

Recommendation(s): Recommend that the supervisor be authorized to negotiate and execute an agreement with Tabner, Ryan and Keniry, LLP for legal services for the consolidation of Sewer District 7.

Attachment/Document(s): Contract

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisors Office



18 CORPORATE WOODS BOULEVARD, SUITE 8
ALBANY, NEW YORK 12211

TRKLAW.COM

PHONE: (518) 465-9500

FAX: (518) 465-5112

JOHN W. TABNER

(1951-2021)

HON. WILLIAM H. KENIRY

JUSTICE OF THE SUPREME COURT RETIRED

(1955-2024)

WILLIAM F. RYAN, JR.

WILLIAM J. KENIRY*

ERIC N. DRATLER**

ANDREW E. CLARK

*ALSO ADMITTED IN THE STATE OF MASSACHUSETTS

**ALSO ADMITTED IN THE STATE OF FLORIDA

FAX AND EMAIL SERVICE NOT ACCEPTED

July 30, 2025

BY EMAIL ONLY

cjdodson@rotterdamny.org

Mollie Collins, Supervisor
Town of Rotterdam
1100 Sunrise Boulevard
Schenectady, New York 12306

**RE: Rotterdam SD #7 Consolidated Sewer District
Our File No.: 74770**

Dear Ms. Collins:

We appreciate your selection of Tabner, Ryan & Keniry, LLP (the "Firm") for the assignment set forth below. We furnish this letter in accordance with Part 1215 of the Joint Rules of the Appellate Division.

The scope of the Firm's representation will be to represent the Town with respect to the consolidation of various sewer districts. With regard to legal fees, William F. Ryan, Jr., Esq. will handle this matter at a municipal hourly rate of **\$300/hour** for attorney time. The hourly rate for associates ranges from \$250.00 to \$275.00 per hour, and the hourly rate for legal assistants and paralegals ranges from \$130.00 to \$175.00 per hour. These rates are subject to change.

Time is recorded and billed in tenths of an hour, with .1 equal to 6 minutes. Please also be aware that when we are billing at an hourly rate, we do charge for time spent on telephone calls and in reviewing and responding to correspondence, including email transmissions, legal research and file review. We will invoice you for attorney time incurred to date, and thereafter will invoice you approximately every thirty (30) days. In addition to our fees for legal services rendered, you will also be billed on a monthly basis for all out-of-pocket and special disbursement charges and expenses reasonably incurred by our Firm in connection with the services provided including expert costs, filing fees, user fees, courier or delivery charges, copying, postage, legal notices, computer research costs, messenger and other transportation charges, mileage for travel out of the office, outside photocopying services, fax correspondence and recording and filing fees paid, i.e., court, county clerk or department of state. All fees are due and payable immediately upon presentment of an invoice. An interest rate of 9% per annum shall accrue on any balances over 30 days past due.

July 30, 2025

Page 2

Generally, our engagement on a specific matter will be over when we send you our final statement for services related to that matter. However, if at any point you wish to change lawyers, or simply terminate our engagement, you may do so. If it becomes necessary for us to stop representing you, we will take all reasonable steps to protect your interests.

Once our representation of you concludes, we will, of course, keep confidential all otherwise nonpublic information you have supplied to us and which is retained by us. At your request, your original documents will be returned to you promptly upon receipt of payment for outstanding fees and costs. Our files will be retained by the Firm. The Client has been advised and understands the Firm will destroy its original file no sooner than seven (7) years after representation has been concluded or terminated.

You are engaging the Firm to provide legal services in connection with a specific matter. After completion of the matter, changes may occur in the applicable laws or regulations that could have an impact on your future rights and liabilities. While we will be very happy to respond to any inquiries you may have, after completion of the matter we have no obligation to keep you apprised of future developments unless you ask us to do so in writing.

Because of the uncertainty of legal proceedings, the interpretation and changes in the law and many unknown factors, Tabner, Ryan & Keniry, LLP makes no promises or guarantees about the outcome of the client's matter, nor can we guarantee the amount or time it may take, or that any result can, will or is likely to be obtained.

We are not accountants and do not provide financial or tax advice. Pursuant to U.S. Treasury Department Regulations, we are required to advise you that, unless otherwise expressly indicated in a formal, written tax opinion meeting IRS requirements, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

In the event that a dispute arises between us relating to our fee, you may have the right to arbitration of the dispute pursuant to Part 137 of the Rules of the Chief Administrator of the Courts. A copy of the rules will be provided to you on request.

Please review this letter carefully and if it meets with your approval, please sign a copy of this letter and return it to us. Our representation will not commence until both are received. If you have any questions about this letter, please do not hesitate to contact me.

July 30, 2025

Page 3

Very truly yours,

TABNER, RYAN & KENIRY, LLP



William F. Ryan, Jr.

Direct Dial: (518) 512-5303

wfr@trklaw.com

WFR/srk

READ, UNDERSTOOD, AND ACCEPTED:

Town of Rotterdam

By: _____
Mollie Collins, Supervisor

Date: _____, 2025

RESOLUTION NO. 267.25

TO ACCEPT AND AWARD BID FOR WATER DISTRICT NO. 5 WATER SYSTEM IMPROVEMENTS – CONTRACT NO. 2 – VALVE & HYDRANT REPLACEMENT TO BIRDSALL EXCAVATION AND CONSTRUCTION, LLC

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 posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (<https://bidnetdirect.com/townofrotterdam>). Additionally, the official bid report and all bids were made available in the Office of the Town Clerk for public inspection upon request for the purchase by the Town of Rotterdam of the following:

WATER DISTRICT NO. 5 WATER SYSTEM IMPROVEMENTS – CONTRACT NO. 2 – VALVE & HYDRANT REPLACEMENT

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 does hereby accept and award the Water District No. 5 Water System Improvements – Contract No. 2 – Valve & Hydrant Replacement, to Birdsall Excavation and Construction LLC, located at 15 Tower Lane, Clarksville, New York 12041, at the mutual consent of both the Town and Birdsall Excavation and Construction LLC, with a bid amount not to exceed, one million, sixteen thousand, seven hundred forty six and 00/100 (\$1,016,746.00) dollars.

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

SECTION 3. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

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: 7/31/2025

TO: Town Board

FROM: Mollie A. Collins, Supervisor

TITLE OF REQUEST: Accept bid and award contract for Rotterdam Water System Improvements – WD5 Contract No. 2 – Valve & Hydrant Replacement to Birdsall Excavation and Construction, LLC pursuant to recommendation and award letter provided by Barton and Loguidice, dated 7/18/2025.

TOWN BOARD MEETING: 8/13/2025

Background Information: The Town of Rotterdam has approved valve and hydrant replacement within the Water District #5 Improvements capital project.

Evaluation/Analysis: The Town of Rotterdam has gone through the appropriate bidding process and the attached documentation from the engineering consultant recommends award to the lowest responsible bidder.

Recommendation(s): Accept the bid for Contract No. 2 – Valve and Hydrant Replacement to Birdsall Excavation and Construction, LLC.

Attachment/Document(s): Recommendation to award letter for Contract No. 2 – Valve and Hydrant Replacement

Compliance with Purchasing Policy: Yes

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

LEGISLATION WILL BE PREPARED BY: Supervisors Office

BIRDSALL EXCAVATION

Town of Rotterdam
Request for Bids

Water District No. 5 Water System
Improvements –
Contract No. 2 – Valve & Hydrant
Replacement

Bid Opening:
June 26, 2025, 2pm
@ Rotterdam Town Hall.

TOWN OF ROTTERDAM

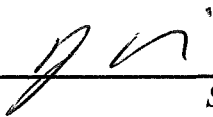
BID FORM

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

Water District No. 5 Water System Improvements -

Contract No. 2 – Valve & Hydrant Replacement

The entire bid is strictly in accordance with the specification set forth in the bid documents herein.



Signature

Birdsall Excavation and Construction, LLC

Name of Company or Corporation

15 Tower Lane

Address

Clarksville	NY	12041
_____ <i>City</i>	_____ <i>State</i>	_____ <i>Zip</i>

Jeff@BirdsallExcavation.com

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.

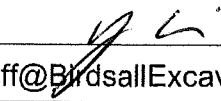
If submitting bid in person or by mail, please write bid title on the outside envelope and submit in a sealed envelope to the Town Clerks Office, 1100 Sunrise Blvd, Rotterdam, NY 12306, during regular business hours, Monday – Friday 8am- 4pm.

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 certifying, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reason therefore. Where (A), (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made or his designee, determines that such disclosure was not made for the purpose of restricting competition.
- C. The fact that the bidder (A) has published price lists, rates or tariffs governing items being procured, (B) has informed prospective customers of proposed or pending publication of new or revised price lists for such items or (C) has sold the same item to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning subparagraph (A)(1).
- D. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or state services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one (1) of this section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

Name of Firm: Birdsall Excavation and Construction, LLC

Signed by: Jeffrey Birdsall Title: Managing Member

Signature:  Date: 6/25/25

Email: Jeff@BirdsallExcavation.com

**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, JEFFREY BIRDALL hereby sign and submit this bid or proposal for CONTRACT # 2, VALLEY + HYDRAULIC REPAIRMENT 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]
Signature of Individual

6/25/25
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: BIRDALL EXCAVATION

Signed by: JEFFREY BIRDALL Title: MANAGING MEMBER

Signature: [Signature] Date: 6/25/25

Addendum No. 1
SECTION 00 41 16.01

BID FORM - GENERAL

**WATER DISTRICT NO. 5 WATER SYSTEM IMPROVEMENTS
DWSRF PROJECT NUMBER 19259
CONTRACT NO. 2 – VALVE & HYDRANT REPLACEMENT**

SUBMITTED BY:

Birdsall Excavation and Construction, LLC

ARTICLE 1 – BID RECIPIENT

1.01 This Bid is submitted to:

Town Clerk
Town of Rotterdam
110 Sunrise Boulevard
Rotterdam, New York 12306

1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER'S ACKNOWLEDGEMENTS

2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 45 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 – BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents that:

- A. Bidder has examined and carefully studied the Bidding Documents, and any data and reference items identified in the Bidding Documents, and hereby acknowledges receipt of the following Addenda:

<u>Addendum No.</u>	<u>Addendum Date</u>
<u>#1</u>	<u>June 20, 2025</u>
_____	_____
_____	_____
_____	_____

06.25
904.043.002

BID FORM - GENERAL
00 41 16.01-1

ARTICLE 5 – BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

CONTRACT NO. 2 – BASE BID ITEMS

Item	Description	Quantity	Unit	Unit Price	Extension
2.1	Mobilization/Demobilization	1	LS	10,000	10,000
2.2	Work Zone Traffic Control	1	LS	10,000	10,000
2.3	Clearing	1	LS	2,000	2,000
2.4	Furnish and Install Erosion and Sediment Control	1	LS	5,000.00	5,000.00
2.5	Furnish and Install Replacement Hydrant Assembly for Fire District No. 2	9	EA	15,261.00	137,349.00
2.6	Furnish and Install Replacement Hydrant Assembly for Fire District Nos. 3 & 6	7	EA	15,270.00	106,890.00
2.7	Furnish and Install 6" DI Hydrant Lateral Water Pipe	160	LF	190.00	30,400.00
2.8	Furnish and Install Insertion Valve with Valve Box	2	EA	75,850.00	151,700
2.9	Furnish and Install Valve Replacement 1	1	LS	51,713.00	51,713.00

Addendum No. 1

2.10	Furnish and Install Valve Replacement 2	1	LS	26,371.00	26,371.00
2.11	Furnish and Install Valve Replacement 3	1	LS	49,949.00	49,949.00
2.12	Furnish and Install Valve Replacement 4	1	LS	58,292.00	58,292.00
2.13	Furnish and Install Valve Replacement 5	1	LS	60,006.00	60,006.00
2.14	Furnish and Install Valve Replacement 6	1	LS	26,369.00	26,369.00
2.15	Furnish and Install Valve Replacement 7	1	LS	36,776.00	36,776.00
2.16	Furnish and Install Valve Replacement 8	1	LS	40,630.00	40,630.00
2.17	Furnish and Install Valve Replacement 9	1	LS	24,181.00	24,181.00
2.18	Concrete Encasement for Water Mains	20	CY	400	6,400.00
2.19	Disconnection, Removal, and Reconnection of Asbestos-Cement Pipe (ACP)	3	EA	5,000.00	15,000.00
2.20	Overexcavation	30	CY	110.00	3,300.00
2.21	Final Restoration	150	SY	70	10,500
2.22	Contingency Allowance	1	LS	\$50,000	\$50,000

06.25

904.043.002

BID FORM - GENERAL

00 41 16.01-5

August 13, 2025

Page 93

Addendum No. 1

2.23	Temporary 6-inch Line Stop	1	EA	17,184.00	17,184.00
2.24	Temporary 8-inch Line Stop	1	EA	19,075.00	19,075.00
2.25	Temporary 16-inch Line Stop	1	EA	30,879.00	30,879.00
2.26	Temporary 20-inch Line Stop	1	EA	36,782.00	36,782.00
Bidder's Total Base Bid					1,016,746.00

5.02 Items additive to the Base Bid shall be represented in figures thus: \$1,234.00.

5.03 Items deductive to the Base Bid shall be represented in figures thus: (\$1,234.00).

ARTICLE 9 – BID SUBMITTAL

BIDDER: *[Indicate correct name of bidding entity]*

Birdsall Excavation and Construction, LLC

By:

[Signature]

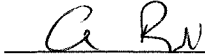


[Printed name] Jeffrey Birdsall

(If Bidder is a corporation, a limited liability company, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest:

[Signature]



[Printed name] Chelsea Birdsall

Title: Office Manager

Submittal Date: 6/25/25

Address for giving notices:

15 Tower Lane, Clarksville, NY 12041

Telephone Number: 518-269-0690

Fax Number:

Contact Name and E-mail Address: Jeffrey Birdsall

Jeff@BirdsallExcavation.com

Bidder's Federal
Employer Identification
Number (FEIN)

87-3735251

(For NYS Department of Labor reporting of Successful Bidder only)

SECTION 00 43 13

BID BOND

Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

BIDDER (Name and Address):

Birdsall Excavation and Construction LLC
15 Tower Lane Clarksville, NY 12041

SURETY (Name, and Address of Principal Place of Business):

RLI Insurance Company
9025 N. Lindbergh Drive, Peoria, IL 61615

OWNER (Name and Address):

Town of Rotterdam
1100 Sunrise Blvd
Rotterdam NY, 12306

BID

Bid Due Date: 06/26/2025

Description (Project Name— Include Location): Town of Rotterdam water system improvements - contract no. 2

BOND

Bond Number: n/a

Date: 06/26/2025

Penal sum Five percent of contract amount \$ 5%
(Words) (Figures)

Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth below, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.

BIDDER

SURETY

Birdsall Excavation and Construction LLC (Seal) RLI Insurance Company (Seal)
Bidder's Name and Corporate Seal Surety's Name and Corporate Seal

By:

Signature

Jeff Birdsall

Print Name

Managing Member

Title

Attest:

Signature

Title Office Manager

By:

Signature (Attach Power of Attorney)

Gary A Cardinale

Print Name

Attorney-In-Fact

Title

Attest:

Signature

Joseph Cardinale

Title Witness

Note: Addresses are to be used for giving any required notice.

Provide execution by any additional parties, such as joint venturers, if necessary.

05.25
904.043.002

BID BOND
00 43 13-1

1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Bidder's and Surety's liability. Recovery of such penal sum under the terms of this Bond shall be Owner's sole and exclusive remedy upon default of Bidder.
2. Default of Bidder shall occur upon the failure of Bidder to deliver within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents.
3. This obligation shall be null and void if:
 - 3.1 Owner accepts Bidder's Bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents, or
 - 3.2 All Bids are rejected by Owner, or
 - 3.3 Owner fails to issue a Notice of Award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by Paragraph 5 hereof).
4. Payment under this Bond will be due and payable upon default of Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.
5. Surety waives notice of any and all defenses based on or arising out of any time extension to issue Notice of Award agreed to in writing by Owner and Bidder, provided that the total time for issuing Notice of Award including extensions shall not in the aggregate exceed 120 days from the Bid due date without Surety's written consent.
6. No suit or action shall be commenced under this Bond prior to 30 calendar days after the notice of default required in Paragraph 4 above is received by Bidder and Surety and in no case later than one year after the Bid due date.
7. Any suit or action under this Bond shall be commenced only in a court of competent jurisdiction located in the state in which the Project is located.
8. Notices required hereunder shall be in writing and sent to Bidder and Surety at their respective addresses shown on the face of this Bond. Such notices may be sent by personal delivery, commercial courier, or by United States Registered or Certified Mail, return receipt requested, postage pre-paid, and shall be deemed to be effective upon receipt by the party concerned.
9. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent, or representative who executed this Bond on behalf of Surety to execute, seal, and deliver such Bond and bind the Surety thereby.

10. This Bond is intended to conform to all applicable statutory requirements. Any applicable requirement of any applicable statute that has been omitted from this Bond shall be deemed to be included herein as if set forth at length. If any provision of this Bond conflicts with any applicable statute, then the provision of said statute shall govern and the remainder of this Bond that is not in conflict therewith shall continue in full force and effect.

11. The term "Bid" as used herein includes a Bid, offer, or proposal as applicable.

ACKNOWLEDGMENT OF PRINCIPAL

STATE OF _____)
COUNTY OF _____) SS.:

On the _____ day of _____ in the year _____, before me, the undersigned, personally appeared _____, 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

ACKNOWLEDGMENT OF SURETY

STATE OF New York)
COUNTY OF Erie) SS.:

On the 26th day of June in the year 2025, before me, the undersigned, personally appeared Gary A. Cardinale, 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

LISA M REESE
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01RE0014975
Qualified in Erie County
Commission Expires October 26, 2027



P.O. BOX 3967 PEORIA, IL 61612-3967
P: (800)645-2402 E: asksurety@rlicorp.com
RLISURETY.COM

RLI Insurance Company

December 31, 2024

Admitted Assets

Investments:

Fixed maturities	\$ 1,623,131,091
Equity securities	1,673,246,978
Short-term investments	0
Real estate	23,610,523
Properties held to produce income	0
Cash and cash equivalents	100,053,303
Other invested assets	47,767,817
Receivables for securities	275,318
Agents' balances	102,566,673
Investment income due and accrued	13,698,890
Funds held	0
Reinsurance recoverable on paid losses	16,390,360
Federal income taxes receivable	2,852,054
Net deferred tax asset	4,498,328
Guarantee funds receivable or on deposit	162,638
Electronic data processing equipment, net of depreciation	1,319,432
Receivable from affiliates	2,988
Other admitted assets	10,471,819

Total Admitted Assets \$ 3,620,048,212

Liabilities and Surplus

Liabilities:

Reserve for unpaid losses and loss adjustment expenses	\$ 1,043,034,784
Unearned premiums	452,867,199
Accrued expenses	135,095,230
Funds held	590,443
Advance premiums	27,473,420
Amounts withheld	64,224,218
Remittances and items not allocated	3,310,530
Dividends declared and unpaid	20,141
Ceded reinsurance premium payable	28,179,079
Payable for securities	7,894,282
Statutory penalties	367,343
Current federal and foreign income taxes	0
Net deferred tax liability	0
Borrowed money and accrued interest	50,191,167
Drafts outstanding	0
Payable to affiliate	17,707,813
Other liabilities	1,780,541

Total Liabilities \$ 1,832,736,190

Surplus:

Common stock	\$ 10,000,375
Additional paid-in capital	242,451,084
Unassigned surplus	1,534,860,563

Total Surplus \$ 1,787,312,022

Total Liabilities and Surplus \$ 3,620,048,212

State of Ohio

County of Cuyahoga

The undersigned, being duly sworn, says: That he is the President of **RLI Insurance Company**; that said Company is a corporation duly organized, in the State of Illinois, and licensed and engaged in business in the State of NEW YORK and has duly complied with all the requirements of the laws of said State applicable of said Company and is duly qualified to act as Surety under such laws; that said Company has also complied with and is duly qualified to act as Surety under the Act of Congress approved July 1947, 6U.S.C sec. 6-13; and that to the best of his knowledge and belief the above statement is a full, true, and correct statement of the financial condition of the said Company on the 31st day of December 2024.

Attest:



{ Corporate
Seal
Affixed }

Craig Kliethermes President
Olga S. Happel Assistant Secretary

Sworn to before me this 3rd day of March, 2025.



JILL A SCOTT
Notary Public
State of Ohio
My Comm. Expires
September 22, 2025

{ Notarial
Seal
Affixed }

Jill A. Scott Notary Public, State of Ohio

POWER OF ATTORNEY

RLI Insurance Company Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company and/or Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Gary A. Cardinale, Joseph V. Cardinale, Salvatore Cardinale, jointly or severally

in the City of Buffalo, State of New York its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Twenty Five Million Dollars (\$25,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or Contractors Bonding and Insurance Company, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company and/or Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 13th day of September, 2023.



**RLI Insurance Company
Contractors Bonding and Insurance Company**

By: Barton W. Davis
Barton W. Davis Vice President

State of Illinois }
County of Peoria } SS

CERTIFICATE

On this 13th day of September, 2023, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company and/or Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

I, the undersigned officer of **RLI Insurance Company and/or Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company and/or Contractors Bonding and Insurance Company** this 26th day of June, 2025.

By: Catherine D. Geiger
Catherine D. Geiger Notary Public

**RLI Insurance Company
Contractors Bonding and Insurance Company**

By: Jeffrey D. Fick
Jeffrey D. Fick Corporate Secretary



SECTION 00 45 34

IRANIAN ENERGY SECTOR DIVESTMENT CERTIFICATION

1. Bidder hereby represents that said Bidder is in compliance with New York State General Municipal Law Section 103-g entitled “Iranian Energy Sector Divestment”, in that Bidder has not:
 - a) Provided goods or services of \$20 million or more in the energy sector of Iran including but not limited to the provision of oil or liquefied natural gas tankers or products used to construct or maintain pipelines used to transport oil or liquefied natural gas for the energy sector of Iran; or
 - b) Acted as a financial institution and extended \$20 million or more in credit to another person for forty-five (45) days or more, if that person’s intent was to use the credit to provide goods or services in the energy sector in Iran.
2. Any Bidder who has undertaken any of the above and is identified on a list created pursuant to Section 165-a (3) (b) of the New York State Finance Law as a person engaging in investment activities in Iran, shall not be deemed a responsible bidder pursuant to Section 103 of the New York State General Municipal Law.
3. Except as otherwise specifically provided herein, every Bidder submitting a Bid in response to this Advertisement for Bid must certify and affirm the following under penalties of perjury:
 - a) “By submission of this bid, the Bidder and each person signing on behalf of the 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 its knowledge and belief, that Bidder is not on the list created pursuant to NYS Finance Law Section 165-a (3) (b).”

The Owner will accept this statement electronically in accordance with the provisions of Section 103 of the General Municipal Law.
4. Except as otherwise specifically provided herein, any Bidder that is submitted without having complied with subdivision (a) above, shall not be considered for award. In any case where the Bidder cannot make the certification as set forth in subdivision (a) above, the Bidder shall so state and shall furnish with the bid a signed statement setting forth in detail the reasons therefore. The Owner reserves its rights, in accordance with General Municipal Law Section 103-g to award the Bid to any Bidder who cannot make the certification, on a case-by-case basis under the following circumstances:

- | | |
|---|-----------------|
|  | Managing Member |
| Signature | Title |
| Birdsall Excavation and Construction, LLC | 6/25/25 |
| Company Name | Date |

State of New York)
County of Albany) SS:

JILLISA MOREHOUSE
Notary Public, State of New York
Qualified in Albany County
License No: 01MO0007722
Commission Expires May 16, 2027

August 13, 2025
Page 103

SECTION 00 45 45

PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS CERTIFICATION

- A. Bidder hereby certifies and warrants that all wood products to be used under this Contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods).
1. Which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State of any government agency or political subdivision or public benefit corporation.
 2. In addition, when any portion of this Contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor certifies through the submitted bid proposal that any and all subcontractors have been informed and are in compliance with the specification's and provisions regarding use of tropical hardwoods as detailed in Section 165 of New York State Finance law.
- B. Qualifications for an exemption under this law will be the responsibility of the Bidder to establish to meet with the approval of the State. Otherwise, the bid may not be considered responsive. Upon executing this certification the Bidder acknowledges that proof of qualifications for exemption are the Bidder's responsibility to meet with the approval of the state.
- C. Except as otherwise specifically provided herein, every contractor/ proposer submitting a bid in response to this request for bids must certify and affirm the following under penalties of perjury:
1. "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 its knowledge and belief, wood to be used under this contract award complies with New York State Finance Law Section 165".

FIRM: Birdsall Excavation and Construction, LLC

By: Jeffrey Birdsall

Title: Managing Member

(CORPORATE SEAL IF ANY)

STATE OF New York)
) SS:
COUNTY OF Albany)

JILLISA MOREHOUSE
Notary Public, State of New York
Qualified in Albany County
License No: 01MO0007722
Commission Expires May 16, 2027

On this 25th day of June, 2025, before me personally
came and appeared Jeffrey Bidasau to me known and
known to me to be the person described in and who executed the foregoing instrument and
acknowledged that he executed the same.

END OF SECTION

**NYS Environmental Facilities Corporation
Disadvantaged Business Enterprise (DBE) Utilization Plan**

SECTION 1: MUNICIPAL INFORMATION			
Recipient/Municipality:		County:	
Project No.:	Contract ID:	Registration No. (NYC only):	
Minority Business Officer:	Email:	Phone #:	
Address of MBO:			
Electronic Signature of MBO: ☐ I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and belief.			Date:

SECTION 2: PRIME CONTRACTOR / SERVICE PROVIDER INFORMATION				
Firm Name: Birdsal Excavation and Construction LLC			Contract Type: ☒ Construction ☐ Other Services	
Is the Prime Firm certified as a DBE? ☐ Yes ☒ No If yes, please include Prime information in Section 3.				
Address: 15 Tower lane clarksville NY 12041		Phone #: 518-269-0690		Fed. Employer ID #: 87-3735251
Description of Work: Replacement of valves and hydrants			Email: Jeff@birdsallexcavation.com	
Award Date:	Start Date:	Completion Date:	DBE Fair Share Objective	PROPOSED DBE Participation
Total Contract Amount: \$ 1,016,746.00 DBE Eligible Contract Amount: \$ 1,016,746.00 (DBE Fair Share Objectives are applied to this amount and includes all change orders, amendments, & specialty waivers)			Total: 20% \$ 203,350	Total: 21 % \$ 210,000
If fair share objectives are not met, documentation must be attached: ☐ No Participation ☐ Short of the DBE Fair Share Objective				
☐ Specialty Equipment/Services: must be of SIGNIFICANT cost – attach list of cost and type of equipment and good faith effort documentation				

**NYS Environmental Facilities Corporation
Disadvantaged Business Enterprise (DBE) Utilization Plan**

SECTION 3: DBE SUBCONTRACTOR INFORMATION			
This Submittal is:		☐ The First/Original Utilization Plan ☐ Revised Utilization Plan #:	
DBE Subcontractor Information		Contract Amount	For EFC Use:
Business Name: Northside Supplies	Fed. Employer ID#:	170,000	
Address: 67 Falkill Ave, Poughkeepsie, NY	Phone #: 845-454-3731		
Scope of Work: Material supply	Email:		
Certifying Entity: ☐ DOT in State of _____; or ☐ SBA ☐ Other (indicate entity): _____			
		Completion Date:	WBE
Business Name: WPNT Construction INC	Fed. Employer ID#: 27-0165294	40,000	
Address: 289 Maple Ave Selkirk NY	Phone #: 518-635-1086		
Scope of Work: Trucking/agg supply	Email: layla@wpntconstruction.com		
Certifying Entity: ☐ DOT in State of _____; or ☐ SBA ☐ Other (indicate entity): _____			
		Completion Date:	MBE
Business Name:	Fed. Employer ID#:		
Address:	Phone #:		
Scope of Work:	Email:		
Certifying Entity: ☐ DOT in State of _____; or ☐ SBA ☐ Other (indicate entity): _____			
		Completion Date:	
Business Name:	Fed. Employer ID#:		
Address:	Phone #:		
Scope of Work:	Email:		
Certifying Entity: ☐ DOT in State of _____; or ☐ SBA ☐ Other (indicate entity): _____			
		Completion Date:	
Business Name:	Fed. Employer ID#:		
Address:	Phone #:		
Scope of Work:	Email:		
Certifying Entity: ☐ DOT in State of _____; or ☐ SBA ☐ Other (indicate entity): _____			
		Completion Date:	

**NYS Environmental Facilities Corporation
Disadvantaged Business Enterprise (DBE) Utilization Plan**

SECTION 3: DBE SUBCONTRACTOR INFORMATION continued			
Business Name:	Fed. Employer ID#:		
Address:	Phone #:		
Scope of Work:	Email:		
Certifying Entity: ☐ DOT in State of _____; or ☐ SBA ☐ Other (indicate entity): _____	Start Date: Completion Date:		
Business Name:	Fed. Employer ID#:		
Address:	Phone #:		
Scope of Work:	Email:		
Certifying Entity: ☐ DOT in State of _____; or ☐ SBA ☐ Other (indicate entity): _____	Start Date: Completion Date:		
Business Name:	Fed. Employer ID#:		
Address:	Phone #:		
Scope of Work:	Email:		
Certifying Entity: ☐ DOT in State of _____; or ☐ SBA ☐ Other (indicate entity): _____	Start Date: Completion Date:		
Business Name:	Fed. Employer ID#:		
Address:	Phone #:		
Scope of Work:	Email:		
Certifying Entity: ☐ DOT in State of _____; or ☐ SBA ☐ Other (indicate entity): _____	Start Date: Completion Date:		
Business Name:	Fed. Employer ID#:		
Address:	Phone #:		
Scope of Work:	Email:		
Certifying Entity: ☐ DOT in State of _____; or ☐ SBA ☐ Other (indicate entity): _____	Start Date: Completion Date:		

**NYS Environmental Facilities Corporation
Disadvantaged Business Enterprise (DBE) Utilization Plan**

SECTION 4: GOOD FAITH EFFORT DOCUMENTATION

Utilization Plans that do not meet the Fair Share Objective must be accompanied by the documentation requested in numbers 1 – 7, as listed below. Specialty Equipment Exclusion requests must be accompanied by the documentation requested in number 8 – 12, as listed below. Specialty Services Exclusion requests must be accompanied by the documentation requested in number 13, as listed below. Please contact the MBO and/or EFC for assistance or to request sample documentation.

Provide the following:

1. A letter of explanation detailing the scope of work, DBE search results, and results of good faith efforts that were made.
2. A scope of work that shows what subcontracting opportunities are in the contract. This could be an engineering proposal, schedule of values, or other similar documents.
3. Screenshots of search results (using commodity codes) from DBE Directories of all certified DBEs that were solicited for purposes of complying with your DBE fair share objective. Each search should be saved as an individual file.
4. A log of solicitation results, consisting of the list of DBE firms solicited for the contract and the outcome of the solicitations. The log should be broken out into separate areas for each task that is solicited (e.g., trucking, materials, electricians). The log should show that each firm was contacted twice by two different methods (e.g., email and phone); who was spoken to; what was said; and the final outcome of the solicitation.
5. List of the general circulation, trade association, and DBE oriented publications and dates of publication soliciting for certified DBE participation as a subcontractor/supplier and copies of such solicitations.
6. Description of the negotiations between the contractor and certified DBEs for the purposes of complying with the DBE goals of this contract.
7. Any other information deemed relevant to the request.

EFC and the MBO reserve the right to request additional information and/or documentation.

Documentation for Requests for Specialty Equipment Exclusions:

8. A letter of explanation containing information about the equipment, why the equipment is specialty and why no DBE firms could be utilized to provide the equipment.
9. Copies of the appropriate pages of the technical specification related to the equipment showing the choices for manufacturers or other information that limits the choice of vendor.
10. Letter, email, or screenshot of website from the manufacturer listing their distributors in NYS and the locations.
11. Screenshots of DBE Directory searches for the manufacturer and distributor showing that they are not found in the Directory.
12. An invoice or executed purchase order showing the value of the equipment.

**NYS Environmental Facilities Corporation
Disadvantaged Business Enterprise (DBE) Utilization Plan**

Documentation for Requests for Specialty Service Exclusions:

13. A letter of explanation containing information about the scope of work and why no DBE firms could be subcontracted to provide that service.

SIGNATURE

Electronic Signature of Contractor: ☒ I certify that the information submitted herein is true, accurate and complete to the best of my knowledge and that all DBE subcontractors will participate in subcontracts in accordance with the requirements of 40 CFR Part 33.

Name (Please Type):

Date: 6/25/25



Environmental Facilities Corporation

**New York State Environmental Facilities Corporation
CERTIFICATION REGARDING LOBBYING
FOR
CONTRACTS, GRANTS, LOANS, AND
COOPERATIVE AGREEMENTS
40 CFR Part 34**

SRF Project No.:

Recipient:

Town of Rotterdam

Project Description:

Contract #2 valve and hydrant replacement

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature:

Name:

Jeffrey Birdsall

Title:

Managing Member

Company Name:

Birdsall Excavation and Construction LLC

Date:

6/25/2025

Contract ID:

2



Environmental Facilities Corporation

AIS CONTRACTOR CERTIFICATION
FOR CONSTRUCTION CONTRACTS FUNDED THROUGH
THE NYS CLEAN WATER STATE REVOLVING FUND, OVERFLOW AND STORMWATER GRANTS
OR
THE NYS DRINKING WATER STATE REVOLVING FUND VIA THE
NYS ENVIRONMENTAL FACILITIES CORPORATION

Project Title: Contract #2 valve and hydrant replacement
Contractor's Name: Birdsall Excavation and Construction LLC
Contract ID: 2
SRF Project No.: _____
SRF Recipient Name: TOWN OF ROTTERDAM

I certify that the iron and steel products permanently incorporated into the public water system or wastewater treatment works project under this construction contract will be and/or have been produced in the United States, in accordance with the requirements of the United States Environmental Protection Agency and 33 U.S.C. § 1388, 42 U.S.C. § 300j-12(a)(4) and any regulations promulgated thereunder. I will develop and maintain necessary documentation to demonstrate that the iron and steel products permanently incorporated into the project were produced in the United States, and make such documentation available to The New York State Environmental Facilities Corporation or their authorized representatives, upon request.

Signature:

Name (print):

Jeffrey Birdsall

Title:

Managing Member

Date:

6/25/2025



Environmental Facilities Corporation

BABA CONTRACTOR CERTIFICATION

FOR EQUIVALENCY CONSTRUCTION CONTRACTS PAID FOR WITH FUNDS THROUGH
THE NYS CLEAN WATER STATE REVOLVING FUND, OVERFLOW AND STORMWATER GRANTS
OR

THE NYS DRINKING WATER STATE REVOLVING FUND VIA THE
NYS ENVIRONMENTAL FACILITIES CORPORATION

Project Title:
Contractor's Name:
Contract ID:
SRF Project No.:
SRF Recipient Name:

I certify that all iron and steel, manufactured products and construction materials permanently incorporated into the project under this construction contract will be and/or have been produced in the United States, in accordance with the requirements of the United States Environmental Protection Agency and Pub. L. No. 117-58 and any regulations promulgated thereunder. I will develop and maintain the necessary documentation to demonstrate that the applicable products permanently incorporated into the project were produced in the United States and make such documentation available to The New York State Environmental Facilities Corporation or their authorized representatives, upon request.

Signature:

Name (print):

Title:

Date:

BID FOR WATER DISTRICT NO. 5 WATER SYSTEM IMPROVEMENTS- CONTRACT NO. 2- VALVE AND HYDRANT REPLACEMENT

BID FOR: Water District No. 5 Water System Improvements- Contract No. 2- Valve & Hydrant Replacement
DATE OF TB MTG. & RESOLUTION #: 5/28/2025 Res #201.25
DATE BID PACKETS BECOME AVAILABLE: 5/29/2025

DATE PUBLISHED IN NEWSPAPER: 5/30/2025
DATE & TIME BIDS TO BE OPENED: 6/26/2025 @2:00pm

# Rec	Dropped off & Time Received @TC Office	Initial	Company/Firm/Email	Address	Contact	Phone #	Contract #s	BID Amount	Comments
1	6/26/25 @ 8:19am	KC	Anjo Construction Ltd johnjr@anjoconst.com	794 Watervliet Shaker Road Latham, NY 12110	Ron Moore	(518)785-5546		\$1,447,724.00	
2	6/26/25 @12:55pm	DM	American Evergreen Inc americanevergreeninc@yahoo.com	3 Agway Drive Rensselaer, NY 12144	Scott Cronin	(518)326-9202		\$1,331,580.00	
3	6/26/25 @1:47pm	GB	Birdsall Excavation Jeff@jwbirdsall.com	15 Tower Lane Clarksville, NY 12041	Jeff Birdsall	(518)269-0690		\$1,016,746.00	
	No Bidnet								

RESOLUTION NO. 268.25

ADOPTION OF THE 2025 ADJUSTED BASE PROPORTIONS

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The attached certificates of base percentages, current percentages, and base proportion certificate of adjusted base proportions for the levy of taxes on the 2025 Assessment Roll, are hereby approved by the Town Board of the Town of Rotterdam, in accordance with Article 19 of the Real Property Tax Law of the State of New York.

SECTION 2. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

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: July 14, 2025

TO: Town Board

FROM: Brad Canning, Assessor

TITLE OF LEGISLATIVE REQUEST: Adoption of the 2025 Adjusted Base Proportions

TO BE PLACED ON TOWN BOARD AGENDA OF: August 13, 2025

TO BE PLACED ON TOWN BOARD MEETING OF: August 13, 2025

Background Information: Each year, in which a municipality has adopted the homestead tax option, the town must make annual adjustments based on property value that is added to or removed from the assessment roll. The calculation of the two (2) tax rate percentages are then utilized to determine the residential tax rate and the commercial tax rate.

Evaluation/Analysis: Based on our analysis, the calculated base proportions are correct and have been reviewed and approved by the NYS Department of Real Property Tax Services.

Recommendation(s): Approval

Attachment/Document(s): Worksheet and The Homestead Tax Option Q&A.

Compliance with Purchasing Policy: n/a

Effect(s) on Existing Law(s): n/a

LEGISLATION WILL BE PREPARED BY: Town Attorney. Adopted worksheet needs to be signed and dated by the Town Clerk. Signed worksheet will then be forwarded to NYS ORPTS by Assessor

NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES							08/06/25
W.A. HERRIMAN CAMPUS, ALBANY, NY 12227							
CERTIFICATE OF BASE PERCENTAGES, CURRENT PERCENTAGES AND							
CURRENT BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL, FOR THE							
LEVY OF TAXES ON THE 2025 ASSESSMENT ROLL							
*****							*****
Approved Assessing Unit	422800						CERTIFICATION
Name of Portion	Town of Rotterdam						

DETERMINATION OF BASE PERCENTAGES							
Section I							
	(A)	(B)	(C)	(D)	(E)	(F)	
	2007	1989	Estimated	2008	Adjusted Market	Base	
	Taxable	Class	Market	Factor Used	Value	Percentages	
	Assessed Value	Equalization Rate	Value		(C*D)		
Class			A/(B/100)			(E/sum of E)	
Homestead	1,726,941,384	100.00	1,726,941,384	1.0074	1,739,720,750	73.4096	
Nonhomestead	656,144,708	100.00	656,144,708	0.9604	630,161,378	26.5904	
Total	2,383,086,092		2,383,086,092		2,369,882,128	100.0000	

DETERMINATION OF CURRENT PERCENTAGES							
Section II							
	(G)		(H)		(I)	(J)	
	2024		2024		Estimated	Current	
	Taxable		Class		Market	Percentages	
	Assessed Value		Equalization Rate		Value		
Class					G/(H/100)	(I/sum of I)	
Homestead	1,921,765,845		72.00		2,669,119,229	77.30263	
Nonhomestead	564,263,297		72.00		783,699,024	22.69737	
Total	2,486,029,142				3,452,818,253	100.00000	

DETERMINATION OF CURRENT BASE PROPORTIONS							
Section III							
	(K)	(L)	(M)	(N)	(O)	(P)	(Q)
	Local Base	Updated	Prospective	Adusted	% difference	Maximum	Current
	Proportion	Local Base	Current Base	Base Proportion	between prior	Current	Base Proportions
	for the	Proportion	Proportion	used for	Adjusted	Base Proportion	for
	2008		Column (J)	Prior Tax Levy	Base Proportion		2024
	Assessment Roll		Prorated		and Prospective		Roll
			to 100.00		Current		
Class		K*(J/F)	(L/sum of L)		Base Proportion		
					((M/N)-1*100)	(N*1.05)	
Homestead	62.4376	65.7488	67.2197	66.57405	0.97	67.2197	
Nonhomestead	37.5624	32.0630	32.7803	33.42595	-1.93	32.7803	
Total	100.0000	97.8118	100.0000	100.0000		100.0000	
*****							*****
							signature
							title
							date

CERTIFICATE OF ADJUSTED BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL
FOR THE 2025 ASSESSMENT ROLL

Approved Assessing Unit Town of Rotterdam 422800
Name of Portion Town of Rotterdam 422800
Reference Roll 2024
Levy Roll 2025

CERTIFICATION

DETERMINATION OF PORTION CLASS NET CHANGE IN ASSESSED VALUE DUE TO PHYSICAL AND QUANTITY CHANGES,
EQUALIZATION CHANGES AND COMPUTATION OF CLASS CHANGE IN LEVEL OF ASSESSMENT FACTOR

	(A) Total Assessed Value on the Reference Roll 2024	(B) Total Assessed Value of Physical and Quantity Increases between the Reference Roll and Levy Roll	(C) Total Assessed Value of Physical and Quantity Decreases between the Reference Roll and Levy Roll	(D) Net Assessed Value of Physical and Quantity Changes	(E) Surviving Total Assessed Value on the Reference Roll
Class				(B-C)	(A-C)
Homestead	2,011,755,075	6,191,800	267,000	5,924,800	2,011,488,075
Nonhomestead	553,372,615	2,868,500	743,200	2,125,300	552,629,415
		(F) Total Assessed Value of Equalization Increases between the Reference Roll and Levy Roll	(G) Total Assessed Value of Equalization Decreases between the Reference Roll and Levy Roll	(H) Net Equalization Changes	(I) Change in Level of Assessment Factor
Class				(F-G)	(H/E)+1
Homestead		11,833,832	4,262,950	7,570,882	1.00376
Nonhomestead		4,143,168	17,063,051	-12,919,883	0.97662

I, the clerk of the legislative body of the approved assessing unit identified above, hereby certify that the legislative body determined on _____ base percentages, current percentages, and current base proportions as set forth herein for the assessment roll and portion as identified above.

COMPUTATION OF PORTION CLASS ADJUSTMENT FACTOR

	(J) Taxable Assessed Value on the Levy Roll (Excluding Roll Sec. 5)	(K) Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment	(L) Assessed Value of Special Franchise on the Levy Roll at the Reference Roll Level of Assmnt	(M) Total Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment	(N) Taxable Assessed Value on the Reference Roll	(O) Class Adjustment Factor
Class		(J/I)		(K+L)		(M/N)
Homestead	1,939,189,604	1,931,918,209	0	1,931,918,209	1,921,765,845	1.00528
Nonhomestead	513,932,678	526,235,500	47,259,135	573,494,635	564,263,297	1.01636

COMPUTATION OF ADJUSTED BASE PROPORTIONS

	(P) Current Base Proportions	(Q) Current Base Proportions adjusted for Physical and Quantity Changes (P*O)	(R) Adjusted Base Proportions
Class			(Q/sum of Q)
Homestead	67.21971	67.57482	66.97778
Nonhomestead	32.78029	33.31657	33.02222
Total	100.00000	100.89140	100.00000

CERTIFICATION

DETERMINATION OF BASE PERCENTAGES

(A) 2007 Taxable Assessed Value	(B) 2007 Class Equalization Rate	(C) Estimated Market Value A/(B/100)	(D) 2008 Adjustment Factor Used	(E) Adjusted Market Value (C*D)	(F) Base Percentages (E/sum of E)
669,119,900	100.00	669,119,900	1.0091	675,208,891	61.39661
451,446,728	100.00	451,446,728	0.9404	424,540,503	38.60339
1,120,566,628		1,120,566,628		1,099,749,394	100.00000

(G) 2024 Taxable Assessed Value	(H) 2024 Class Equalization Rate	(I) Estimated Market Value G/(H/100)	(J) Current Percentages I/sum of I
727,488,126	72.00	1,010,400,175	69.20091
323,781,526	72.00	449,696,564	30.79909
1,051,269,652		1,460,096,739	100.00000

(K) Local Base Proportion for the 2008 Assessment Roll	(L) Updated Local Base Proportion	(M) Prospective Current Base Proportion Column (L) Prorated to 100.00	(N) Adusted Base Proportion used for Prior Tax Levy	(O) % difference between prior Adjusted Base Proportion and Prospective Current Base Proportion ((M/N)-1*100)	(P) Maximum Current Base Proportion	(Q) Current Base Proportions for 2021 Roll
	K*(J/F)	(L/sum of L)			(N*1.05)	
50.76210	57.21461	59.29081	58.63010	1.13		59.29081
49.23790	39.28367	40.70919	41.36990	-1.60		40.70919
100.00000	96.49828	100.00000	100.00000			100.00000

I, the clerk of the legislative body of the approved assessing unit identified above, hereby certify that the legislative body determined on _____ base percentages, current percentages, and current base proportions as set forth herein for the assessment roll and portion as identified above.

signature

title

date

NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES
W.A. HERRIMAN CAMPUS, ALBANY, NY 12227

08/06/25

CERTIFICATE OF ADJUSTED BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL
FOR THE 2025 ASSESSMENT ROLL

Approved Assessing Unit Town of Rotterdam 422800
Name of Portion Schalmont School District 422801
Reference Roll 2024
Levy Roll 2025

CERTIFICATION

DETERMINATION OF PORTION CLASS NET CHANGE IN ASSESSED VALUE DUE TO PHYSICAL AND QUANTITY CHANGES,
EQUALIZATION CHANGES AND COMPUTATION OF CLASS CHANGE IN LEVEL OF ASSESSMENT FACTOR

	(A) Total Assessed Value on the Reference Roll (Excluding Roll Section 5)	(B) Total Assessed Value of Physical and Quantity Increases between the Reference Roll and Levy Roll	(C) Total Assessed Value of Physical and Quantity Decreases between the Reference Roll and Levy Roll	(D) Net Assessed Value of Physical and Quantity Changes	(E) Surviving Total Assessed Value on the Reference Roll
Class				(B-C)	(A-C)
Homestead	742,082,208	2,035,600	140,000	1,895,600	741,942,208
Nonhomestead	298,461,630	2,626,500	365,500	2,261,000	298,096,130
		(F) Total Assessed Value of Equalization Increases between the Reference Roll and Levy Roll	(G) Total Assessed Value of Equalization Decreases between the Reference Roll and Levy Roll	(H) Net Equalization Changes	(I) Change in Level of Assessment Factor
Class				(F-G)	(H/E)+1
Homestead		4,332,132	1,315,850	3,016,282	1.00407
Nonhomestead		1,518,468	13,792,451	-12,273,983	0.95883

I, the clerk of the legislative body of the approved assessing unit identified above, hereby certify that the legislative body determined on _____ base percentages, current percentages, and current base proportions as set forth herein for the assessment roll and portion as identified above.

COMPUTATION OF PORTION CLASS ADJUSTMENT FACTOR

	(J) Taxable Assessed Value on the Levy Roll (Excluding Roll Sec. 5)	(K) Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (J/I)	(L) Assessed Value of Special Franchise on the Levy Roll at the Reference Roll Level of Assmnt	(M) Total Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (K+L)	(N) Taxable Assessed Value on the Reference Roll	(O) Class Adjustment Factor
Class						(M/N)
Homestead	734,006,199	731,034,262	0	731,034,262	727,488,126	1.00487
Nonhomestead	304,082,138	317,140,255	26,852,641	343,992,896	323,781,526	1.06242

COMPUTATION OF ADJUSTED BASE PROPORTIONS

	(P) Current Base Proportions	(Q) Current Base Proportions adjusted for Physical and Quantity Changes (P*O)	(R) Adjusted Base Proportions
Class			(Q/sum of Q)
Homestead	59.29081	59.5798	57.94001
Nonhomestead	40.70919	43.2504	42.05999
Total	100.00000	102.8302	100.00000

Q. What type of property qualifies as residential class property under the homestead tax option?

A. One-, two-, and three-family residential units; farm homes; mobile homes that are owner-occupied and separately assessed, and condominiums that were built as condominiums and not converted from some other form, such as rental apartments, qualify as residential property.

Also qualifying for the residential class are vacant land parcels not larger than 10 acres that are located in zones that restrict residential use to one-, two-, or three-family residential dwellings.

Q. I understand how the homestead tax option could work in my town, but how would it work in my school district?

A. School districts that are wholly contained within the boundaries of a city or town that has the homestead tax must use the homestead tax unless they opt out of the program by passing a resolution.

There is a special requirement for school districts located in more than one city or town that want to use homestead and non homestead school tax rates. That requirement is that one-fifth or more of the properties in the school district must be located in cities or towns that use the homestead tax option.

In addition, for school districts that are in more than one city or town, the determination of class shares will be based on current market value, with adjustments at the discretion of the school district within limitations set by law.

Q. How many places are using the homestead tax option?

A. At the time this pamphlet was revised, 12 cities, 17 towns, four villages and 43 school districts were using the homestead option. For more information, please visit municipal profiles on our website.

Q. In addition to adopting the homestead tax option, can “approved assessing units” also phase-in the results of the revaluation?

A. Yes. By passing a local law, approved assessing units can phase in the new revaluation assessments over a five-year period.

This option sounds simple. In reality, however, most assessment officials believe it would be extremely difficult to administer. Maybe that is why no municipality to date has decided to use the transition-assessment option.

Q. Can a municipality that has adopted the homestead tax option revoke it later?

A. Yes, simply by adopting a local law, without referendum, to rescind it before the next levy of taxes.

STATE OF NEW YORK
Andrew M. Cuomo, Governor



NYS Department of Taxation and Finance
Office of Real Property Tax Services
W.A. Harriman State Campus
Albany, NY 12227
Phone: 518-591-5232
www.tax.ny.gov

The Homestead Tax Option

(Article 19 – Section 1903 of the RPTL)



New York State Department of
Taxation and Finance

Office of Real Property Tax Services

In a number of places in New York State, assessments of residential property frequently have been at a lower percentage of market (full) value than other types of property, such as commercial and industrial property. When a town or city with this situation decided to conduct a property revaluation to achieve correct and fair assessments, the residential properties, as a class, would bear a much larger share of the tax burden. This discouraged other municipalities with similar situations from conducting their own property revaluations. As a result of the concern for tax-burden shifts to homeowners, a State law was passed in 1981 establishing the Homestead Tax Option.

This local option prevents any large shift of the property tax burden to the residential class of property owners after a revaluation. In a revaluation, changes are made to individual property assessments so that they are correct and uniform -- as the law requires. These changes result in increases to some individual residential property owners whose properties were under assessed before the revaluation. However, the homestead tax option prevents any large shift to the residential class of properties.



Q. What is the homestead tax option?

A. It is a local option to establish two separate property tax rates: a lower tax rate for residential property owners (homestead tax), and a higher rate for all other property owners (non-homestead tax).

Q. Is this program mandated by New York State?

A. No. It is a local-option program

Q. Is the homestead tax option available everywhere in the State?

A. No. It is available only to qualifying cities, towns, villages, counties, and school districts. It is not available in New York City, or in Nassau County except for villages and, for certain purposes, the cities.

Q. How does a municipality qualify to use the homestead tax option?

A. A city, town or village that is an assessing unit first must complete a property revaluation project that meets the State Board's regulations. That entitles the assessing unit to be certified by the State Board as an "approved assessing unit." Then the local governing body of the assessing unit can adopt a local law stating its intent to use a homestead tax and a non-homestead tax.

Q. How does the homestead tax option work?

A. The homestead tax is based on the share of property taxes paid by the residential class of property owners in the year before the new assessments from the revaluation project are used.

For example, assume that residential properties paid 40 percent of all town taxes in the Town of Smith in 1989 (the year before the revaluation project). Now, in 1990, as a result of the revaluation, the residential class represents 50 percent of the town's total taxes. As an "approved assessing unit" that has opted to use the "homestead tax option," the Town of Smith can "freeze" the residential class share of town taxes at the previous 40 percent. Thus, the town will have two tax rates: one for the residential class and another for all other property classes, such as commercial property and industrial property. The difference is that the tax rate for the residential class will be lower than the tax rate for all other property classes. For example, the town tax rate for the residential class might be something like \$25 for each \$1,000 of assessed valuation, while the tax rate for the nonresidential class might be \$30 for each \$1,000 of assessed valuation.

Q. Once the percentage shares are determined (in our example, 40 percent for residential property and 60 percent for non-residential property), do they remain that way forever?

A. No. They can change based on the following adjustments:

1. Using the example for the Town of Smith, the town would have the option of adjusting the residential share at various points between 40 and 50 percent.
2. The municipality must make annual adjustments based on property that is added to the assessment roll and property that is removed.
3. The municipality must make annual adjustments for different rates of appreciation in the two classes of property based on the changes in the current market value of the classes, subject to a 5 percent cap.

RESOLUTION NO. 269.25

**A RESOLUTION IN CONNECTION WITH AUTHORIZING AND SUBMITTING A
NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT GRANT
APPLICATION FOR THE TOWN OF ROTTERDAM WATER DISTRICTS NO. 3 &
NO. 4 WATER SYSTEM IMPROVEMENTS PROJECT**

WHEREAS, the Town of Rotterdam wishes to apply for New York State Water Infrastructure Improvement Act Grant funding under the New York State Environmental Facilities Corporations State Revolving Fund; and

WHEREAS, the Town of Rotterdam has determined that a need exists to make improvements to the existing Water Districts No. 3 & No. 4 Water Systems; NOW

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town of Rotterdam hereby applies for New York State Water Infrastructure Improvement Act Grant Funds to undertake Water Districts No., 3 & No. 4 Water System Improvements Project.

SECTION 2. The Supervisor of the Town of Rotterdam is hereby authorized and directed to sign any and all documents necessary for the submission of said application to the New York State Environmental Facilities Corporation, and any other sources of grant and or loan funding.

SECTION 3. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

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: July 11, 2025

TO: Mollie Collins, Supervisor

FROM: Jack Dodson, Deputy Supervisor

TITLE OF REQUEST: Authorization to submit WIIA Application – WD Nos. 3&4.

TOWN BOARD MEETING DATE: August 13, 2025

Background Information: Prime AE was retained by the Town to prepare a WIIA application for possible grant funding for WD Nos. 3&4 water system improvements for 2024.

Evaluation/Analysis: Funding agency requires the Town Board to authorize submission of the WIIA application by Town Board resolution.

Recommendation(s): Approve the resolution to authorize submission of the WIIA application for WD Nos. 3&4 for 2025

Attachment/Document(s): WIIA Application Resolution.

Compliance with Purchasing Policy?

Effect(s) on Existing Law(s)?

LEGISLATION WILL BE PREPARED BY: Supervisors Office

RESOLUTION NO. 270.25

TO APPROVE THE JCAP 2025-2026 GRANT FOR THE JUSTICE COURT

WHEREAS, funding has been made available under a competitive grant process through the New York State Unified Court System, Justice Court Assistance Program (JCAP), for funding assistance with municipal court projects; and

WHEREAS, it is in the best interest of the Town of Rotterdam to apply for available funding to assist with financing of such projects for the Town Justice Court; and

WHEREAS, the Rotterdam Town Board has reviewed the application for funding under the 2025-2026 Justice Court Assistance Program; 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 of Rotterdam Justice Court to apply for the Justice Court Assistance Program (JCAP) grant in the 2025-2026 grant cycle for up to \$30,000.00 dollars, for purchases of office equipment and upgrades in the Town of Rotterdam Justice Court under the New York State Unified Court System.

SECTION 2. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF

Rotterdam

"A Good Place to Live"

"A Good Place to do Business"



TOWN JUSTICE

101 PRINCETOWN ROAD
ROTTERDAM, N.Y. 12306
TELEPHONE (518) 355-7911
TELEFAX (518) 881-0187

KENNETH P. LITZ

JOHN R. MERTZ

DATE: July 18, 2025

TO: Supervisor Mollie Collins, Town Board Members, Courtney Heinel, Esq.

FROM: Hon. Kenneth P. Litz and Hon. John R. Mertz

TITLE OF REQUEST: JCAP 2025/26

TOWN BOARD MEETING: August 13th, 2025

Background Information: Justice Court Assistance Program for Town and Village Courts

Evaluation/Analysis: N/A

Recommendation(s): Permission to apply for JCAP Grant

Attachment/Document(s): See Attached

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisor's Office/Town Attorney

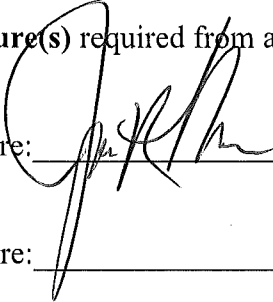
2025-26 Rotterdam Town Court, Schenectady County ID: 6377

ANNUAL BUDGET: Court's itemized budget for the most recent municipal fiscal year.

AUTHORIZATION: Certified copy of the Local Resolution(s) of the Town or Village Board(s) authorizing this application. The Resolution may simply state the Town or Village authorizes the court to request up to the maximum amount available.

SUPPORTING DOCUMENTS: Estimates, Photographs, Floor Plans, etc.

JUSTICE SIGNATURE: Original signature(s) required from at least one justice (not an Associate Justice).

Name: John R. Mertz Signature:  Date: 8-5-25

Name: _____ Signature: _____ Date: _____

CERTIFICATION: Original signature(s) required by Town Supervisor or Village Mayor.

The following signature provides certification that: (1) any funds (and any goods or services) awarded pursuant to this application shall be used only in accordance with the provisions of Chapter 280 of the Laws of 1999 and with all rules and regulations governing the Justice Court Assistance Program; (2) any goods and/or services purchased with any Justice Court Assistance Program funds shall be obtained in accordance with acceptable procurement practices established by the governing municipality including, but not limited to, competitive bidding and procurement policies and procedures; (3) no funds awarded pursuant to this application shall be used to compensate justices or non-judicial staff or to reduce or otherwise supplant funding provided by a town or village to its justice court.

Signature: _____ Name: _____
☐ Town Supervisor ☐ Village Mayor (please print)

Date: _____

**REMEMBER: YOUR JCAP APPLICATION IS SUBMITTED ONLINE ONLY.
YOU MUST MAIL, FAX OR SCAN/EMAIL SIGNATURE PAGE & DOCUMENTS REQUIRED ABOVE.**

Items (21)	\$10702.19
Coupons	\$0.00
Shipping	FREE
Handling fees	\$76.50
Total	\$10778.69

21 items in cart



Fellowes Halo 95 Thermal & Cold Laminator, 9.5" Width, White/Light...
Item #: 24401300 | Model #: 5753001

1 @ \$105.79 Each \$105.79
\$105.79

Delivery by Thursday, August 07



Safco 3-Pocket Steel Wall File, Letter Size, Black (3172BL)
Item #: 711454 | Model #: 3172BL

2 @ \$60.89 Each \$121.78
\$121.78

Delivery by Wednesday, August 06
Free Next-Day delivery



Westinghouse 24" HD DVD Combo TV (WD24HX5201)
Item #: 24612744 | Model #: WSWD24HX5201

1 @ \$151.49 Each \$151.49
\$151.49

Delivery by Thursday, August 14



XBLUE X16 Plus 6-Line Corded Conference Telephone Bundle, Blac...
Item #: 24561496 | Model #: X16PLUS-XD104X7

1 @ \$1139.99 Each \$1139.99
\$1139.99

Delivery by Thursday, August 14



Pedestal Desk, Slate Teak...

Item #: 24580465 | Model #:

HONMOD072

\$6647.45

Delivery by Wednesday, September 17



**Floortex Evolutionmat Carpet Chair
Mat with Lip, 48" x 51", Designed f...**

Item #: 2555311 | Model #:

ECO114851LP

6 @ \$104.29 Each

\$625.74

\$625.74

Delivery by Tuesday, August 12

Additional \$76.50 Handling Fee applies.



**Sharper Image S-600 Active Lumbar
Heated Ergonomic Bonded Leather...**

Item #: 24587515 | Model #:

60098-GRY

5 @ \$399.99 Each

\$1999.95

Instant Savings (limit 10)

-\$90.00

\$1909.95

Delivery by Thursday, August 14

[Shop HP Ink & Toner »](#)



C1310789, Rotterdam Town Court

101 Princetown Rd, Schenectady

COURT - SAVED CART DETAILS

[< return to saved carts](#)

Item Number	Item Description	Price/UOM	Qty	Ext. Price
 ROY69149V	Scriptor Full Size Electric Typewriter, White	\$226.99/EA	1	\$226.99

Product Subtotal: \$226.99

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Visit the AT&T Store

4.2

107 ratings

-27% **\$155¹⁶**

List Price: ~~\$212.95~~

FREE Returns

Brand AT&T

Color Black

Telephone Type Cordless

Number of Batteries 2 Lithium Polymer batteries required.

Material Plastic

✓ See more

About this item

- Dect 6.0 technology: place the Wireless microphones anywhere in a conference room and enjoy interference-free, high-quality sound.
- Premium sound quality: thanks to features like full-duplex technology, digital mixing and audio equalization, nothing is lost in translation.50 name/number phone book entries
- Full room coverage: six microphones - four Wireless and two fixed - maximize room coverage and participation. Number saving from CID log to phonebook or speed dial
- With up to 8 hours of talk time and 70 hours of standby time on each Wireless microphone, there's plenty of room for meetings that run over.
- Charging built-in: magnetic Charging bays in the base Phone ensure the Wireless microphones are always charged and ready.

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RESOLUTION NO. 271.25

**CALL FOR BIDS FOR ON-CALL MAINTENANCE CONTRACTOR
SERVICES FOR REMAINDER OF YEAR 2025 AND ALL OF YEAR 2026**

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 Contractor Services for Remainder of Year 2025 and all of Year 2026.

SECTION 2. The Town Clerk of the Town of Rotterdam shall cause the following public notice to be published in the official newspaper of the Town of Rotterdam, and the Supervisor of the Town of Rotterdam shall cause the following public notice be published to the Empire State Purchasing Group on BidNet (<http://www.bidnetdirect.com/townofrotterdam>) at least five (5) days before the date of reception of bid proposals:

**TOWN OF ROTTERDAM
NOTICE TO BIDDERS**

PLEASE TAKE NOTICE: That all bids received by the Town Board of the Town of Rotterdam, by **Wednesday, the 3rd day of September 2025, at 11:30 A.M.**, will be opened electronically and in person at that time. The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet (<http://www.bidnetdirect.com/townofrotterdam>) by 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 CONTRACTOR
SERVICES FOR REMAINDER OF YEAR 2025 AND ALL OF YEAR 2026**

Digital Copies of Specifications may be obtained from the Empire State Purchasing Group on BidNet at <http://www.bidnetdirect.com/townofrotterdam>. Copies of 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 TO THE TOWN CLERK OFFICE AT
1100 SUNRISE BOULEVARD, ROTTERDAM NY, 12306 OR ELECTRONICALLY ON
BIDNET PRIOR TO 11:30 A.M., SEPTEMBER 3, 2025**

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: August 13, 2025

BidNet: Please publish on August 15, 2025

Daily Gazette: Please publish once on August 15, 2025

Town Clerk Post

SECTION 3. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

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: July 30, 2025

TO: Supervisor Collins and the Town Board

FROM: Fred Mastroianni, P.E., Town Consultant Engineer

TITLE OF REQUEST: Authorize the Town Board to obtain sealed bids for on-call maintenance contractor(s) for remainder of year 2025 and all of year 2026 to provide services when needed.

TOWN BOARD MEETING: August 13, 2025

Background Information: The Town's Department of Public Works would like to have a list of qualified contractors to perform maintenance services on an as needed basis. The intent is to have a list of no more than three contractors. The selection of contractors will be based upon experience, references, and hourly rates.

Evaluation/Analysis: Once bids are received, the Town can evaluate if this on-call method is preferred with respect to time and cost. It is anticipated that any on-call contractor services will not exceed \$35,000 for any work to be performed.

Recommendation(s): I recommend that the Town Board approve obtaining sealed bids for on-call maintenance services. Depending upon the bids received, the Town has the option to reject all bids if the hourly rates are not 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 Contractor
Services for Remainder of Year 2025 and
all of Year 2026

RFB 25-03

Bid Due Date:
September 3, 2025
@ 11:30 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 Contractor Services will be received by the Town of Rotterdam Town Clerk at 1100 Sunrise Boulevard, Rotterdam, New York 12306 until **11:30 AM local time on Wednesday, September 3, 2025**, at which time and place they will be publicly opened and read aloud.

The work shall include providing all labor, materials and equipment, and other means necessary for the removal of debris, mowing, tree and brush trimming, and other incidental work on an as needed basis. Work may be performed on public or private properties, as requested by the Town.

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 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.

Each Bid must be submitted on the provided Bid Form and subject to the conditions provided in the Instructions to Bidders. No Bidder may withdraw the bid within thirty (30) days after the actual date of opening thereof. The bid shall be for the year 2025 construction season. There will be no formal Pre-Bid Meeting held, but any Bidder that has any questions should contact Jim Keith at (518) 355-7575, ext. 340 or via email at jkeith@rotterdamny.org.

Bidders shall not include in their bid sales and compensation 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. Prevailing wage rates shall apply.

The right is reserved to waive any informalities in the Bid and to reject any or all Bids.

INSTRUCTIONS TO BIDDERS (ITB)

1. All bids must be submitted before **11:30 AM local time on Wednesday, September 3, 2025**, the day of opening.
2. In accordance with NYSDOL Industrial Code Rule 56, if any materials determined to be asbestos containing must be removed by a licensed asbestos abatement contractor prior to renovation or demolition activities affecting them. All bidders must include with their bid documents that show the bidder is qualified to perform the work.
3. 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, 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.
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, up to the completion of the project.
8. The Town Board reserves the right to reject any or all bids and re-advertise.
9. All bids are to be based on delivery prepaid to destination, which shall be the project area.
10. Delivery (if applicable): Time is of the essence. Materials are required as soon as possible, and guaranteed date of delivery may be taken into consideration in making award. Upon failure to make delivery as promised, the Town Board of the Town of Rotterdam, New York, may consider the contract breached and will then feel free to go into the open market and to maintain

an action against the contractor to recover any differences which the Town Board might stand to lose between the contract price and the market price.

11. Where items or articles or equipment or supplies are designated as manufactured by a specific manufacturer, it is to be understood that the articles as specified represent an accepted standard. Where certain brands of materials, apparatus, or equipment are specified, such goods have been selected in order to establish a standard for the particular service required, but it is not the intention to limit competition thereby. If the bidder proposes to furnish the article which is specified, he is to fill in the amount on the line indicated. If he desires to bid on a substitute for the article specified, which is claimed to be equivalent to the standard specified, the amount should be recorded and also identified as "substitute" bid and furnish the required information relating to the manufacturer. In cases where the bid is based upon a substitute article, the bidder will be asked to submit a sample. Samples will be returned, if desired, as soon as the award is made.
12. The Town Board of the Town of Rotterdam reserves the right to waive any informalities on bids received, and to accept reasonable substitutes for specified items as long as such substitutes in no way affect the performance of the item for which the bid has been requested.
13. The approximate quantities if shown in the bidding documents are not meant to imply that said quantities will in fact be the purchased amount. Payment will be based on actual quantities installed on the items provided in the bid form.
14. Failure to adequately and fully complete the bid packet and/or questions contained herein shall be disqualified and the bid shall be rejected.
15. Qualifications of Bidder - Town of Rotterdam may make such investigations it deems necessary to determine the ability of the Bidder to perform the work. The bidder shall furnish to the Town, within five (5) days of a request, all such information and data for this purpose.
16. Bids provided shall remain in effect until December 31, 2026.
17. 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 manner 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 the bidder may withdraw its bid and the bid security will be returned.
18. 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.

19. Bid Security: Not needed to be submitted with the bid.

20. Bid Bond: Not needed to be submitted with the bid.

NON-COLLUSION BIDDING CERTIFICATION

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

Name of Company: _____

Signed by: _____ Title: _____

Signature: _____ Date: _____

Email: _____

**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 Contractor/Company: _____

Signed by: _____ Title: _____

Signature: _____ Date: _____

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

Prohibition Against Retaliation – Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a claim of discrimination or harassment,

including sexual harassment. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

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

- made a complaint of harassment or discrimination, either internally or with any anti-discrimination agency;
- opposed harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or management of harassment or discrimination;
- reported that another employee has been subjected to harassment or discrimination;
- encouraged a fellow employee to report harassment or discrimination;
- participated in a workplace investigation regarding harassment or discrimination;
- testified or assisted in a proceeding involving harassment or discrimination under the Human Rights Law or other anti-discrimination laws.

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

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

department where services are being provided, the Town Supervisor, or a member of the Town Board.

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

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

Investigation of Complaint – The Town Supervisor, in consultation with the Town Board, will determine the appropriate individual(s) to conduct the investigation. All complaints pursuant to this policy, whether reported in verbal or written form, will be investigated promptly, thoroughly, and in as impartial a manner as possible. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. All employees are required to cooperate in an investigation, if so directed. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation. All relevant materials, including all electronic communications, documents, emails or phone records that are relevant to the allegations will also be considered. A written report will be prepared documenting the results of the investigation. The individual who reported the complaint and the individual about whom the complaint was made will be notified of the final determination.

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

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

Legal Protections and External Remedies – Nothing in this policy should be construed as in any way limiting employees' rights to file a formal complaint with the appropriate state or federal

agencies responsible for administering anti-discrimination laws. Complainants should be aware that time restrictions may apply and need to be considered.

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

New York State Division of Human Rights (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.

BID FORM

- (a) The Bid Form is provided herein.
- (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.

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 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.

TOWN OF ROTTERDAM

BID FORM

The undersigned has read, understands, and agrees to all conditions of this proposal:

On-Call Maintenance Contractor Services

SUBMITTED BY: _____

BID RECIPIENT

This Bid is submitted to:
Town of Rotterdam
Attn: Diane Marco, Town Clerk
1100 Sunrise Boulevard
Rotterdam, NY 12306

The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Town in the form included in the Bidding Documents to perform all work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

BIDDER'S ACKNOWLEDGEMENTS

Bidder accepts all the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 30 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Town.

BIDDER'S REPRESENTATIONS

In submitting this Bid, Bidder represents that:

- A. Bidder has examined and carefully studied the Bidding Documents, and any data and reference items identified in the Bidding Documents, and hereby acknowledges receipt of the following Addenda:

Addendum No.

Addendum Date

- B. Bidder is familiar with and has satisfied itself as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
- C. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and any Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder; and (3) Bidder's safety precautions and programs.
- D. Bidder agrees, based on the information and observations referred to in the preceding paragraph, that no further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.
- E. Bidder is aware of the general nature of work to be performed for the Town.
- F. Bidder has given the Town written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents and confirms that the written resolution thereof by the Town is acceptable to Bidder.
- G. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance and furnishing of the Work.
- H. The submission of this Bid constitutes an incontrovertible representation by Bidder that Bidder has complied with every requirement of this Article, and that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work.

BIDDER'S CERTIFICATION

Bidder certifies that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed

individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;

- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding;
- D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph D:
 - 1. “corrupt practice” means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process;
 - 2. “fraudulent practice” means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Town, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Town of the benefits of free and open competition;
 - 3. “collusive practice” means a scheme or arrangement between two or more Bidders, with or without the knowledge of Town, a purpose of which is to establish bid prices at artificial, non-competitive levels;
 - 4. “coercive practice” means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

Qualifications:

For 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 name? _____

2. Describe your previous experience providing maintenance 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 _____

Names of Staff to be assigned to the on-call contract and number of years of maintenance experience:

a. Maintenance Supervisor _____

b. Maintenance Worker _____

c. Equipment Operator _____

d. Truck Driver _____

BASIS OF BID

A. LABOR RATES

The following labor rates are to be provided and will be used as a basis for cost and shall include base wages, benefits, state and federal taxes, insurance, and payroll costs complete.

REMAINDER OF THE YEAR 2025

- | | |
|--|-------------------|
| 1. Supervisor/Superintendent (weekdays - 8 hours) | Hourly Rate _____ |
| 2. Supervisor/Superintendent (weekdays OT) | Hourly Rate _____ |
| 3. Supervisor/Superintendent (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_____

ALL OF THE YEAR 2026

1. Supervisor/Superintendent (weekdays - 8 hours) Hourly Rate _____

2. Supervisor/Superintendent (weekdays OT) Hourly Rate _____

3. Supervisor/Superintendent (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 titles and rates that may be needed on a project, the Town and Contractor will agree on an approved rate for that specific title prior to the start of the project.

B. MATERIALS

The materials cost will not be part of the bid evaluation. The contractor shall provide the Town with a listing and cost of all materials needed for an assigned project for review and approval. The contractor, by submitting this bid, agrees not to include any markup to the materials cost from the supplier.

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)

SUBMITTED on _____ 2025.

Signature

Name of Company or Corporation

Address

City *State* *Zip*

Email

Phone No.

CONTRACTOR SELECTION CRITERIA

NEW YORK STATE DEPARTMENT OF LABOR CONTRACTOR REGISTRATION REQUIREMENT

August 13, 2025
Page 155

Section 220-i. Specifically, contractors must register with the Department of Labor's Bureau of Public Work and Prevailing Wage Enforcement prior to bidding on public work projects or commencing work on public work projects or covered private projects that are subject to prevailing wage. The state purpose is to ensure that such contractors and subcontractors do not have previous labor law violations and that they will abide by the State's labor laws and regulations, including the prevailing wage requirements. These registration requirements go into effect on December 30, 2024. Consequently, after that date, local governments cannot award a contract for public work to a contractor unless they are registered with the State. The NYS Department of Labor has published FAQs regarding this new requirement. For additional information, please visit the NYSDOT website or contact the Department directly by calling 518-457-5589 or by emailing labor.sm.pwask@labor.ny.gov.

Proof that all contractors and subcontractors must be provided to the Town prior to the award of this contract.

AGREEMENT

THIS AGREEMENT dated _____ is by and between the Town of Rotterdam (“Town”) and

_____ (“Contractor”)

Town and Contractor hereby agree as follows:

ARTICLE 1 – WORK

- 1.01 The work shall include providing all labor, materials and equipment, and other means necessary for the removal of debris, mowing, tree and brush trimming, and other incidental work on an as needed basis. Work may be performed on public or private properties, as requested by the Town.

ARTICLE 2 – ENGINEER

- 2.01 The Town may retain an engineer to act as Town’s representative, assume all duties and responsibilities, and have the rights and authority assigned to the Engineer in the completion of the Work.

ARTICLE 3 – CONTRACT TIMES

3.01 *Time of the Essence*

- A. All time limits for Milestones, if any, Substantial Completion, and completion shall be agreed upon between the Town and the Contractor.

3.02 *Contract Times: Days*

- A. The Work will be substantially completed as per agreed upon schedule for each assignment.

3.03 *Liquidated Damages*

- A. Contractor and Town recognize that time is of the essence as stated in Paragraph 3.01 above and that Town will suffer financial and other losses if the Work is not completed and Milestones not achieved within the times agreed upon in Paragraph 3.02 above, plus any extensions thereof allowed in accordance with the Contract. The parties also recognize the delays, expenses, and difficulties involved in proving in a legal proceeding the actual loss suffered by the Town if the Work is not completed on time. Accordingly, instead of requiring any such proof, the Town and Contractor agree that as liquidated damages for delay (but not as a penalty):

1. Substantial Completion: Contractor shall pay Town FIVE HUNDRED (\$500.00) for each calendar day that expires after the time specified in Paragraph 3.02.A above for Substantial Completion until the Work is substantially complete.
2. Completion of Remaining Work: After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Times (as

duly adjusted pursuant to the Contract) for completion and readiness for final payment, Contractor shall pay Town FIVE HUNDRED (\$500.00) for each calendar day that expires after such time until the Work is completed and ready for final payment.

ARTICLE 4 – CONTRACT PRICE

4.01 Town shall pay Contractor for completion of the Work in accordance with the labor rates and overall agreed upon cost.

ARTICLE 5 – PAYMENT PROCEDURES

5.01 *Submittal and Processing of Payments*

A. Contractor shall submit Applications for Payment based upon percentage of completion as determined by the Engineer. Applications for Payment will be processed by Engineer and/or Town. The payment application shall include Application and Certificate for Payment AIA Document G702 with supporting documentation and certified payroll documents.

5.02 *Progress Payments; Retainage*

A. Town shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment on or about the 30th day of each month during performance of the Work provided that such Applications for Payment have been submitted in a timely manner and otherwise meet the requirements of the Contract. All such payments will be measured by the quantities of materials installed and bid prices for each item established as provided elsewhere in the Contract. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Town may withhold, including but not limited to liquidated damages, in accordance with the Contract. Ninety-five (95) percent of Work completed (with the balance being retained) of each payment request; and

B. Upon Substantial Completion, Town shall pay an amount sufficient to increase total payments to Contractor to one hundred (100) percent of the Work completed, less such amounts set off by Town, and less the value of Work to be completed or corrected as shown on the punch list of items to be completed or corrected prior to final payment.

5.03 *Final Payment*

A. Upon final completion and acceptance, the Town shall pay the remainder of the Contract Price as recommended by the Engineer.

ARTICLE 6 – INTEREST is not used or allowed.

ARTICLE 7 – CONTRACTOR'S REPRESENTATIONS

7.01 In order to induce Town to enter this Contract, Contractor makes the following representations:

- A. The contractor understands that this is an on-call contract. Assignments will be issued by the Department of Public Works on an as needed basis. There is no guarantee that one or more assignments will be issued under this contract.

- B. The contractor is familiar with and is satisfied with all Laws and Regulations that may affect cost, progress, and performance of the Work.
- C. Contractor's entry into this Contract constitutes an incontrovertible representation by Contractor that without exception all prices in the Agreement are premised upon performing and furnishing the Work required by the Contract Documents.

ARTICLE 8 - CONTRACTOR'S PERFORMANCE AND PAYMENT BOND – Not needed

ARTICLE 9 – CONTRACT DOCUMENTS – Not applicable

ARTICLE 10 - TERM OF THE BID

The bid shall be in effect from the date of the contract's execution until December 31, 2026. Hourly rates shall remain per the bid.

ARTICLE 11 - 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.

ARTICLE 12 - INSURANCE

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 Township, 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 insurance policy 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.

ARTICLE 13 - PREVAILING WAGES

- (a) All laborers providing services under this contract, whether employed by the Contractor or by the Subcontractor(s), shall be paid not less than the current prevailing rate of wages and shall be provided supplements not less than the prevailing supplements as established by the New York State Department of Labor, per the New York State Prevailing Scheduling of Wages.
- (b) All vendors submitting bids agree to conform to all current NYS Department of Labor and prevailing wage laws. The successful vendor(s) are responsible for complying with all current labor rates and regulations throughout the duration of any contract resulting from this document. For policy or rate questions call the NYS Department of Labor at (888) 469-7365. Actual rates are available via the internet at:
- (c) Payrolls and Payroll Records: Every contractor and subcontractor MUST keep original payrolls or transcripts subscribed and affirmed as true under penalty of perjury. Payrolls must be maintained for at least five (5) years from the project's date of completion. At a minimum, payrolls must show the following information for each person employed on a public work project: Name, Social Security Number, Classification(s) in which the worker was employed, Hourly wage rate(s) paid, supplements paid or provided and Daily and weekly number of hours worked in each classification.

Every contractor and subcontractor shall submit to the Finance Department, within

thirty (30) days after issuance of its first payroll and every thirty (30) days thereafter, a transcript of the original payrolls, subscribed and affirmed as true under penalty of perjury. The Finance Department shall receive and maintain such payrolls.

ARTICLE 14 - SALES AND USE TAXES

The Town is exempt from New York State sales and use taxes on materials and equipment to be incorporated in the Work. Said taxes shall not be included in the Bid.

ARTICLE 15 - 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.

ARTICLE 16 - 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.

ARTICLE 17 - 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 Town 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.

ARTICLE 18 - SAMPLES AND SHOP DRAWINGS – not needed

ARTICLE 19 - 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.

ARTICLE 20 - 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.

ARTICLE 21 - 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 for 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.

ARTICLE 22 - 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.

ARTICLE 23 - 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 Contractor 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.

ARTICLE 24 - 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 public. 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

ARTICLE 25 - 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.

ARTICLE 26 - 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.

ARTICLE 27 - PROTECTION OF EXISTING STRUCTURES

When work is to be done around existing structures, the Contractor will take 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 Contractor 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.

END OF SECTION

RESOLUTION NO. 272.25

**TO ADOPT A SEQR NEGATIVE DECLARATION ON A CHANGE OF ZONE
APPLICATION FROM AGRICULTURAL (A-1) TO GENERAL BUSINESS (B-2)
LOCATED AT 774 AND 778 DUANESBURG ROAD**

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 SEQR Negative Declaration dated August 13, 2025, as prepared by the Senior Planner, for a Change of Zone request from Agricultural (A-1) to General Business (B-2) to facilitate the construction of a ±22,000 square foot retail business, on a ±14.02 acre parcel, located at 774 Duanesburg Road (Tax Map No. 57.7-1-14) and 778 Duanesburg Road (Tax Map No. 57-3-6.1).

SECTION 2. The Town Board hereby authorizes the Senior Planner to distribute all documents necessary to comply with 6 NYCRR Part 612.12 (State Environmental Quality Review).

SECTION 3. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

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: August 7, 2025

TO: Mollie Collins, Town Supervisor

FROM: Peter Comenzo, Senior Planner *PC*

TITLE OF REQUEST: Issuance of SEQR Negative Declaration for a Change of Zone from Agricultural (A-1) to General Business (B-2)

TOWN BOARD MEETING: August 13, 2025

Background Information: Primax Properties, LLC – Contract Vendee
c/o Adam Sellner
1100 East Morehead Street
Charlotte, NC 28204

Change of Zone Request on ±14.02 acres from Agricultural (A-1) to General Business (B-2) to facilitate the construction of a ±22,000 square foot retail business. Property is known as 774 Duanesburg Road (Tax Map No. 57.7-1-14) and 778 Duanesburg Road (Tax Map No. 57-3-6.1).

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. The Town Board Declared Lead Agency on July 10, 2024

Recommendation(s): Town Board should make a decision on SEQR review and authorize the Senior Planner to distribute all documents in accordance with SEQR.

Attachment/Document(s): Full Environmental Assessment Form, dated 7/1/2025
Draft Negative Declaration dated 7/9/2025
SHPO Letter of No Effect, dated 5/16/2025
T&E Letter of No Effect, dated 6/26/2025
DOT Stage 1 Approval, dated 5/15/2025
LaBella Traffic Letter, dated 6/27/2025
Geotechnical Report, prepared by Whitestone Associates Engineering & Geology NY, PLLC, dated 12/3/2024
Site Plan dated 9/20/2024

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): 6NYCRR Part 617 -State Environmental Quality Review

LEGISLATION WILL BE PREPARED BY: Supervisors Office

6NYCRR PART 617
NEGATIVE DECLARATION
Notice of Determination of Non-Significance
State Environmental Quality Review

Date: August 13, 2025

In accordance with Article 8 (State Environmental Quality Review) of the Environmental Conservation Law (the “Act”), and the statewide regulations under the Act (6NYCRR Part 617) (the “Regulations”), the Lead Agency has received an environmental assessment form in connection with the proposed action described below (the “Action”) and the Lead Agency has determined (i) that said proposed action will result in no major impacts and therefore will not have a significant effect on the environment, and (ii) therefore that an environmental impact statement is not required to be prepared with respect to said Action.

SEQRA Status:	Type I	()
	Type II	()
	Unlisted	(X)

Conditioned Negative Declaration:	Yes	()
	No	(X)

Contract Vendee:	Primax Properties, LLC – c/o Adam Sellner 1100 East Morehead Street Charlotte, NC 28204
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Owners:	Estate of Bernice V. and Earl B. Avery 636 SW LONG KEY CT PORT ST. LUCIE, FL 34986
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Location:	774-778 Duanesburg Road
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Action:	Change of Zone request on ±14.02 acres from Agricultural (A-1) to General Business (B-2) to facilitate the construction a ±22,000 square foot retail business. Property is known as 774 Duanesburg Road (Tax Map No. 57.7-1-14) and 778 Duanesburg Road (Tax Map No. 57-3-6.1)
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Involved/Interested Agencies:	Schenectady County Economic Development and Planning Schenectady County Department of Health NYS Dept. of Environmental Conservation – Region #4 New York State Department of Transportation United States Department of Army, Corps of Engineers United State Fish and Wildlife Service Rotterdam Highway Department Rotterdam Planning Commission Metroplex Development Authority Fire District #6 Schalmont School District
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Reasons for Determination of Non-Significance:

The Lead Agency has reviewed the Change of Zone application, the associated site plans, a project description, full EAF, and supporting documentation, and conducted further investigation of the requested action and its environmental effects as deemed appropriate. Based upon this review and the Lead Agency's knowledge of the area surrounding the project, the Lead Agency has determined that the action will have no significant effects on the environment.

The Town of Rotterdam Department of Public Works transmitted this application information to all involved and interested agencies for review on July 11, 2024. The applicant then supplied supplemental information subsequent to the original submittal following up with the following agencies seeking letters relative to the actions. These inquiries include the following:

- 1) Full Environmental Assessment Form, dated 7/1/2025
- 2) Draft Negative Declaration dated 7/9/2025
- 3) SHPO Letter of No Effect, dated 5/16/2025
- 4) T&E Letter of No Effect, dated 6/26/2025
- 5) DOT Letter dated 4/4/2025
- 6) DOT Stage 1 Approval, dated 5/15/2025
- 7) LaBella Traffic Letter, dated 6/27/2025
- 8) Geotechnical Report, prepared by Whitestone Associates Engineering & Geology NY, PLLC, dated 12/3/2024
- 9) Site Plan dated 9/20/2024

The Change of Zone request concerns a total of ± 14.02 acres consisting of two separate parcels located on the north side of Duanesburg Road west of Old Duanesburg Road and immediately south of Interstate 88. The properties known as 774 and 778 Duanesburg Road each currently containing a single-family residential structure. The Applicant seeks the Change of Zone to facilitate the construction of a new $\pm 22,000$ square foot Tractor Supply Retail Store. The construction of this store is anticipated to disturb approximately 4.2 acres of property. No additional project actions are proposed at this time. Although there are no retail facilities immediately adjacent to this property, there are other retail facilities in the immediate vicinity. There is a recently constructed gas station/convenience store, liquor store, and a fast-food establishment (Wendys) located immediately to the west of the I-88 entrance and a truck stop fueling center with fast food (Pilot/Dunkin Donuts/Subway) also located immediately to the west. There is an existing regional library facility located to the west. Approximately 17.3 acres of property adjacent to the library facility and this property was recently rezoned from Agriculture to General Business (B-2). This Change of Zone was approved to construct a $\pm 102,500$ square foot BJ's Wholesale Club and $\pm 2,500$ square foot retail building with associated drive thru. Additional properties to the west of these parcels in the vicinity of the site are currently zoned B-2 and contain retail businesses and a wellness center. Lands of the Schalmont Central School District are located to the south are drainage areas, woodlands, and athletic fields. The entrance to the school campus is located approximately 850 feet west of the proposed roadway into the property to be rezoned. The

property is located in Water District #5 and will be serviced by municipal water. Prior to the issuance of building permits, Site Plan approval would be required for this commercial use from the Rotterdam Planning Commission.

The proposed Project will utilize public water and will provide on-site septic to treat project wastewater. The proposed project will connect to the Town of Rotterdam municipal water system which is located immediately adjacent to the project property along NYS Route 7 (Duanesburg Road). The proposed water supply system will include a distribution system to service the domestic and fire flow needs of the Project. The water appurtenances shall be designed and constructed in accordance with all local, state, and federal requirements for dedication to the appropriate entity at the sole cost of the Applicant.

The Town of Rotterdam Town Board as lead agency has reviewed the Full Environmental Assessment Form Part 1 completed by the Project Sponsor along with supporting reports, studies, and plans.

The conceptual site plan and potential environmental effects of the proposed Change of Zone were discussed at regularly scheduled Planning Commission Meeting on June 18, 2024 and a unanimous positive referral to the Town Board was prepared. The project was also the subject of a public hearing conducted at the August 14, 2024 Town Board Meeting in which two (2) members of the public spoke and had questions regarding the proposed Change of Zone. In addition, a petition was presented to the Town Board in opposition to the Change of Zone at the Public Hearing.

Pursuant to the allowances in 6 NYCRR Part 617, the Town has retained the services of a Town Designated Engineer (TDE) to assist in the review of this project. The TDE reviewed the environmental materials and traffic study prepared in support of this project.

A presentation was made by the project applicant's engineer on July 9, 2025 to the Town Board updating the Town Board on the additional environmental and traffic studies that have occurred since the initial presentations and public hearing on August 14, 2024. Further and final review of the proposed Change of Zone and Project was conducted by the Town Board on August 13, 2025 after receiving further input from the Applicant, Town Staff, and the Town Designated Engineer for the project. The Town Board considered all comments received in its deliberations and decisions.

Based on the submitted materials, public comment, and input from the Planning Commission and Town Board, the Town completed or caused to be completed Part 2 of the Long Environmental Assessment Form and a Draft Negative Declaration dated July 9, 2025 was circulated for review and use by the Town Board in making this determination.

The evaluation indicates rezoning this property to General Business (B-2) will not result in significant environmental impacts. Any future project proposed for this site must meet the requirements of the General Business (B-2) zone, as well as all other existing regulatory

requirements at the Town, State, or Federal level; thereby adequately mitigating or avoiding significant environmental impacts.

Findings, Basis, and Rationale for Decision

The following discussion sets forth the Findings, basis, and rationale for the Town of Rotterdam's decision, including required mitigation measures. The analysis is based upon the criteria set forth in Part 1 and Part 2 of the Full Environmental Assessment form.

Impact on Land

The site includes primarily flat terrain with a mix of Moderately Well Drained sand, soils, and limited bedrock.

There are either none or small impacts to land expected as a result of the project.

Impact in Geological Features

A geotechnical report was prepared by Whitestone Associates Engineering & Geology NY, PLLC, dated 12/3/2024. This Site Development will not result in any adverse impacts in Geological Features as it will not impact any unique or unusual land forms.

There are either none or small impacts to geologic features expected as a result of the project.

Impacts on Surface Water

A geotechnical report was prepared by Whitestone Associates Engineering & Geology NY, PLLC, dated 12/3/2024. Surface runoff would generally follow site topography, flowing to the southeast. No wetlands were identified in the report. The project proposes the use of an on-site wastewater system. The property is more than adequate to support the proposed wastewater treatment for the location. The Rotterdam Planning Commission may require additional site investigation in the future if additional development were to be proposed for the northern portion of the property.

There are either none or small impacts to surface water expected as a result of the project.

Impact on Groundwater

A geotechnical report was prepared by Whitestone Associates Engineering & Geology NY, PLLC, dated 12/3/2024. Groundwater was encountered within two borings during this investigation, one at relatively shallow depth. Similar shallow perched/trapped water may be encountered above non-permeable layers elsewhere on the site during construction. As such, construction phase dewatering will likely consist of removing surface water runoff, infiltrating water, or trapped water at this site. Whitestone anticipates that construction phase dewatering would include installing temporary sump pits and filtered pumps within trenches and excavations. Proper grading and drainage should be incorporated into the site design and construction phase grading to discourage ponding of surface runoff. The Planning Commission may conduct additional detailed analysis of the impacts to groundwater during site plan review.

The proposed Site Development will not result in any adverse impact on Groundwater. The Project is designed with a municipal water system, which system has adequate capacity to serve the Project. Wastewater will be treated through an onsite system which will be designed in accordance with all New York State and Schenectady County requirements.

There are either none or small impacts to groundwater expected as a result of the project.

Impact on Flooding

The proposed Site Development will not result in any adverse impacts on lands subject to flooding. The Project site does not lie within a flood zone nor will it result in modification of existing drainage patterns.

There are either none or small impacts to flooding expected as a result of the project.

Impacts on Air

The proposed Site Development will not result in any adverse impacts on Air as it will not include any state regulated air emission source. Minor air impacts may be encountered with the use of machinery that utilizes fossil fuels during construction and traffic generated as consequence of any project action.

There are either none or small impacts to air expected as a result of the project.

Impact on Plants and Animals

An Endangered Species Habitat Assessment Report was prepared and indicates that based upon NYSDEC mapping that there are no Rare Plant or Animals Mapping and also analyzed the potential presence of the northern long-eared bat.

A letter was received from the US Fish and Wildlife Service dated June 26, 2025 indicating that they had reviewed the project site and have issued a “No Effect” on the northern long-eared bat.

The proposed Site Development will not result in adverse impacts on Plants and Animals, except for minor impact arising from temporary construction activities and associated disturbance and noise, and from the use of fertilizer and of pesticides to be applied by licensed application during normal site operation.

There are either none or small impacts to plants and animals expected as a result of the project.

Impacts on Agricultural Resources

A majority of this property has been utilized for agricultural purposes (hay production) in the recent past.

With these parcels being collectively ± 14.20 acres and currently vacant with frontage on State Route 7 and adjoining Interstate 88 and drainage area. These properties have limited potential for farming activities due to their size and surroundings. A review of Agricultural District mapping on the NYS Agricultural and Markets website indicates that these properties are not located in an Agricultural District.

There are either none or small impacts to Agriculture Resources expected as a result of the project.

Impacts on Aesthetic Resources

The proposed Site Development will not result in any adverse impacts on Aesthetic Resources as the proposed uses and structures are consistent with surrounding uses and structures.

There are either none or small impacts to Aesthetics Resources expected as a result of the project.

Impact on Historic and Archeological Recourses

A complete and comprehensive Phase 1A cultural resource survey was performed for the proposed project area entitled: “Phase IA Literature Search and Sensitivity Assessment & Phase IB Archaeological Field Reconnaissance Survey Rotterdam Retail Project” (May 2025; 25SR00215). A No Impact Letter has been received from the Office of New York State Parks Recreation and Historic Preservation dated May 16, 2025.

There are either none or small impacts to Historic and Archeological Resources expected as a result of the project.

Impact on Open Space and Recreation

The proposed Site Development will not result in any adverse impacts on Open Space and/or Recreation opportunities. This privately owned project site is bounded on the north and south by major state and interstate roadways and has limited recreational value.

There are either none or small impacts to Open Space and Recreation expected as a result of the project.

Impact on Critical Environmental Areas

The proposed Site Development will not result in any adverse impacts on Critical Environmental Areas as the project is not within nor adjacent to a Critical Environmental Areas.

Impact on Transportation

A traffic study was prepared by the project consultant and review coordinated with both the NYS Department of Transportation and the Town Designated Engineer. The methodology used in preparing the Traffic Impact Study, including trip generation, trip distribution, trip assignment, background growth and level of service analysis are consistent with standard industry practice. No additional mitigation measures are required. Therefore, the intersection and safety improvements required at the existing intersections are consistent with the site's obligation to minimize the adverse impacts of the proposed development. In addition, the geometry and intersection control at the proposed site access roads will allow these intersections to operate at acceptable levels of service on all approaches.

A letter dated April 4, 2025 was received from the NYS Department of Transportation in response to the lead agency coordination. Several suggestions were received concerning the Rotterdam Comprehensive Plan, traffic, safety, stormwater management, and accessibility. These suggestions have been reviewed by the Town Board, Town Designated Engineer, and Town Staff and have and are to be considered during both the non-project action of the Change of Zone by the Town Board as well as the Site Plan project review and approval to be conducted by the Planning Commission.

NYSDOT provided its conceptual approval for the driveway location and full-movement configuration via an email dated May 15, 2025. In this same email, the NYSDOT directs the

applicant's project team to proceed with its Stage 2 submission, which is the Design Review stage.

As part of the coordinated SEQRA review of this application, the lead agency circulated the application materials to the Schalmont School District as an interested agency. The school property is located directly south of the proposed site and the signalized entrance to the school campus is located approximately 800 feet west. Schalmont had expressed some consideration of potential mitigation as there is currently no sidewalk infrastructure both on the school campus leading to the signalized entrance nor anywhere along Duanesburg Road in the vicinity of the school campus. There is however a pedestrian actuated button at the signalized entrance but no crosswalks or roadway signage.

Discussions have occurred with both the Town Staff, Town Designated Engineer, and School District in regards to potential improvements. Further discussions with the Town, NYSDOT, and the School District are scheduled to be conducted. As part of the site plan review process for the project action, the Planning Commission will address any potential future transportation improvements including signage, striping, handicap, and pedestrian accommodations.

There are either none or small impacts to transportation expected as a result of the project.

Impact on Energy

The proposed Site Development will result in an increase of use of various forms of energy for heat, lighting, and electricity. Nonetheless, the existing infrastructure includes sufficient capacity to provide services to the project without requiring new or upgraded infrastructures.

There are either none or small impacts to energy expected as a result of the project.

Impact on Noise, Odor and Light

The proposed Site Development will result in temporary increases in noise and odors due to construction activities, and thereafter in noise generated by typical commercial retail activities. Impacts from new lighting will be created as a result of the site development proposed to be developed on site. Noise and Odor impacts are expected to be primarily temporary in nature.

A photo illumination plan will be reviewed by both the Town Designated Engineer and the Planning Commission during site plan review. Lighting will be minimized to the greatest extent practicable and site lighting will be shielded and oriented downward to reduce lighting impacts. There are proposed significant buffers included in project design and through appropriate lighting design.

There are either none or small impacts to noise, odor, or light expected as a result of the project.

Impact on Human Health

The proposed Site Development is not expected to have any adverse impacts on Human Health as the project will not create opportunities for exposure to new or existing source of contamination.

There are either none or small impacts to human health expected as a result of the project.

Consistency with Community Plans

The proposed Site Development is generally in alignment with Town, County and State land use plans for the project vicinity, including but not limited zoning which authorizes commercial and residential uses, the inclusion of areas of open space, and development which is sensitive to surrounding land uses.

The project as proposed is consistent with and supports the goals and objectives of the Town's Comprehensive Plan as adopted in 2022. The Comprehensive Plan for the Town of Rotterdam says its objectives are to encourage and promote quality development and utilize existing infrastructure and Town services. The stated goals also include the following:

- "Promote investment and reinvestment to attract and retain local businesses and employment opportunities.
- Ensure that commercial growth occurs in a manner that maintains the character of the community while expanding the Town's tax base and the availability of services to members of the community.
- Support and promote existing commercial and industrial areas." Page II-2 2022 Comprehensive Plan

While the property remains zoned Agricultural, it is no longer considered a suitable zoning for the site as it is surrounded by other Commercial uses and is located at the major intersection of Duanesburg Road (NYS Route 7) and NYS Interstate-88. The Project Proposal is consistent with the Corridor Mixed Use areas and recommended actions as defined and described in the Comprehensive Plan. (2022 Comprehensive Plan III-7).

Some of the existing infrastructure and Town services the project will benefit from are as follows:

- Located in close proximity to the intersection for the entrance to Interstate 88, characterized as a Key Regional Access point. Locating the proposed Project at this intersection ensures that the Project will have minimal impacts on the overall transportation system
- Located in the Schalmont School District which will benefit from the increased tax revenues.

- There is an existing water main on Duanesburg Road and an analysis of the water infrastructure indicates that there is sufficient quantity and pressure to service the project.
- The proposed use is compatible with surrounding uses and ensures that a significant retail resource to the Town of Rotterdam and the surrounding communities.

There are no feasible alternatives to the action given the existing agriculture zoning of the property and the proximity to Route 7 (Duanesburg Road), the commercial corridor for the town. There are no irreversible and irretrievable commitments of important resources which would be involved in the proposed action if it is implemented, the soils are not especially valuable for agriculture use, and most adjacent properties are zoned for and/ or committed to commercial uses.

The Town Board has concluded that this project is consistent with community plans.

Consistency with Community Character

The proposed Site Development is not expected to result in adverse impacts to the Community Character. The project is designed in accordance with general zoning and land use objectives of the Town and County as discussed above. The Project models the Town's vision for development practices and meets the objectives discussed through their Comprehensive Land Use Plan and other planning documents. Several of the larger vacant parcels located along Route 7 of the Town of Rotterdam are surrounded by parcels already developed for commercial and residential uses. The Project area has been identified by the Comprehensive Plan for commercial uses and economic development as it near a major highway interchange for I-88. There are several single-family residential properties located along Duanesburg Road which is a busy state roadway and is a major truck traffic route for the Golub Warehouse and the Rotterdam Corporate Park located nearby to the east. Although there is little opportunity for buffering of the traffic along State Route 7, large vegetative buffer areas and landscaping will be incorporated into the site plan to assist with buffering this site with the adjoining residential properties. The existing land is vegetated with light brush with groupings of moderate woods and mixed areas of open meadow. The proposed design will work to maintain the community characteristics enjoyed in the Town.

Existing environmentally sensitive areas and neighboring properties shall be protected by the establishment of buffers and avoiding the areas from potential impacts. The Project should allow for preservation of character, protect natural resources, and avoid additional demands to the infrastructure.

The Town Board has concluded that this project is consistent with community character.

The Town Board has also reviewed the potential development thresholds of this non-project action on the property for all potential uses of this property under the General Business Zoning Classification. Any use of this property will require Rotterdam Planning Commission site plan approval.

This rezoning will not result in any impacts to utilities and all coordination and expenses related to on-site utility infrastructure improvements will be handled by the project sponsor.

After a review of the application materials, the Long Environmental Assessment Form (Parts 1 and 2), and comments received on this proposal, the Town Board of the Town of Rotterdam has determined that this proposal will not have a significant adverse impact on the environment.

The Town Board has considered the following criteria to determine if this proposal has significant adverse impacts on the environment:

- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
- (iii) the impairment of the environmental characteristics of a Critical Environmental Area.
- (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
- (v) the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- (vi) a major change in the use of either the quantity or type of energy;
- (vii) the creation of a hazard to human health;
- (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- (ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
- (x) the creation of a material demand for other actions that would result in one of the above consequences;
- (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or
- (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The Town Board has also considered the reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions, which are:

- (i) included in any long-range plan of which the action under consideration is a part;
- (ii) likely to be undertaken as a result thereof; or

(iii) dependent thereon.

(3) The significance of a likely consequence (i.e., whether it is material, substantial, large or important) has be assessed in connection with:

(i) its setting (e.g., urban or rural);

(ii) its probability of occurrence;

(iii) its duration;

(iv) its irreversibility;

(v) its geographic scope;

(vi) its magnitude; and

(vii) the number of people affected

At a regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, NY on the 13th day of August, 2025 hereby adopted this NEGATIVE DECLARATION pursuant to 6NYCRR PART 617, State Environmental Quality Review.

Mollie Collins
Town Supervisor

For further information contact: Peter J. Comenzo
Town of Rotterdam Senior Planner
John F. Kirvin Government Center
1100 Sunrise Boulevard
Rotterdam, New York 12306
(518) 355-7575 x-338

For Type 1 Actions a copy of this Notice sent to:

Town Supervisor

Other Involved Agencies

Applicant

Environmental Notice Bulletin <http://www.dec.ny.gov/enb/enb.html>

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Change of Zone & Retail Store		
Project Location (describe, and attach a general location map): Tax Parcels: 57-3-6.1 & 57.7-1-14 (774-778 NYS Route 7 / Duanesburg Road, Town of Rotterdam, Schenectady County, NY		
Brief Description of Proposed Action (include purpose or need): A change of zone is proposed from the current A-1 Agricultural zoning district to the B-2 General Business zoning district. A ±22,000 square foot retail store is proposed parcel 6.1. The project will have associated access, parking, landscaping, lighting, utilities, stormwater management, etc.		
Name of Applicant/Sponsor: Primax Properties, LLC c/o Bohler Engineering and Landscape Architecture NY, PLLC	Telephone: 518-438-9900	
	E-Mail: cmlodzianowski@bohlereng.com	
Address: 17 Computer Drive West		
City/PO: Albany	State: NY	Zip Code: 12205
Project Contact (if not same as sponsor; give name and title/role): Same as above	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Current: Bernice V. & Earl B. Avery (Primax Properties is the contract purchaser)	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

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

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, ☒ Yes ☐ No or Village Board of Trustees	Town Board - Change of Zone	June 2024
b. City, Town or Village Planning Board or Commission ☒ Yes ☐ No	Planning Commission - change of zone, site plan review	June 2024
c. City, Town or Village Zoning Board of Appeals ☐ Yes ☒ No	Not anticipated	
d. Other local agencies ☐ Yes ☐ No		
e. County agencies ☒ Yes ☐ No	Schenectady County Planning	
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☒ Yes ☐ No	New York State Department of Transportation, NYSDEC	August 2024; project October 2024
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?

A-1 Agricultural

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

c. Is a zoning change requested as part of the proposed action? ☒ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? B-2 General Business

C.4. Existing community services.

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

b. What police or other public protection forces serve the project site?

Town of Rotterdam police

c. Which fire protection and emergency medical services serve the project site?

FD600 - Fire District 6

d. What parks serve the project site?

None known

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)? commercial

b. a. Total acreage of the site of the proposed action? ±13.5 acres

b. Total acreage to be physically disturbed? ±4.8 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? ±13.5 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: ±8 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.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
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: _____ ±20' height; _____ 127' width; and _____ 182' length	
iii. Approximate extent of building space to be heated or cooled: _____ 22,000 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. _____	
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? ☐ Yes ☐ No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

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

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

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

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

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

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

i. Total anticipated water usage/demand per day: _____ ±350 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: Town of Rotterdam
- 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: _____ ±350 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): sanitary wastewater

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? _____ • Will a line extension within an existing district be necessary to serve the project? If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	☐ Yes ☒ No ☐ Yes ☒ No	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	☐ Yes ☒ No	
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): on site septic system _____ _____ _____		
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? If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or <u>±2.75</u> acres (impervious surface) _____ Square feet or <u>±13</u> acres (parcel size) ii. Describe types of new point sources, <u>storm water pipes</u> _____ 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)? on-site stormwater management facilities _____ _____ _____	☒ Yes ☐ No	
• If to surface waters, identify receiving water bodies or wetlands: _____ _____ _____		
• Will stormwater runoff flow to adjacent properties? _____		
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?	☐ Yes ☒ No ☒ 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? 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) _____	☐ Yes ☒ No	
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? 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) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)		☐ Yes ☒ No ☐ Yes ☐ No

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): local grid/utility _____ 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. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ 7am-6pm • Saturday: _____ 7am-5pm as needed • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ 8am-9pm • Saturday: _____ 8am-9pm • Sunday: _____ 8am-7pm • Holidays: _____ closed Thanksgiving, Christmas, Easter </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ 7am-6pm • Saturday: _____ 7am-5pm as needed • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ 8am-9pm • Saturday: _____ 8am-9pm • Sunday: _____ 8am-7pm • Holidays: _____ closed Thanksgiving, Christmas, Easter
i. During Construction: • Monday - Friday: _____ 7am-6pm • Saturday: _____ 7am-5pm as needed • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ 8am-9pm • Saturday: _____ 8am-9pm • Sunday: _____ 8am-7pm • Holidays: _____ closed Thanksgiving, Christmas, Easter		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☒ No If yes: i. Provide details including sources, time of day and duration: _____ _____	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____ _____	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No Describe: _____ _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____ _____ _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☒ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____ _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☒ Yes ☐ No If Yes: i. Describe proposed treatment(s): <u>Standard building/operational maintenance</u> _____ _____	
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: _____ typical tons per _____ month (unit of time) • Operation : _____ typical tons per _____ month (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: <u>pre-engineered building</u> _____ • Operation: <u>company-wide programs for recycling cardboard, pallets, scrap metal, and other materials at its stores, distribution centers, and store support center. Used oil and batteries are accepted for recycling.</u> _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: <u>local waste hauler</u> _____ • Operation: <u>local waste hauler</u> _____	

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): school

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	.03	2.75	+2.72
• Forested	.95	.24	-.71
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	12.02	10.01	-2.01
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? <i>i. If Yes: explain:</i> _____	☐ Yes ☒ No
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? If Yes, <i>i. Identify Facilities:</i> Schalmont Central School District _____ _____	☒ Yes ☐ No
e. Does the project site contain an existing dam? If Yes: <i>i. Dimensions of the dam and impoundment:</i> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <i>ii. Dam's existing hazard classification:</i> _____ <i>iii. Provide date and summarize results of last inspection:</i> _____ _____	☐ Yes ☒ No
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? If Yes: <i>i. Has the facility been formally closed?</i> • If yes, cite sources/documentation: _____ <i>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</i> _____ _____ <i>iii. Describe any development constraints due to the prior solid waste activities:</i> _____ _____	☐ Yes ☒ No ☐ Yes ☐ No
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? If Yes: <i>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</i> _____ _____	☐ Yes ☒ No
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? If Yes: <i>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</i> ☐ Yes – Spills Incidents database ☐ Yes – Environmental Site Remediation database ☐ Neither database Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ <i>ii. If site has been subject of RCRA corrective activities, describe control measures:</i> _____ _____ _____ <i>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</i> If yes, provide DEC ID number(s): _____ <i>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</i> _____ _____	☐ Yes ☒ No ☐ Yes ☐ No ☒ Yes ☐ No

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? _____ >12 feet	
b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ % _____ % _____ %	
d. What is the average depth to the water table on the project site? Average: _____ >10 feet	
e. Drainage status of project site soils: ☒ Well Drained: _____ 50 % of site ☒ Moderately Well Drained: _____ 50 % 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>i</i> or <i>ii</i> , 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 _____	

m. Identify the predominant wildlife species that occupy or use the project site: _____ typical habitat found in fields _____ _____	
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 five 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.

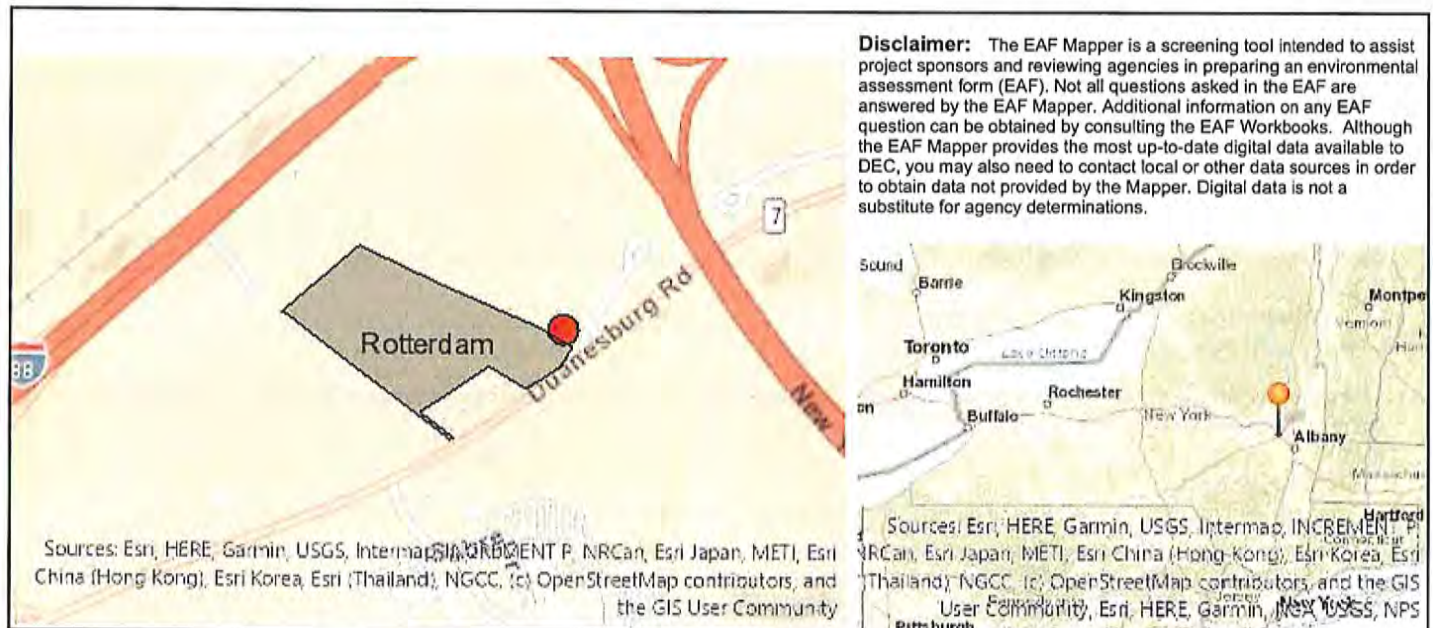
G. Verification

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

Applicant/Sponsor Name Caryn Mlodzianowski, Bohler Date 6/26/2025

Signature  Title Project Manager

PRINT FORM



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]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.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
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]	Yes
E.3.i. [Designated River Corridor]	No

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]	
Project :	Change of Zone 774-778 Duaneburg Rd.
Date :	July 9, 2025

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “Yes” to a numbered question, please complete all the questions that follow in that section.
- If you answer “No” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a – j. If “No”, move on to Section 2.</i> ☐ NO ☒ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☒	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☒	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☒	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☒	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☒	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☒	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☒	☐
h. Other impacts: _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☒ NO☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

I. Other impacts: _____ _____		☐	☐
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☒	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☒	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☒	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☒	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☒	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☒	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☒	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____		☐	☐
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6. Impacts on Air The proposed action may include a state regulated air emission source. ☒ NO ☐ YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____		☐	☐

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☐ NO ☒ YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☒	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☒	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☒	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☒	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☒	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☒	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☒	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☒	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☒	☐
j. Other impacts: _____		☐	☐

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☐ NO ☒ YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☒	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☒	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☒	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☒	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☒	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☒	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☒	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____		☐	☐
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____		☐	☐

13. Impact on Transportation The proposed action may result in a change to existing transportation systems. ☐ NO ☒ YES (See Part 1. D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☒	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☒	☐
c. The proposed action will degrade existing transit access.	D2j	☒	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☒	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☒	☐
f. Other impacts: <u>Traffic Study Completed and reviewed by NYSDOT. Stage 1 approval has been granted by NYSDOT.</u>		☒	☐

14. Impact on Energy The proposed action may cause an increase in the use of any form of energy. ☐ NO ☒ YES (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☒	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☒	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☒	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☒	☐
e. Other Impacts: _____		☐	☐

15. Impact on Noise, Odor, and Light The proposed action may result in an increase in noise, odors, or outdoor lighting. ☐ NO ☒ YES (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☒	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☒	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☒	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☒	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☒	☐
f. Other impacts: _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part I.D.2.q., E.1. d. f. g. and h.)
If "Yes", answer questions a - m. If "No", go to Section 17.

☒ NO

☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____		☐	☐

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____		☐	☐

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☒	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☒	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☒	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☒	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☒	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☒	☐
g. Other impacts: This area has been identified for 25 years as a future commercial growth opportunity for the Town in the Exit 25A linkage study and Comprehensive Plan.		☒	☐

PRINT FULL FORM



May 16, 2025

Bohler Engineering
17 Computer Drive West
Albany NY 12205
Albany, NY 12205

Re: SEQRA
Proposed Change of Zone & Retail store
776 -778 Duanesburg Rd, Schenectady, NY 12306
25PR02333

Dear Bohler Engineering:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project.

OPRHP has reviewed the Phase I Archaeological Survey Report entitled "Phase IA Literature Search and Sensitivity Assessment & Phase IB Archaeological Field Reconnaissance Survey Rotterdam Retail Project" (May 2025; 25SR00215). No archaeological sites were identified by the survey. Therefore, it is the opinion of the OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If you have any questions, I can be reached at Jessica.Vavrsek@parks.ny.gov.

Sincerely,

Jessica Vavrsek, Ph.D.
Scientist – Archaeology/NAGPRA



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
Email Address: fw5es_nyfo@fws.gov

In Reply Refer To:

06/26/2025 17:12:33 UTC

Project code: 2025-0070262

Project Name: Proposed Retail Store - Rotterdam, NY

Federal Nexus: no

Federal Action Agency (if applicable):

Subject: Record of project representative's no effect determination for 'Proposed Retail Store - Rotterdam, NY'

Dear Vishal Rai:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on June 26, 2025, for 'Proposed Retail Store - Rotterdam, NY' (here forward, Project). This project has been assigned Project Code 2025-0070262 and all future correspondence should clearly reference this number.

Please carefully review this letter.

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the **Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (Dkey)**, invalidates this letter. *Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.*

Determination for the Northern Long-Eared Bat and/or Tricolored Bat

Based upon your IPaC submission and a standing analysis, your project has reached the following effect determinations:

Species	Listing Status	Determination
---------	----------------	---------------

Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	No effect
Tricolored Bat (<i>Perimyotis subflavus</i>)	Proposed	No effect
	Endangered	

Federal agencies must consult with U.S. Fish and Wildlife Service under section 7(a)(2) of the Endangered Species Act (ESA) when an action *may affect* a listed species. Tricolored bat is proposed for listing as endangered under the ESA, but not yet listed. For actions that may affect a proposed species, agencies cannot consult, but they can *confer* under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if and when the proposed species is listed. Should the tricolored bat be listed, agencies must review projects that are not yet complete, or projects with ongoing effects within the tricolored bat range that previously received a NE or NLAA determination from the key to confirm that the determination is still accurate.

To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the northern long-eared bat and tricolored bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Proposed Threatened

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the species covered by this key. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical

habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the New York Ecological Services Field Office and reference Project Code 2025-0070262 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Proposed Retail Store - Rotterdam, NY

2. Description

The following description was provided for the project 'Proposed Retail Store - Rotterdam, NY':

Project involves rezoning of the subject property from A-1 Agricultural Zone to B-2 General Business Zone. The applicant then proposes construction of a +/-22,000 SF retail building along with associated parking areas, access drives, utilities, greenspace and stormwater management areas. Rear of the site is proposed to be maintained as green. Project is proposed to start construction in the third quarter of 2025.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.7856614,-74.01826533874123,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the species covered by this determination key. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed bats or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Is the action area wholly within Zone 2 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

3. Does the action area intersect Zone 1 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

4. Does any component of the action involve leasing, construction or operation of wind turbines? Answer 'yes' if the activities considered are conducted with the intention of gathering survey information to inform the leasing, construction, or operation of wind turbines.

Note: For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

5. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

No

6. [Semantic] Is the action area located within 0.5 miles of a known bat hibernaculum? Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

7. Does the action area contain any winter roosts or caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating bats?

No

8. Will the action cause effects to a bridge?

Note: Covered bridges should be considered as bridges in this question.

No

9. Will the action result in effects to a culvert or tunnel at any time of year?

No

10. Are trees present within 1000 feet of the action area?

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

No

11. Does the action area intersect the northern long-eared bat species list area?

Automatically answered

Yes

12. [Semantic] Is the action area located within 0.5 miles of radius of an entrance/opening to any known NLEB hibernacula? **Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

13. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats? **Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

14. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats?

Automatically answered

No

15. [Semantic] Is the action area located within 150 feet of a documented northern long-eared bat roost site?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency. Have you contacted the appropriate agency to determine if your action is within 150 feet of any documented northern long-eared bat roosts?

Note: A document with links to Natural Heritage Inventory databases and other state-specific sources of information on the locations of northern long-eared bat roosts is available here. Location information for northern long-eared bat roosts is generally kept in state natural heritage inventory databases – the availability of this data varies by state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited.

Automatically answered

No

16. Does the action area intersect the tricolored bat species list area?

Automatically answered

Yes

17. [Semantic] Is the action area located within 0.5 miles of radius of an entrance/opening to any known tricolored bat hibernacula? Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

18. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats? **Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

19. Do you have any documents that you want to include with this submission?

No

PROJECT QUESTIONNAIRE

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Vishal Rai
Address: 17 Computer Drive West
City: Albany
State: NY
Zip: 12205
Email: vrai@bohlereng.com
Phone: 5184389900



April 4th, 2025

Peter Comenzo, Senior Planner
Town of Rotterdam
Planning/Zoning Department
1100 Sunrise Blvd
Rotterdam, NY 12306

**Re: Proposed Change of Zone & Retail Store
774-778 Duanesburg Rd
Schenectady, NY 12306**

Dear Mr. Comenzo:

The New York State Department of Transportation has reviewed the SEQR documentation received per the correspondence dated **July 11th, 2024**, and offers the following:

1. The NYSDOT acknowledges the **Town Board of the Town of Rotterdam** will be designated as the Lead Agency for this environmental review. NYSDOT believes we are an **Involved** agency under SEQR.
2. The project area is currently located within the Agricultural Zone (A-1). The project proposes a zone change to a General Business Zone (B-2). This area is considered a corridor mixed-use node, denoted the "Western Gateway Node" in the towns comprehensive plan (pg. II-5, III-13). The project consists of a zoning change from A-1 to B-2, and construction of a 22,000 SF retail building housing a tractor supply store. The plan includes construction of associated car parking, landscaping, lighting, utilities, and stormwater management facilities. The project will alter approximately 5 of the 14.02 site acres, introducing new impervious surfaces.

The Town of Rotterdam's Comprehensive Plan (2022) states that areas designated "Corridor Mixed-Use" should promote "mixed-use development and redevelopment along these corridors with a focus on office/commercial/retail establishments" (pg. II-3). This site, if granted a zone change, would align with this objective of the town, and a tractor supply store would be an appropriate addition into a B-2 zoning area within Rotterdam.

Although this project does align with some of the comprehensive plan's vision, there are some potential concerns and considerations that need to be

reviewed. These concerns regard traffic, safety, stormwater management, and accessibility. Suggestions to address these concerns will be outlined in the following section.

Regarding traffic: this area is deemed the “Western Gateway Node” into Rotterdam, and “high volume of truck traffic and lack of infrastructure to properly accommodate the high truck volume” along with “overall lack of pedestrian and bicycle infrastructure” are two associated challenges within the area (pg. III-13). This leads to potential traffic concerns as this Section of NYS RT 7, considered an access highway and principal arterial (other), has an AADT of approx. 12,446 (2019), with trucks representing 14% of all traffic. The addition of a new curb cut, and increased traffic to the retail store will result in an increased AADT and will introduce additional heavy vehicle trips to the corridor.

Regarding stormwater management, this project site is located on the Indian House Creek / Normans Kill Watersheds and on the Middle-Hudson Subbasin, leading to flooding concerns as this section of NYS Rt 7 is deemed to have medium vulnerability to flooding. Although the plans include a stormwater management area to address this issue, it also proposes to direct overflow to “storm drains along the road.” NYSDOT does not allow direct discharge of stormwater into our system from new development as a standard requirement outlined later.

Regarding walkability and multi-modal transportation: the current plan includes no amenities regarding cyclists and does not include any plans to build/expand the sidewalks within the area, infrastructure that the comprehensive plan notes is lacking. The surrounding area, a mix of residential, business, and agricultural zones, along with the close proximity to the Schalmont Middle/Highschool makes this area a prime spot for introducing new sidewalk and connections, and continuous work with the town and other developments should be considered to expand the network beyond this proposed retail site.

3. There are potential improvements the proposed project could implement to better align with the town’s comprehensive plan and address the concerns expressed above. These improvements can help better address the mobility, pedestrian/traffic safety, and development desired in the “Western Gateway Node.” Please see below suggestions for the town’s consideration:
 - a) Installation of sidewalks along the entire Rt 7 corridor should be considered. Sidewalks extending from Becker Road east to the nearest bus stop at Rotterdam Industrial Park (Rt 7 & Dunnsville Rd Stop) would completely connect this area and gateway and promote multi-modal transportation options. Sidewalk on both sides of the street would be preferred, but sidewalks solely on the Northern side of Rt. 7

would still be beneficial. Cooperation with the Town and other development, such as the proposed BJ's in the same corridor, is encouraged to create a unified network.

- b) Installation of sidewalk along the driveway into the parking lot with a crosswalk/pedestrian striping from South of the lot to the building's pedestrian refuge.
 - c) Consider putting the remaining acres of land into conservation easement to prohibit the remaining agricultural land from being developed. This will help maintain the rural character of the town, along with preventing more destruction of green spaces in this area, which was initially zoned as agricultural.
 - d) Landscape beautification along the site area, especially surrounding the septic and stormwater management areas can help maintain the neighborhood and natural character of the area. The introduction of this new vegetation can help with flooding concerns as they can help reduce rainfall runoff and slow the flow of rainwater.
 - e) To promote multi-modal travel, installation of bike racks at main entrance.
- 4. The NYSDOT has received a Lead Agency Request, a Short EAF, Proposed Change of Boundary Site Map, Site Maps, Change of Zone Application, and a Change of Zone Application Letter from Peter Comenzo on August 6th, 2024.
 - 5. Please note that NYSDOT does not allow new development to directly discharge stormwater into the highway stormwater management system.
 - 6. A NYSDOT Highway Work Permit (PERM 33-com) will be necessary for any work within the State right-of-way along NYS Route 7.
 - 7. In anticipation of the Highway Work Permit, a Traffic Impact Study will be required.
 - 8. A PERM 32 NYSDOT permit application will be required for any utility work in the NYSDOT right-of-way. Please submit documentation the Town will take ownership of any proposed utilities in NYSDOT right-of-way.

If you have any questions pertaining to the Utility Permit process or requirements, please contact Matt Haggerty at Matt.Haggerty@dot.ny.gov or (518) 461-3669. For questions about the Highway Work Permit process and requirements, contact Wyatt Martin, Regional Permit Engineer (Wyatt.Martin@dot.ny.gov or 518-457-4745).

Sincerely,



Gregory S Wichser, P.E.
Acting Regional Program and Planning Manager

cc: Wyatt Martin, Region 1 Traffic
Matt Haggerty, Region 1 Construction
Thomas Cashdollar, Resident Engineer, Schenectady County
Brian Sleasman, Region 1 Design

Caryn Mlodzianowski

From: McNally, Jim (DOT) <Jim.McNally@dot.ny.gov>
Sent: Thursday, May 15, 2025 11:00 AM
To: Caryn Mlodzianowski; Jed Randell Sarabia
Cc: dot.sm.R01.permits; nyb240019.00@nf.bohlereng.com; Martin, Wyatt (DOT)
Subject: RE: 774-778 Duanesburg Road, Rotterdam, NY - Stage 1 DOT review

EXTERNAL: Use caution with attachments and links.

Caryn,

After reviewing the responses to our Traffic comments and the plan submission and for Stage 1, we conceptually approve the driveway locations. Please submit Stage 2 plans, Work Zone Traffic Control plans, driveway detail, curb/shoulder recon detail, stormwater plan, and the Stage 2 application.

Thanks,

JIM MCNALLY

Region 1 Permits

New York State Department of Transportation

50 Wolf Road

Albany, NY 12232

(518) 485-9637 Jim.McNally@dot.ny.gov

www.dot.ny.gov

From: Caryn Mlodzianowski <cmlodzianowski@bohlereng.com>
Sent: Thursday, May 15, 2025 10:41 AM
To: McNally, Jim (DOT) <Jim.McNally@dot.ny.gov>; Jed Randell Sarabia <jsarabia@bohlereng.com>
Cc: dot.sm.R01.permits <dot.sm.R01.permits@dot.ny.gov>; nyb240019.00@nf.bohlereng.com; Martin, Wyatt (DOT) <Wyatt.Martin@dot.ny.gov>
Subject: RE: 774-778 Duanesburg Road, Rotterdam, NY - Stage 1 DOT review

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Good morning,

Please find responses to the below comments attached. Let us know if you have any questions. Thank you,

Caryn Mlodzianowski

Project Manager, Land Development

o 518-438-9900 / c 518-727-3592 / cmlodzianowski@bohlereng.com

BOHLER //

From: McNally, Jim (DOT) <Jim.McNally@dot.ny.gov>

Sent: Friday, May 9, 2025 12:29 PM

To: Caryn Mlodzianowski <cmłodzianowski@bohlereng.com>; Jed Randell Sarabia <jsarabia@bohlereng.com>

Cc: dot.sm.R01.permits <dot.sm.R01.permits@dot.ny.gov>; nyb240019.00@nf.bohlereng.com; Martin, Wyatt (DOT) <Wyatt.Martin@dot.ny.gov>

Subject: RE: 774-778 Duanesburg Road, Rotterdam, NY - Stage 1 DOT review

EXTERNAL: Use caution with attachments and links.

Caryn,

I just received the following minor comments/questions from traffic:

These comments are regarding the 1/14/25 TIS letter:

- Only the Turning Movement Counts for Route 7/Sabre Drive are included in the appendices. All count data should be included in the appendices.
- Were the “Other Development” volumes (i.e. BJ’s), distributed and assigned in the same manner as the October 19, 2024 BJ’s TIS? (*I should have said BJ’s instead of Home Depot in the original comment*)

Thanks,

JIM MCNALLY

Region 1 Permits

New York State Department of Transportation

50 Wolf Road

Albany, NY 12232

(518) 485-9637 Jim.McNally@dot.ny.gov

www.dot.ny.gov

From: Caryn Mlodzianowski <cmłodzianowski@bohlereng.com>

Sent: Friday, May 9, 2025 7:40 AM

To: McNally, Jim (DOT) <Jim.McNally@dot.ny.gov>; Jed Randell Sarabia <jsarabia@bohlereng.com>

Cc: dot.sm.R01.permits <dot.sm.R01.permits@dot.ny.gov>; nyb240019.00@nf.bohlereng.com; Martin, Wyatt (DOT) <Wyatt.Martin@dot.ny.gov>

Subject: RE: 774-778 Duanesburg Road, Rotterdam, NY - Stage 1 DOT review

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Good morning Jim,

Thanks for catching up earlier this week. Were you able to meet with the traffic review team and complete Stage 1 review?

Caryn Mlodzianowski

Project Manager, Land Development

o 518-438-9900 / c 518-727-3592 / cmłodzianowski@bohlereng.com



From: Caryn Mlodzianowski
Sent: Wednesday, April 30, 2025 8:15 AM
To: McNally, Jim (DOT) <Jim.McNally@dot.ny.gov>; Jed Randell Sarabia <jsarabia@bohlereng.com>
Cc: dot.sm.R01.permits <dot.sm.R01.permits@dot.ny.gov>; nyb240019.00@nf.bohlereng.com; Martin, Wyatt (DOT) <Wyatt.Martin@dot.ny.gov>
Subject: RE: 774-778 Duanesburg Road, Rotterdam, NY - Stage 1 DOT review

Good morning Jim and Wyatt,

Can you confirm receipt of this email and attachment and let us know if it has been reviewed/how timing looks?
Thank you!

Caryn Mlodzianowski
Project Manager, Land Development
17 Computer Drive West | Albany, NY 12205
70 Linden Oaks, Third Floor, Suite 15 | Rochester, NY 14625
o 518-438-9900 / c 518-727-3592 / cmlodzianowski@bohlereng.com
www.BohlerEngineering.com



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From: Caryn Mlodzianowski
Sent: Monday, April 14, 2025 3:12 PM
To: McNally, Jim (DOT) <Jim.McNally@dot.ny.gov>; Jed Randell Sarabia <jsarabia@bohlereng.com>
Cc: dot.sm.R01.permits <dot.sm.R01.permits@dot.ny.gov>; nyb240019.00@nf.bohlereng.com; Martin, Wyatt (DOT) <Wyatt.Martin@dot.ny.gov>
Subject: RE: 774-778 Duanesburg Road, Rotterdam, NY - Stage 1 DOT review

Good afternoon Jim,

Based on the feedback received, the traffic engineers have assembled the attached for review.
Let us know this is received and if there are any comments/questions on this additional information.

Thank you,

Caryn Mlodzianowski
Project Manager, Land Development
17 Computer Drive West | Albany, NY 12205
70 Linden Oaks, Third Floor, Suite 15 | Rochester, NY 14625
o 518-438-9900 / c 518-727-3592 / cmlodzianowski@bohlereng.com
www.BohlerEngineering.com

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From: Caryn Mlodzianowski
Sent: Thursday, April 3, 2025 3:38 PM
To: McNally, Jim (DOT) <Jim.McNally@dot.ny.gov>; Jed Randell Sarabia <jsarabia@bohlereng.com>
Cc: dot.sm.R01.permits <dot.sm.R01.permits@dot.ny.gov>; nyb240019.00@nf.bohlereng.com; Martin, Wyatt (DOT) <Wyatt.Martin@dot.ny.gov>
Subject: RE: 774-778 Duanesburg Road, Rotterdam, NY - Stage 1 DOT review

Thank you for this feedback, Jim. We have a couple of comments/questions **below**. Attached is the traffic evaluation to ensure everyone received a copy of the full evaluation.

From: McNally, Jim (DOT) <Jim.McNally@dot.ny.gov>
Sent: Tuesday, April 1, 2025 11:31 AM
To: Caryn Mlodzianowski <cmlodzianowski@bohlereng.com>; Jed Randell Sarabia <jsarabia@bohlereng.com>
Cc: dot.sm.R01.permits <dot.sm.R01.permits@dot.ny.gov>; nyb240019.00@nf.bohlereng.com; Martin, Wyatt (DOT) <Wyatt.Martin@dot.ny.gov>
Subject: RE: 774-778 Duanesburg Road, Rotterdam, NY - Stage 1 DOT review

EXTERNAL: Use caution with attachments and links.

Caryn,

Please see the following comments from traffic:

- What are existing and expected queues on Becker Road? Any concern for vehicles backing up onto I-88 Ramps or mainline? **There is no concern for vehicles backing up onto the I-88 ramps- additional queuing details will be provided in a formal response.**
- Should the outparcel tenant turn out to be a higher generator than a Tractor Supply, the TIS will need to be updated and re-reviewed by NYSDOT **There is no planned outparcel at the site.**
- I agree with analyzing the Schalmont School driveway/Route 7 intersection instead of the Pangburn Road/Route 7 intersection **Noted- the Pangburn Road intersection was not included in the detailed traffic study.**
- Our opinion is that the AM peak hour is not particularly important if the site use is to be a Tractor Supply, however, if they want to analyze the AM PH in case the site use changes, then that is fine **PM and Saturday peak hours were evaluated in the detailed study attached.**
- I agree that VHB's count data can be used, but the consultant should calibrate that data based on the new counts at the Route 7/Schalmont School Driveway intersection **The 2023 data was adjusted to represent 2024 existing conditions to use as a base condition for the analysis. Further balancing was not completed- but will be reviewed. More information will be provided in a formal response.**
- A crash review along the Route 7 from the School Driveway to Burdeck St should be included in the study. **Crash data has been requested from NYSDOT. A summary of the data will be included in a formal response.**

The SEQR response for the project should be sent out tomorrow or Wednesday.

Thank,

JIM MCNALLY

Region 1 Permits

New York State Department of Transportation

50 Wolf Road

Albany, NY 12232

(518) 485-9637 Jim.McNally@dot.ny.gov

www.dot.ny.gov

From: Caryn Mlodzianowski <cmlodzianowski@bohlereng.com>

Sent: Friday, March 28, 2025 9:54 AM

To: Jed Randell Sarabia <jsarabia@bohlereng.com>; McNally, Jim (DOT) <Jim.McNally@dot.ny.gov>

Cc: dot.sm.R01.permits <dot.sm.R01.permits@dot.ny.gov>; nyb240019.00@nf.bohlereng.com

Subject: RE: 774-778 Duanesburg Road, Rotterdam, NY - Stage 1 DOT review

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good morning Jim,

Has Stage 1 and traffic review been completed for this project?

Caryn Mlodzianowski

Project Manager, Land Development

o 518-438-9900 / c 518-727-3592 / cmlodzianowski@bohlereng.com

BOHLER //

From: Caryn Mlodzianowski

Sent: Monday, March 24, 2025 12:21 PM

To: Jed Randell Sarabia <jsarabia@bohlereng.com>; McNally, Jim (DOT) <Jim.McNally@dot.ny.gov>

Cc: dot.sm.R01.permits <dot.sm.R01.permits@dot.ny.gov>; nyb240019.00@nf.bohlereng.com

Subject: RE: 774-778 Duanesburg Road, Rotterdam, NY - Stage 1 DOT review

Good afternoon Jim,

Can you provide an update on review of this project or let us know if there is someone else we can follow up with.

Thank you,

Caryn Mlodzianowski

Project Manager, Land Development

17 Computer Drive West | Albany, NY 12205

70 Linden Oaks, Third Floor, Suite 15 | Rochester, NY 14625

o 518-438-9900 / c 518-727-3592 / cmlodzianowski@bohlereng.com

www.BohlerEngineering.com



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From: Caryn Mlodzianowski
Sent: Tuesday, March 18, 2025 12:26 PM
To: Jed Randell Sarabia <jsarabia@bohlereng.com>; McNally, Jim (DOT) <Jim.McNally@dot.ny.gov>
Cc: dot.sm.R01.permits <dot.sm.R01.permits@dot.ny.gov>; nyb240019.00@nf.bohlereng.com
Subject: RE: 774-778 Duanesburg Road, Rotterdam, NY - Stage 1 DOT review

Good afternoon Jim,

Following up on our calls and emails. We look forward to hearing back from you on this review.

Thank you,

Caryn Mlodzianowski
Project Manager, Land Development
17 Computer Drive West | Albany, NY 12205
70 Linden Oaks, Third Floor, Suite 15 | Rochester, NY 14625
o 518-438-9900 / c 518-727-3592 / cmlodzianowski@bohlereng.com
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From: Jed Randell Sarabia <jsarabia@bohlereng.com>
Sent: Friday, March 14, 2025 2:13 PM
To: McNally, Jim (DOT) <Jim.McNally@dot.ny.gov>
Cc: dot.sm.R01.permits <dot.sm.R01.permits@dot.ny.gov>; Caryn Mlodzianowski <cmlodzianowski@bohlereng.com>; nyb240019.00@nf.bohlereng.com
Subject: RE: 774-778 Duanesburg Road, Rotterdam, NY - Stage 1 DOT review

Hi Jim, good afternoon,

Just left you a voicemail – wanted to follow up below if the review of the traffic study is complete and when we can expect the SEQR response for the project. Any updates would be appreciated.

Thank you and have a great weekend!

Jed Randell Sarabia

Sr. Design Engineer

o 518-438-9900 / jsarabia@bohlereng.com

BOHLER //

From: Caryn Mlodzianowski <cmlodzianowski@bohlereng.com>

Sent: Thursday, March 6, 2025 4:19 PM

To: Jed Randell Sarabia <jsarabia@bohlereng.com>; McNally, Jim (DOT) <Jim.McNally@dot.ny.gov>

Cc: dot.sm.R01.permits <dot.sm.R01.permits@dot.ny.gov>

Subject: RE: 774-778 Duanesburg Road, Rotterdam, NY - Stage 1 DOT review

Good afternoon Jim,

Did traffic complete their review yesterday? We also will need a SEQR response for the project. Thank you,

Caryn Mlodzianowski

Project Manager, Land Development

17 Computer Drive West | Albany, NY 12205

70 Linden Oaks, Third Floor, Suite 15 | Rochester, NY 14625

o 518-438-9900 / c 518-727-3592 / cmlodzianowski@bohlereng.com

www.BohlerEngineering.com

BOHLER //

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From: Caryn Mlodzianowski

Sent: Tuesday, February 25, 2025 4:02 PM

To: Jed Randell Sarabia <jsarabia@bohlereng.com>; McNally, Jim (DOT) <Jim.McNally@dot.ny.gov>

Cc: dot.sm.R01.permits <dot.sm.R01.permits@dot.ny.gov>

Subject: RE: 774-778 Duanesburg Road, Rotterdam, NY - Stage 1 DOT review

Good afternoon Jim,

Wanted to check in on the below and let you know we will also need a SEQR response and/or to confirm if this was prepared? The Town reached out to Matthew DeSimone previously on this and not sure if it was finalized. Let us know and if we could receive a copy that'd be great.

Caryn Mlodzianowski

Project Manager, Land Development

o 518-438-9900 / c 518-727-3592 / cmlodzianowski@bohlereng.com

BOHLER //

From: Jed Randell Sarabia <jsarabia@bohlereng.com>

Sent: Friday, February 21, 2025 9:03 AM

To: McNally, Jim (DOT) <Jim.McNally@dot.ny.gov>

Cc: Caryn Mlodzianowski <cmlodzianowski@bohlereng.com>; dot.sm.R01.permits <dot.sm.R01.permits@dot.ny.gov>

Subject: RE: 774-778 Duanesburg Road, Rotterdam, NY - Stage 1 DOT review

Hi Jim, good morning – thank you for the update.

Any chance we could have a completed Stage 1 review back sooner. Would you have an estimated date on that?

Thank you,

Jed Randell Sarabia

Sr. Design Engineer

o 518-438-9900 / jsarabia@bohlereng.com

BOHLER //

From: McNally, Jim (DOT) <Jim.McNally@dot.ny.gov>

Sent: Thursday, February 20, 2025 2:33 PM

To: Jed Randell Sarabia <jsarabia@bohlereng.com>

Cc: Caryn Mlodzianowski <cmlodzianowski@bohlereng.com>; dot.sm.R01.permits <dot.sm.R01.permits@dot.ny.gov>

Subject: RE: 774-778 Duanesburg Road, Rotterdam, NY - Stage 1 DOT review

EXTERNAL: Use caution with attachments and links.

Jed,

Our Traffic will not be able provide any comments on the traffic study until 3/5. My apologies for the delay.

Thanks,

JIM MCNALLY

Region 1 Permits

New York State Department of Transportation

50 Wolf Road

Albany, NY 12232

(518) 485-9637 Jim.McNally@dot.ny.gov

www.dot.ny.gov

From: Jed Randell Sarabia <jsarabia@bohlereng.com>

Sent: Thursday, January 23, 2025 4:03 PM

To: McNally, Jim (DOT) <Jim.McNally@dot.ny.gov>

Cc: Caryn Mlodzianowski <cmlodzianowski@bohlereng.com>

Subject: RE: 774-778 Duanesburg Road, Rotterdam, NY - Stage 1 DOT review

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi Jim, good afternoon,

At the request of the municipality, please see the attached Traffic Study to supplement our Stage 1 application for review and approval. Let us know if you have any questions.

Thank you!

Jed Randell Sarabia

Sr. Design Engineer

o 518-438-9900 / jsarabia@bohlereng.com

BOHLER //

From: Jed Randell Sarabia

Sent: Monday, September 23, 2024 2:17 PM

To: McNally, Jim (DOT) <Jim.McNally@dot.ny.gov>

Cc: Caryn Mlodzianowski <cmlodzianowski@bohlereng.com>

Subject: 774-778 Duanesburg Road, Rotterdam, NY - Stage 1 DOT review

Hi Jim, good afternoon,

Hope you had a great weekend. Please see attached documents regarding the project located at 774 & 778 Duanesburg Road (NYS Route 7), Rotterdam, NY. The project consists of approximately ±22,000 SF retail building with associated car parking, utilities, stormwater basins, landscape, and lighting. The proposed access is shown along NYS Route 7. Please let us know if this acceptable for our Stage 1 application.

Thank you,
Jed

Jed Randell Sarabia

Sr. Design Engineer

17 Computer Drive West

Albany, NY 12205

o 518-438-9900 / jsarabia@bohlereng.com

www.BohlerEngineering.com

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June 27, 2025

Peter Comenzo, Senior Planner
Town of Rotterdam
1100 Sunrise Boulevard
Rotterdam, NY 12306

**RE: Proposed Development
774-778 Duanesburg Road (NYS Route 7)
Rotterdam, NY 12306
Labella Project # 2241303.04**

Dear Mr. Comenzo:

As requested by the Town of Rotterdam, LaBella Associates (LaBella) has completed a review of the correspondence between the applicant's project team and the New York State Department of Transportation (NYSDOT) as well as the technical letters addressing the NYSDOT comments for the Highway Work Permit (PERM33-COM) Stage 1 Submission made by the applicant's project team.

LaBella finds the comments made by the NYSDOT in its emails dated April 1, 2025 and May 9, 2025 reasonable and Lansing Engineering's respective responses dated April 7, 2025 and May 15, 2025 acceptable.

LaBella notes that the NYSDOT provided its conceptual approval for the driveway location and full-movement configuration via an email dated May 15, 2025. In this same email, the NYSDOT directs the applicant's project team to proceed with its Stage 2 submission, which is the Design Review stage.

Having completed its review of the aforementioned materials, LaBella has no outstanding comments regarding the application.

In the event the Town staff have any questions or require additional information, please do not hesitate to contact me at (518) 903-8388 x7726

Respectfully submitted,

LaBella Associates



Reuben Hull, PE, PMP, M. ASCE
Asst. Municipal Discipline Lead
Sr. Civil Engineer

cc: Peter Comenzo, Town of Rotterdam Senior Planner (via email only)

REPORT OF GEOTECHNICAL INVESTIGATION

**PROPOSED TRACTOR SUPPLY COMPANY STORE
778 DUANESBURG ROAD
SECTION 57, BLOCK 3, LOT 6.1
ROTTERDAM, SCHENECTADY COUNTY, NEW YORK**



Prepared for:

**PRIMAX PROPERTIES, LLC
1100 East Morehead Street
Charlotte, North Carolina 28204**

Prepared by:

**WHITESTONE ASSOCIATES ENGINEERING
& GEOLOGY NY, PLLC
500 Canal View Boulevard, Suite 700
Rochester, New York 14623**



**Richard W.M. McLaren
Senior Consultant**



**Ryan R. Roy, PE
Vice President**

**Whitestone Project No.: GM2422433.Y00
December 3, 2024**

Office Locations:



500 CANAL VIEW BOULEVARD
SUITE 700
ROCHESTER, NY 14623
585.252.6879
whitestoneassoc.com

December 3, 2024

via email

PRIMAX PROPERTIES, LLC
1100 East Morehead Street
Charlotte, North Carolina 28204

Attention: Mr. Adam F. Sellner
Vice President - Development

**Regarding: REPORT OF GEOTECHNICAL INVESTIGATION
PROPOSED TRACTOR SUPPLY COMPANY STORE
778 DUANESBURG ROAD
SECTION 57, BLOCK 3, LOT 6.1
ROTTERDAM, SCHENECTADY COUNTY, NEW YORK
WHITESTONE PROJECT NO.: GM2422433.Y00**

Dear Mr. Sellner:

Whitestone Associates Engineering & Geology NY, PLLC (Whitestone) is pleased to submit this *Report of Geotechnical Investigation* for the above-referenced project. The report presents the results of Whitestone's subsurface exploration and includes design recommendations for the foundations, slabs, and pavements, and related earthwork associated with the proposed Tractor Supply Company (TSC) store.

Whitestone appreciates the opportunity to be of continued service to Primax Properties, LLC. Should you have questions regarding the enclosed report, contact us at (585) 252-6879.

Sincerely,

WHITESTONE

Richard W.M. McLaren
Senior Consultant

Ryan R. Roy, PE
Vice President

RWM/th N:\Job Folders\2024\2422433GM\Reports and Submittals\Primax TSC Rotterdam NY GM2422433.Y00 ROGI 12-3-24.docx
Enclosures
Copy: Laurence W. Keller, PE, Whitestone Associates, Inc.

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August 13, 2025
Page 229

REPORT OF GEOTECHNICAL INVESTIGATION

**Proposed Tractor Supply Company Store
778 Duaneburg Road
Rotterdam, Schenectady County, New York**

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REPORT OF GEOTECHNICAL INVESTIGATION

**Proposed Tractor Supply Company Store
778 Duaneburg Road
Rotterdam, Schenectady County, New York**

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APPENDICES

APPENDIX A Records of Subsurface Exploration
 (Borings B-1 through B-8; Test Pits TP-1 through TP-8)
APPENDIX B Laboratory Test Results
APPENDIX C Supplemental Information (USCS, Terms & Symbols)

SECTION 1.0

Summary of Findings

Whitestone has completed an exploration and evaluation of the subsurface conditions at the site of the proposed Tractor Supply Company (TSC) store located at 778 Duanesburg Road in the Town of Rotterdam, Schenectady County, New York. Based on a January 26, 2024 *Concept Plan* prepared by Bohler Engineering NY, PLLC (Bohler) of Albany, New York, the project consists of constructing a TSC store with a footprint of 22,000 square feet, a permanent trailer display area, four small sidewalk display areas, associated paving, utilities, and landscaped areas. A stormwater management area is planned southeast of the proposed store. A septic area is planned to the northwest proposed store. No new retaining walls are shown on the *Concept Plan*.

The geotechnical investigation included conducting a reconnaissance of the project site, advancing eight borings, excavating eight test pits, performing *in-situ* infiltration and percolation tests, and collecting soil samples for laboratory testing and characterization. Site subsurface conditions generally consisted of topsoil/subsoil overlying an alluvial deposit, which is underlain by a kame deposit, in turn underlain by glacial till. Shallow existing fill was encountered in one exploration. Weathered and apparent bedrock were encountered beneath the glacial till. Groundwater was encountered in two borings at depths of 2.5 feet below ground surface (fbgs) and 12 feet fbgs during field activities. The shallower groundwater is likely perched.

The proposed structure may be supported on conventional spread footings designed to bear on the alluvial deposit or kame moraine, and/or structural fill placed on the alluvial deposit or kame moraine. Glacial till, which was generally encountered at depth in the borings, would also be suitable for footing support if exposed at foundation subgrade level. The site is suitable for ground-supported slabs bearing on the properly inspected, approved, and improved alluvial deposit, kame moraine, or existing fill, and/or structural fill. Additionally, the site conditions support the use of typical pavement sections using standard New York State Department of Transportation (NYSDOT) specified materials.

The above summary is intended to provide an overview of the geotechnical findings and recommendations and is not fully developed. Greater detail is presented in the following sections. The entire report must be read for comprehensive understanding of the information contained herein.

SECTION 2.0

Introduction

2.1 AUTHORIZATION

Mr. Adam F. Sellner, Vice President - Development at Primax Properties, LLC, issued authorization to Whitestone to conduct a geotechnical investigation on this site relevant to the construction of a proposed TSC store located at 778 Duanesburg Road in the Town of Rotterdam, Schenectady County, New York. The geotechnical investigation was conducted in general accordance with Whitestone's August 28, 2024 proposal.

2.2 PURPOSE

The purpose of this exploration and analysis was to:

- ▶ ascertain the various soil profile components at test locations;
- ▶ conduct preliminary infiltration and percolation testing;
- ▶ estimate the engineering characteristics of the proposed foundation bearing and subgrade materials;
- ▶ provide geotechnical criteria for use by the design engineers in preparing the foundation, slab, and pavement design;
- ▶ provide recommendations for required earthwork and subgrade preparation;
- ▶ record groundwater and/or bedrock levels (if encountered) at the time of the investigation and discuss the potential impact on the proposed construction; and
- ▶ recommend additional investigation and/or analysis, if warranted.

2.3 SCOPE

The scope of the exploration and analysis included the subsurface exploration, field testing and sampling, laboratory testing, evaluation of the subsurface materials, and a geotechnical engineering analysis. This *Report of Geotechnical Investigation* is limited to addressing the site conditions related to the physical support of the proposed construction.

2.3.1 Field Exploration

Field exploration of the project site was conducted by means of eight borings, identified as B-1 through B-8, which were advanced with a truck-mounted Diedrich D-50 drill rig equipped with hollow stem augers.

The borings were advanced to termination depths of approximately four fbgs to 15.8 fbgs. The borings were backfilled with soils generated from the investigation upon completion.

Whitestone also excavated eight test pits, identified as TP-1 through TP-8, with a Komatsu PC40 mini excavator. The test pits were excavated to termination depths that ranged from approximately 5.5 fbgs to 10 fbgs. The test pits were backfilled with excavated soils upon completion.

The *Records of Subsurface Exploration* for the explorations are included in Appendix A. Test locations are shown on the *Test Location Plan* included as Figure 1.

Test locations were based on project information provided to Whitestone at the time of the investigation, including the January 26, 2024 Bohler *Concept Plan*. The subsurface tests were conducted in the presence of a Whitestone field engineer, who conducted field tests, recorded visual classifications, and collected samples of the various strata encountered. The tests were located in the field using phone-based GPS. These locations are presumed to be accurate to the degree implied by the method used (± 20 feet).

Borings and Standard Penetration Tests (SPTs) were conducted in general accordance with ASTM International (ASTM) designation D1586. The Standard Penetration Resistance value (N) can be used as an indicator of the consistency of fine-grained soils and the relative density of coarse-grained soils. The N-value for various soil types can be correlated with the engineering behavior of earthworks and foundations.

Groundwater level observations, where encountered, were recorded during and immediately following the completion of the testing operations within the borings. Seasonal variations, temperature effects, and recent rainfall conditions may influence the levels of the groundwater, and the observed levels will depend on the permeability of the soils. Groundwater elevations derived from sources other than seasonally observed groundwater monitoring wells may not be representative of true groundwater levels.

2.3.2 Infiltration Testing

Test pits TP-5 and TP-8 were advanced to a depth of 10 fbgs and eight fbgs, respectively, to evaluate soil conditions prior to infiltration testing. Infiltration tests I-1 and I-2 were then conducted as falling head tests in cased holes in the test pits in general accordance with the New York State Department of Environmental Conservation procedures at the locations shown on the *Test Location Plan*. PVC casing, four inches in diameter, was installed to the depths tabulated below. The soil was pre-soaked for approximately 10 minutes. Following testing, the casings were removed. The results are tabulated below.

SUMMARY OF INFILTRATION TESTING				
Location	Approximate Ground Elevation (ft NAVD)	Test Depth (fbgs)	Approximate Test Elevation (ft NAVD)	Infiltration Rate (in/hr)
I-1 (TP-5)	350	4.0	346	> 10
I-2 (TP-8)	350	4.5	345.5	> 10

Infiltration tests I-1 and I-2 were conducted in the alluvial deposit, which generally consists of relatively clean sand. The high infiltration rates are reflective of this soil type. However, infiltration rates for kame moraine, which is mapped for the site, and glacial till would generally be in the one inch per hour (in/hr) to two in/hr range.

Typically, a Factor of Safety (FoS) is applied to measured infiltration rates to account for siltation and consolidation of soil below the systems over time. Safety factors used should consider how critical the systems are to the development and the available storage. If the system is critical or storage limited, a higher FoS should be applied. Infiltration rates are variable and dependent on test depth and stratification.

2.3.3 Percolation Testing

Subsurface soil conditions were initially explored by advancing test pits TP-2, TP-3, TP-6, and TP-7 to depths of eight fbgs to 10 fbgs. Subsequently, percolation tests, Perc-1 through Perc-4, were conducted in general accordance with New York State Department of Health procedures, at the locations shown on Figure 1 - *Test Location Plan*. The test depths are tabulated below. The percolation test holes were pre-soaked for 30 minutes. Percolation tests Perc-1 and Perc-2 were conducted in the kame moraine and subsoil, respectively. Percolation tests Perc-3 and Perc-4 were conducted in the alluvial deposit.

SUMMARY OF PERCOLATION TESTING				
Location	Approximate Ground Elevation (ft NAVD)	Test Depth (fbgs)	Approximate Test Elevation (ft NAVD)	Percolation Rate (min/in)
Perc-1 (TP-2)	350	4.5	345.5	> 60
Perc-2 (TP-3)	350	1.5	348.5	> 60
Perc-3 (TP-6)	350	4.0	346	3.5
Perc-4 (TP-7)	350	3.5	346.5	1.5

2.3.4 Laboratory Testing

Laboratory testing was conducted to determine additional, pertinent engineering characteristics of representative samples of on-site soils. The laboratory testing was conducted in general accordance with applicable ASTM standard test methods and included physical testing of the kame moraine and alluvial deposit.

Physical/Textural Analysis: Representative samples of the site soils were subjected to laboratory testing that included moisture content determination (ASTM D2216) and washed gradation analyses (ASTM D422) in order to conduct supplementary engineering soil classifications and/or to assess possible re-use of the site soils as structural fill. The results of the laboratory testing are summarized in the table below.

LABORATORY TESTING SUMMARY					
Exploration	Sample Number	Depth (fbgs)	Moisture Content (%)	Passing No. 200 Sieve (%)	USCS Classification
B-1	S-3	5.0 - 7.0	9.1	48.4	SM
B-3	S-2	2.0 - 4.0	5.3	8.8	SP-SM
TP-5	S-1	4.5	5.5	13.6	SM
TP-6	S-1	4.5	6.1	9.6	SP-SM
TP-7	S-1	4.0	3.8	6.8	SP-SM
TP-8	S-1	5.0	11.5	11.8	SP-SM

The engineering classifications are useful when considered in conjunction with the additional site data to estimate properties of the soil types encountered and to predict soil behavior under construction and service loads. Laboratory test results are provided in Appendix B.

SECTION 3.0

Site Description

3.1 LOCATION & DESCRIPTION

The subject site is located at 778 Duanesburg Road (NYS Route 7) in the Town of Rotterdam, Schenectady County, New York, Latitude 42.7857 North, Longitude 74.0190 West. The site is an undeveloped, 13.7-acre parcel, identified further as Section 57, Block 13, Lot 6.1.

The irregularly shaped site is bounded to the southeast by residences and Duanesburg Road; to the southwest by residences; to the northwest by a NYSDOT tandem lot, then Interstate 88; and to the northeast by a former speedway racetrack. Access to the site is from Duanesburg Road. The site of the proposed construction is shown on the *Test Location Plan* included as Figure 1.

3.2 EXISTING CONDITIONS

Existing Development: At the time of site investigation the subject site was undeveloped and used for agricultural purposes.

Topography: Based on a review of the *USGS 7.5 Minute Series Rotterdam Junction Quadrangle, New York* (2023) and on Whitestone's visual observations, the site is generally level at approximately elevation 350 feet above North American Datum of 1988 (NAVD), with a slight slope down to the southeast.

Utilities: The site was not serviced by underground utilities. The utility information contained in this report is presented for general discussion only and is not intended for construction purposes.

Site Drainage: Surface runoff would generally follow site topography, flowing to the southeast.

3.3 SITE GEOLOGY

According to the University of the State of New York, The State Education Department *Surficial Geologic Map of New York, Hudson-Mohawk Sheet* (1987), the natural subsurface soils are mapped as kame moraine. The University of the State of New York, The State Education Department *Geologic Map of New York, Finger Lakes Sheet* (1970) indicates that the subject site is underlain by Middle Ordovician-age Normanskill Shale, consisting of shale with minor sandstone and mudstone. The mapped boundary with the Upper Ordovician-age Schenectady Formation, consisting of sandstone, siltstone, and graywacke, with minor shale, is immediately northwest of the site. Both are part of the Lorraine, Trenton, and Black River Groups. The site is not mapped by USGS as being in a karst area.

3.4 PROPOSED CONSTRUCTION

Based on the aforementioned Bohler *Concept Plan*, the project consists of constructing a TSC store with a footprint of 22,000 square feet, a permanent trailer display area, four small sidewalk display areas, and associated paving, utilities, and landscaped areas. Whitestone anticipates that the finished floor elevation will be close to existing site grades. A stormwater management area is planned southeast of the proposed store. A septic area is planned to the northwest of the proposed store. No new retaining walls are shown on the *Concept Plan*.

Whitestone anticipates the proposed building will be a single-story, masonry and metal-framed structure constructed with ground-supported concrete foundations and slabs and no basement. Maximum column, wall, and slab loads are expected to be on the order of:

- ▶ interior columns - 150.0 kips;
- ▶ load bearing walls - 3.0 kips per linear foot; and
- ▶ slabs - 150 pounds per square foot.

The scope of Whitestone's investigation and the professional advice contained in this report were generated based on the project details and loading noted herein. Revisions or additions to the design details enumerated in this report should be brought to the attention of Whitestone for additional evaluation as warranted.

SECTION 4.0

Subsurface Conditions

Details of the subsurface materials encountered are presented on the *Records of Subsurface Exploration* presented in Appendix A of this report. The subsurface soil conditions encountered in the test locations consisted of the following generalized strata in order of increasing depth.

4.1 SUBSURFACE SOIL CONDITIONS

Surface Cover Materials: The borings encountered three inches to 24 inches of topsoil at the ground surface, generally underlain by four inches to 16 inches of subsoil, with roots.

Existing Fill (intermittent): Beneath the surface cover materials, test pit TP-1 encountered existing fill, consisting of gray-brown, sandy silt with gravel, and concrete debris. The existing fill extended to a depth of 2.2 fbgs. Other areas of existing fill could be encountered during construction elsewhere on the site between the widely spaced explorations, as could stump pits and other burial features, which are common on such sites.

Alluvial Deposit: Beneath the surface cover materials or existing fill, the borings B-3, B-4, B-7, and B-8 and test pits TP-1, TP-2, and TP-5 through TP-8 encountered an alluvial deposit, consisting of brown, loose (occasionally medium dense), poorly graded sand with silt, in places with gravel (USCS: SP-SM) to silty sand, in places with gravel (USCS: SM), occasionally brown to gray, very stiff, clayey silt (USCS: ML). SPT N-values recorded within the alluvial deposit were variable, ranging from five blows per foot (bpf) to 25 bpf. Where penetrated, the alluvial deposit extended to depths of 3.2 fbgs to seven fbgs. Borings B-7 and B-8 terminated in the alluvial deposit at a depth of four fbgs. Test pits TP-5 through TP-8 terminated in the alluvial deposit at depths of eight fbgs to 10 fbgs.

Kame Moraine: Beneath the alluvial deposit or surface cover material, borings B-1, B-2, B-3, B-5, and B-6 and test pits TP-1 through TP-4 encountered kame moraine, consisting of brown to gray, medium dense (occasionally dense), silty sand with gravel (USCS: SM) to sandy silt with gravel (USCS: ML), cobbles. SPT N-values recorded within the kame moraine were variable, ranging from 10 bpf to 39 bpf. Where penetrated, the kame moraine extended to depths of five fbgs to seven fbgs. Boring B-6 terminated in the kame deposit at a depth of four fbgs. Test pits TP-1 through TP-4 terminated in the kame deposit at depths of 5.5 fbgs to 6 fbgs.

Glacial Till: Beneath the kame moraine deposit or alluvial deposit, borings B-1 through B-5 encountered glacial till, consisting of gray to gray-brown, very dense (occasionally dense), silty sand with gravel (USCS: SM), cobbles, boulders. The SPT N-values in the glacial till were variable, ranging from 44 bpf to 78 bpf. Where penetrated, the glacial till extended to depths of 10 fbgs to 11.5 fbgs. Boring B-1 terminated in the glacial till at a depth of 15.8 fbgs.

Weathered and Apparent Bedrock: Borings B-3, B-4, and B-5 encountered weathered bedrock at depths of 6.5 fbgs to 11 fbgs, and refusal on more competent bedrock at depths of 12 fbgs to 13.5 fbgs. Boring B-2 encountered auger refusal on apparent bedrock at a depth of 11.5 fbgs. Bedrock was not sampled through rock coring efforts but was inferred by auger refusal. Rock coring techniques would be required to further characterize the nature and extent of the refusal materials. Bedrock should be expected to undulate significantly over short distances and may be shallower than encountered in the borings.

4.2 GROUNDWATER

Groundwater was encountered in borings B-1 and B-4 at depths of 12 fbgs and 2.5 fbgs, respectively, during the investigation. The shallower groundwater is likely perched. Similarly, groundwater could seasonally perch at shallower depths elsewhere on the site. Static and perched/trapped water conditions generally will fluctuate seasonally and following periods of precipitation.

SECTION 5.0

Conclusions & Recommendations

5.1 GENERAL

The proposed structure may be supported on conventional spread footings designed to bear on the alluvial deposit or kame moraine, and/or structural fill placed on the alluvial deposit or kame moraine. Glacial till, which was generally encountered at depth in the borings, would also be suitable for footing support if exposed at foundation subgrade level. The site is suitable for ground-supported slabs bearing on the properly inspected, approved, and improved alluvial deposit, kame moraine, or existing fill, and/or structural fill. Additionally, the site conditions support the use of typical pavement sections using standard NYSDOT specified materials.

5.2 SITE PREPARATION & EARTHWORK

Surface Cover Stripping: Vegetation, topsoil, and organic matter should be removed from within and at least five feet beyond the limits of the proposed building and slab footprints, as well as any other area that will require controlled structural fill placement. Any tree and brush removal should include the removal of stumps and root material, which will require removal of more than the few inches of topsoil encountered in the explorations. The contractor should be required to conduct earthwork in accordance with the recommendations in this report, including backfilling any excavation, etc. with structural fill. Fill or backfill placed within the proposed structural areas should be placed as structural fill in accordance with Sections 5.2 and 5.3 of this report.

Surface Preparation/Proofrolling: Prior to placing fill or base materials to raise or restore grades to the desired subgrade elevations, the existing exposed soils should be compacted to a firm surface with several passes in two perpendicular directions of a minimum 10-ton vibratory roller. The surface should then be proofrolled with a loaded tandem axle truck in the presence of the geotechnical engineer to help identify soft or loose pockets that may require removal and replacement or further investigation. Proofrolling should be conducted after a suitable period of dry and non-freezing weather to reduce the likelihood of degrading an otherwise stable subgrade. Should construction be started during the winter months, Whitestone should be contacted for alternate surface preparation procedures. Fill or backfill should be placed and compacted in accordance with Section 5.3.

Weather Performance Criteria: The site soils are generally moisture sensitive. Every effort should be made to maintain drainage of surface water runoff away from construction areas by grading and limiting the exposure of excavations and prepared subgrades to precipitation. Accordingly, excavation and fill placement procedures should be conducted during favorable weather conditions. Overexcavation of saturated soils and replacement with controlled structural fill per Section 5.3 of this report may be required prior to resuming work on disturbed subgrade soils.

Subgrade Protection and Maintenance: The site soils are generally moisture sensitive and will degrade if exposed to inclement weather, freeze-thaw cycles, or repeated construction traffic. However, if properly protected and maintained as recommended herein, the site soils will provide adequate support for the proposed structures and pavement. The site contractors should employ appropriate means and methods to protect the subgrade including, but not limited to the following:

- ▶ sealing exposed subgrade soils on a daily basis with a smooth drum roller operated in static mode;
- ▶ regrading the site as needed to maintain positive drainage away from open earthwork construction areas and to prevent standing water;
- ▶ removing wet surficial soils and ruts immediately; and
- ▶ limiting exposure to construction traffic and precipitation especially following inclement weather and subgrade thawing.

5.3 STRUCTURAL FILL & BACKFILL

Imported Fill Material: Imported material placed as structural fill or backfill to raise elevations or restore design grades should consist of clean, relatively well-graded sand or gravel with a maximum particle size of 3 inches and up to 15 percent of material finer than a #200 sieve. Imported material should be free of silt, clay, organics, and deleterious material.

On-Site Material/Reuse: Whitestone anticipates that only portions of the alluvial deposit and kame moraine will be suitable for selective reuse as structural fill/backfill material, provided that soil moisture contents are controlled within three percent of optimum moisture level, particles larger than three inches in diameter are either removed or crushed, and objectionable portions, such as organics, are segregated. The site soils typically have a relatively high fines content. Prior to reuse, drying may be necessary or mixing with more granular materials, such as the cleaner portions of the alluvial deposit. In addition, on-site soil reuse should not be attempted during inclement weather or in damp conditions. Reuse of the site soils will be contingent on careful review in the field by the owner's geotechnical engineer by visual observation during construction as recommended herein.

Submerged Fill: In the wet (flooding, perched water, or groundwater), consideration should be given to placing an open-graded, 0.75-inch crushed stone to provide a working mat, expedite dewatering efforts and enable subsequent placement of structural fill or backfill in the dry. Prior to placing submerged fill materials, free water and disturbed materials should be removed to the extent recommended by the geotechnical engineer. A fines barrier geotextile, such as *Mirafi 140N* or equivalent, should be placed at the base and sides of the overexcavation to separate the crushed stone from underlying and adjacent soils. The fabric also should be placed on top of the crushed stone prior to subsequent fill placement, if fill soils with a substantial amount of fines are to be used to restore grade.

Compaction and Placement Requirements: Fill and backfill should be placed in maximum 12-inch-thick loose lifts when compacted using a vibratory drum roller with a minimum weight of one ton, and in maximum eight-inch-thick loose lifts when compacted with a plate compactor. Structural fill and backfill should be compacted to at least 95 percent of the maximum dry density within three percent of the optimum moisture content, as determined by ASTM D1557 (Modified Proctor).

Structural Fill Testing: A sample of the imported fill material or on-site material proposed for re-use as structural fill or backfill should be submitted to the owner's geotechnical engineer for analysis and approval at least one week prior to its use. The placement of fill and backfill should be monitored by a qualified engineering technician, so that the specified material and lift thicknesses are properly installed. A sufficient number of in-place density tests should be conducted to check that the specified compaction is achieved throughout the height of the fill or backfill.

5.4 GROUNDWATER CONTROL

Groundwater was encountered within two borings during this investigation, one at relatively shallow depth. Similar shallow perched/trapped water may be encountered above non-permeable layers elsewhere on the site during construction. As such, construction phase dewatering will likely consist of removing surface water runoff, infiltrating water, or trapped water at this site. Whitestone anticipates that construction phase dewatering would include installing temporary sump pits and filtered pumps within trenches and excavations.

Proper grading and drainage should be incorporated into the site design and construction phase grading to discourage ponding of surface runoff. Every effort should be made to maintain drainage of surface run-off away from construction areas by grading. The contractor should limit exposure of excavations and prepared subgrades to rainfall. Overexcavation of wet soils and replacement with controlled structural fill per Section 5.3 of this report may be required prior to resuming work on disturbed subgrade soils.

5.5 FOUNDATIONS

Shallow Foundation Design Criteria: Whitestone considers that the proposed structure may be supported on conventional spread and continuous wall footings designed to bear on the alluvial deposit or kame moraine, and/or structural fill placed on the alluvial deposit or kame moraine, provided these materials are properly evaluated, placed, and compacted in accordance with Sections 5.2, 5.3, and 5.11 of this report. Glacial till, which was generally encountered at depth in the borings, would also be suitable for footing support if exposed at foundation subgrade level. Following in-trench compaction of foundation subgrades and placement of structural fill, foundations bearing within these materials as recommended herein may be designed to impart a maximum net allowable bearing pressure of 4,000 pounds per square foot.

The site appears to have been used for agricultural purposes, however, existing fill was encountered in one boring. In addition, stump pits or other isolated infilled excavations may be encountered during construction.

Foundation subgrades should be compacted in the presence of the geotechnical engineer to densify any disturbed soils. Regardless of loading conditions, new foundations should be sized no less than minimum dimensions of 24 inches for continuous wall footings and 36 inches for isolated column footings.

Below-grade footings should be designed so that the maximum toe pressure due to the combined effect of vertical loads (including soil weight) and overturning moment does not exceed the recommended maximum allowable bearing pressure. In addition, positive contact pressure should be maintained throughout the base of the footings, such that no uplift or tension exists between the base of the footings and the supporting soil. Uplift loads should be resisted by the weight of the concrete footing and the weight of the soil above the footing. Side friction should be neglected when proportioning the footings, so that lateral resistance is provided by friction resistance at the base of the footings. A coefficient of friction against sliding of 0.4 is recommended for use in the design of the foundations bearing within the site soils or imported structural fill.

Foundation Inspection/Overexcavation Criteria: Whitestone recommends that the suitability of the bearing materials along new footing bottoms be reviewed by a Whitestone geotechnical engineer prior to placing concrete for the footings. Following review by the owner's geotechnical engineer, the exposed subgrade may be compacted. Special attention should be given to areas of the site underlain by any soft/loose conditions. In the event that isolated areas of unsuitable materials are encountered in footing excavations, overexcavation and replacement of the materials or deeper foundation embedment may be necessary to provide a suitable footing subgrade. Overexcavation to be restored with structural fill will need to extend at least 1 foot laterally beyond footing edges for each vertical foot of overexcavation. Lateral overexcavation may be eliminated if grade is restored with lean concrete.

Settlement: Whitestone estimates post-construction settlements of building foundations will be on the order of less than one inch, if the recommendations outlined in this report are properly implemented. Differential settlements of building foundations should be less than ½ inch.

Frost Embedment Depths: Perimeter wall footings and exterior spread footings should bear at a minimum depth of four feet below adjacent exterior grades, or the depth required by local building codes, to provide protection from frost penetration. Interior footings not subject to frost action (including during construction) may be placed at a depth of 18 inches below the slab subgrade but should not be placed on existing fill.

5.6 SLABS

Whitestone anticipates that the properly inspected, approved, and improved alluvial deposit, kame moraine, or existing fill, and/or compacted structural fill placed on these soils will be suitable for support of the proposed slabs provided these materials are properly compacted and proofrolled in accordance with Sections 5.2, 5.3, and 5.11 of this report during favorable weather conditions. Areas of overexcavation should be anticipated where deleterious materials are present or if the subgrades are exposed to precipitation. Areas of soil that are, or become, softened or disturbed as a result of wetting and/or repeated exposure to construction traffic should be removed and replaced with compacted structural fill. The properly prepared on-site soils are expected to yield a minimum subgrade modulus (k) of 150 psi/in.

A minimum 12-inch-thick layer of NYSDOT 733-04 *Subbase Course, Type 2* (or approved equivalent) should be placed below slabs to provide a uniform granular base. If a slab has a moisture-sensitive covering and/or supports moisture-sensitive equipment, a moisture vapor barrier should be installed beneath the slab in accordance with flooring manufacturer's recommendations.

5.7 PAVEMENT DESIGN CRITERIA

General: Whitestone anticipates that the properly inspected, approved, and improved alluvial deposit, kame moraine, or existing fill, and/or compacted structural fill and/or backfill placed on these soils to raise or restore design elevations will be suitable for the support of the proposed pavements, provided these materials are properly evaluated, compacted, and proofrolled in accordance with Sections 5.2, 5.3, and 5.11 of this report during favorable weather conditions.

Design Criteria: A California Bearing Ratio of 8.0 has been assigned to the properly prepared subgrade soils for pavement design purposes. This value was correlated with pertinent soil support values and assumed traffic loads to prepare flexible and rigid pavement designs per the AASHTO *Guide for the Design of Pavement Structures*.

Design traffic loads were assumed based on typical volumes for similar facilities and correlated with 18-kip equivalent single axle loads (ESAL) for a 20-year life. Estimated maximum pavement loads of 30,000 ESALs and 75,000 ESALs were used for the standard-duty and heavy-duty pavement areas, respectively. These values assume the pavements primarily will accommodate both automobile and limited heavier truck traffic, with the heavier truck traffic designated to the main drive lanes. Actual loading experienced is anticipated to be less than these values.

Pavement Sections: Pavement components should meet material specifications from NYSDOT *Standard Specifications* specified below. The recommended flexible pavement sections are tabulated below:

FLEXIBLE PAVEMENT SECTION			
Layer	Material	Standard-Duty Thickness (inches)	Heavy-Duty Thickness (inches)
Asphalt Top Course	NYSDOT 12.5 mm F3 Top Course WMA, 70 Series Compaction (Superpave); PG 64S-22	1.5	1.5
Asphalt Binder Course	NYSDOT 19 mm F9 Binder Course WMA, 70 Series Compaction (Superpave); PG 64S-22	1.5	2.5
Granular Subbase	NYSDOT Type 2 Subbase	12.0	12.0

A rigid concrete pavement should be used to provide suitable support at areas of high traffic or severe turns, such as at the trash enclosure and ingress/egress locations. The recommended rigid pavement is tabulated below:

RIGID PAVEMENT SECTION		
Layer	Material	Thickness (inches)
Surface	4,000 psi Air-Entrained Concrete	6.0 ¹
Granular Subbase	NYSDOT Type 2 Subbase	12.0

¹ The outer edges of concrete pavements are susceptible to damage as trucks move from rigid pavement to adjacent flexible pavement. Therefore, the thickness at the outer two feet of the rigid concrete pavement should be 12 inches. The concrete should be reinforced with at least one layer of six-inch by six-inch W5.4/W5.4 welded wire fabric (ASTM A185).

Additional Design Considerations: The pavement section thickness designs presented in this report are based on the design parameters detailed herein and are contingent on proper construction, inspection, and maintenance. Additional pavement thickness may be required by local code. The designs are contingent on achieving the minimum soil support value in the field. To accomplish this requirement, subgrade soil and supporting fill or backfill must be placed, compacted, and evaluated in accordance with Sections 5.2, 5.3, and 5.11 of this report. Proper drainage should be provided for the pavement structure, including appropriate grading and surface water control.

The performance of the pavement also will depend on the quality of materials and workmanship. Whitestone recommends that NYSDOT standards for materials, workmanship, and maintenance be applied to this site. Project specifications should include verifying that the installed asphaltic concrete material composition is within tolerance for the specified materials and that the percentage of air voids of the installed pavement is within specified ranges for the respective materials. Rigid concrete pavements should be suitably air-entrained, jointed, and reinforced in general accordance with ACI 330R-08 *Guide for the Design and Construction of Concrete Parking Lots*.

5.8 RETAINING WALLS/LATERAL EARTH PRESSURES

The following parameters may be used for design of any retaining walls, below-grade walls, and other structures reliant on granular materials to provide adequate drainage. However, the parameters are not directly applicable to the design of mechanically stabilized earth (MSE) retaining walls, which require proprietary design methods for the selected earth retention system.

Lateral Earth Pressures: Retaining/below-grade walls should be capable of withstanding active and at-rest earth pressures. With an active earth pressure coefficient (K_a) of 0.33 and assuming a level backfill and an assumed maximum backfill soil unit weight of 140 pounds per cubic foot (pcf), an equivalent fluid pressure of 46 psf per foot of wall height should be used in design of retaining/below-grade walls which are free to rotate.

Retaining/below-grade walls and wall corners that are restrained from lateral movement should be designed using at-rest earth pressures. A coefficient of at-rest earth pressure (K_o) of 0.5, for a level backfill, is recommended for retaining/below-grade walls designed to resist at-rest earth pressures, which assume no lateral movement. With an assumed maximum total unit weight of backfill of approximately 140 pcf, an equivalent fluid pressure of 70 pounds per square foot per foot of wall height should be used in design of restrained retaining/below-grade wall and wall corners. A coefficient of friction of 0.4 against sliding can be used for concrete on the existing site soils. Additional lateral earth pressures from a sloped backfill or any temporary or long-term surcharge loads also should be included in the design. Retaining wall design should include a global stability analysis.

Backfill Criteria: Whitestone recommends that granular soils be used to backfill behind retaining walls. The granular backfill materials should consist of clean, relatively well graded sand or gravel.

Whitestone recommends that backfill directly behind any walls be compacted with light, hand-held compactors. Heavy compactors and grading equipment should not be allowed to operate within a zone of influence measured at a 45-degree angle from the base of the walls during backfilling to avoid developing excessive temporary or long-term lateral soil pressures.

Positive drainage should be provided at the base of the below-grade walls. Where wall drainage is not provided, the wall should be designed to withstand full hydrostatic pressure.

Whitestone should be notified if any other retaining structures or design considerations requiring lateral earth pressure estimations are proposed. Specific recommendations for temporary retaining structures are beyond Whitestone's scope of work.

5.9 SEISMIC & LIQUEFACTION CONSIDERATIONS

The subsurface conditions are most consistent with a Site Class D, as defined by the New York *State Building Code*. The site soils are not susceptible to earthquake induced liquefaction.

5.10 EXCAVATIONS

The site soils encountered during this investigation typically are, at a minimum, consistent with Type C Soil Conditions as defined by 29 CFR Part 1926 (OSHA) that require a maximum unbraced excavation angle of 1.5:1 (horizontal: vertical). Actual conditions encountered during construction should be evaluated by a competent person (as defined by OSHA) so that safe excavation methods and/or shoring and bracing requirements are implemented.

5.11 SUPPLEMENTAL POST INVESTIGATION SERVICES

Construction Inspection and Monitoring: The owner's geotechnical engineer with specific knowledge of the site subsurface conditions and design intent should conduct inspection, testing, and consultation during construction as described in previous sections of this report. Monitoring and testing should also be conducted to confirm that the existing surface cover materials are properly removed, any encountered underground structures are properly backfilled, and suitable materials, used for controlled fill, are properly placed and compacted over suitable subgrade soils. The proofrolling of all subgrades prior to foundation, slab, and pavement support should be witnessed and documented by the owner's geotechnical engineer.

SECTION 6.0

General Comments

Supplemental recommendations may be required upon finalization of construction plans or if significant changes are made in the characteristics or location of the proposed structure. Soil bearing conditions should be checked at the appropriate time for consistency with those conditions encountered during Whitestone's geotechnical investigation.

The recommendations presented herein should be utilized by a qualified engineer in preparing the project plans and specifications. The engineer should consider these recommendations as minimum physical standards which may be superseded by local and regional building codes and structural considerations. These recommendations are prepared for the sole use of Primax Properties, LLC for the specific project detailed and should not be used by any third party. These recommendations are relevant to the design phase and should not be substituted for construction specifications.

The possibility exists that conditions between borings may differ from those at specific test locations, and conditions may not be as anticipated by the designers or contractors. In addition, the construction process may alter soil conditions. Therefore, experienced geotechnical personnel should observe and document the construction procedures used and the conditions encountered.

Whitestone assumes that a qualified contractor will be employed to conduct the construction work, and that the contractor will be required to exercise care to ensure all excavations are conducted in accordance with applicable regulations and good practice. Particular attention should be paid to avoid damaging or undermining adjacent properties and maintaining slope stability.

Whitestone recommends that the services of the geotechnical engineer be engaged to test and evaluate the soils in the footing excavations prior to concreting in order to determine that the soils will support the bearing capacities. Monitoring and testing also should be conducted to verify that suitable materials are used for controlled fills and that they are properly placed and compacted over suitable subgrade soils.

The exploration and analysis of the foundation conditions reported herein are considered sufficient in detail and scope to form a reasonable basis for the foundation design. The recommendations submitted for the proposed construction are based on the available soil information and the design details furnished by Primax Properties, LLC and Bohler Engineering NY, PLLC. Deviations from the noted subsurface conditions encountered during construction should be brought to the attention of the geotechnical engineer.

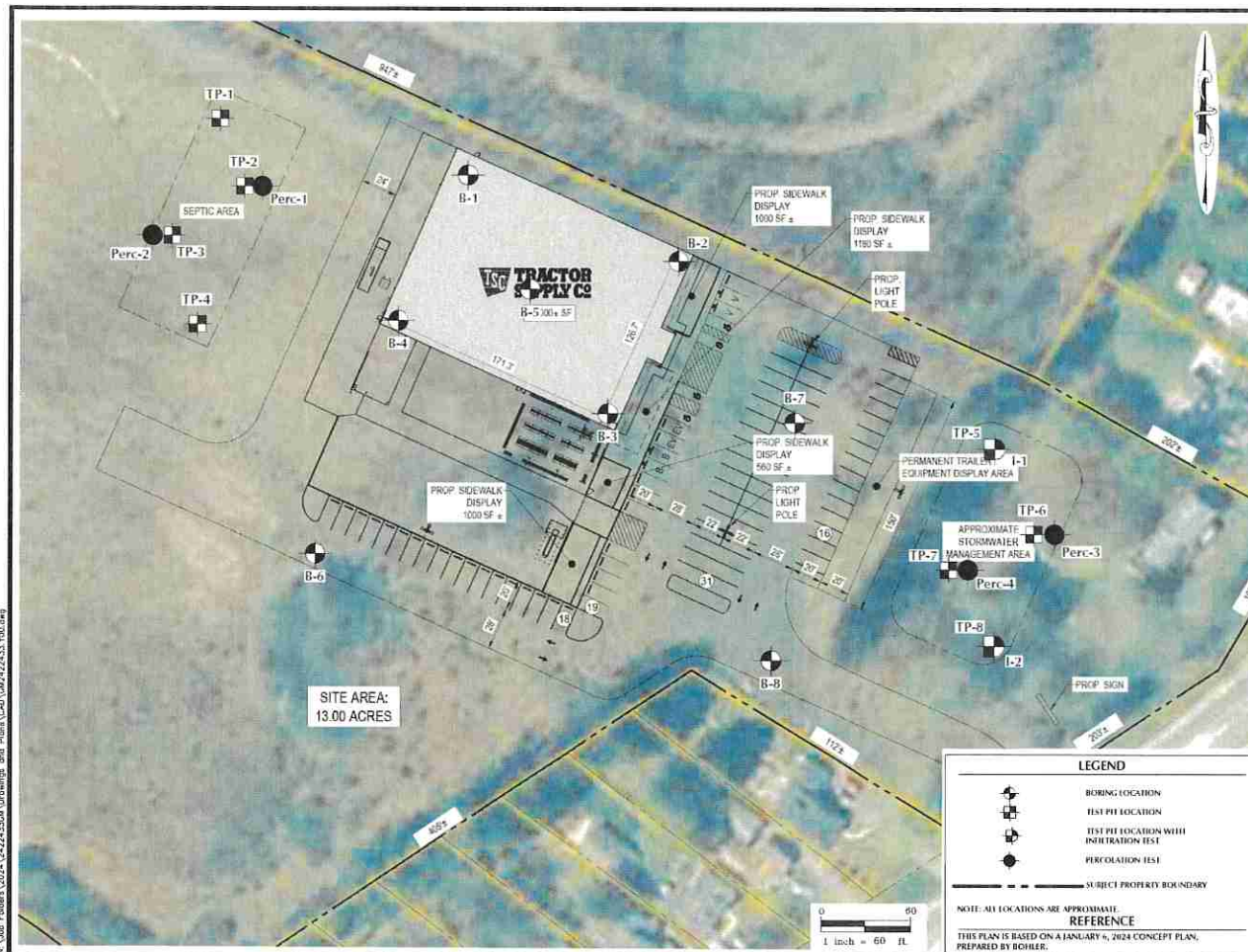
The geotechnical engineer warrants that the findings, recommendations, specifications, or professional advice contained herein have been promulgated after being prepared in accordance with generally accepted professional engineering practice in the fields of foundation engineering, soil mechanics, and engineering geology. No other warranties, express or implied, are made.



FIGURE 1

Test Location Plan

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LEGEND

- BORING LOCATION
- TEST PIT LOCATION
- TEST PIT LOCATION WITH INFILTRATION TEST
- PERCOLATION TEST
- SUBJECT PROPERTY BOUNDARY

NOTE: ALL LOCATIONS ARE APPROXIMATE.

REFERENCE

THIS PLAN IS BASED ON A JANUARY 6, 2024 CONCEPT PLAN, PREPARED BY BOHLE.



WHITESTONE

500 CANAL VIEW BOULEVARD, SUITE 700, ROCHESTER, NY 14623
585.252.6879 WHITESTONEASSOC.COM

DRAWING TITLE: TEST LOCATION PLAN	
CLIENT: PRIMAX PROPERTIES, LLC	
PROJECT: PROPOSED TRACTOR SUPPLY STORE 778 DUNSMURGH ROAD ROCHESTER, SCHENECTADY COUNTY, NEW YORK	
PROJECT #: GM2422433.Y00	
DESIGNED BY: MB	DATE: 11/19/22
CHECKED BY: MB	SCALE: 1" = 60'
SHEET #: 1	

APPENDIX A

Records of Subsurface Exploration



RECORD OF SUBSURFACE EXPLORATION

Boring No.: B-1

Page 1 of 1

Project: Proposed Tractor Supply Company Store		WAI Project No.: GM2422433.Y00	
Location: 778 Duanesburg Road, Rotterdam, Schenectady County, New York		Client: Primax Properties, LLC	
Surface Elevation: ± NS feet Above NAVD88	Date Started: 10/30/2024	Water Depth Elevation (feet bgs) (ft NAVD88)	Cave-In Depth Elevation (feet bgs) (ft NAVD88)
Termination Depth: 15.8 feet bgs	Date Completed: 10/30/2024	During: 12.0 --	At Completion: -- --
Proposed Location: Building	Logged By: ZH	At Completion: -- --	24 Hours: -- --
Drill / Test Method: HSA / SPT	Contractor: SB		
	Equipment: Diedrich D-50		

SAMPLE INFORMATION						DEPTH	STRATA	DESCRIPTION OF MATERIALS (Classification)	REMARKS
Depth (feet)	No	Type	Blows Per 6"	Rec. (in.)	N	(feet)			
						0.0	TS	3" Topsoil	
0 - 2	S-1	X	5 - 8 - 13 - 15	20	21		KAME MORaine	Gray, Medium Dense, Silty Sand with Gravel (SM)	
2 - 4	S-2	X	14 - 16 - 15 - 13	14	31			As Above Dense (SM)	
						5.0		As Above, Gray-Brown (SM)	
5 - 7	S-3	X	7 - 13 - 26 - 30	12	39	7.0	GLACIAL TILL	Gray-Brown, Very Dense, Silty Sand with Gravel (SM)	
7 - 9	S-4	X	31 - 31 - 28 - 24	1	59			As Above, Gray, Dense (SM)	
10 - 12	S-5	X	49 - 21 - 23 - 26	14	44	10.0		As Above (SM)	
						15.0			
15 - 15.8	S-6	X	20 - 50/4"	10	-				Cobbles & Boulders
								Boring Log B-1 Terminated at Depth of 15.8 feet below ground surface.	
						20.0			
						25.0			

RECORD OF SUBSURFACE EXPLORATION

Boring No.: **B-2**

Page **1** of **1**

Project: Proposed Tractor Supply Company Store		WAI Project No.: GM2422433.Y00	
Location: 778 Duanesburg Road, Rotterdam, Schenectady County, New York		Client: Primax Properties, LLC	
Surface Elevation: ± NS feet Above NAVD88	Date Started: 10/30/2024	Water Depth Elevation (feet bgs) (ft NAVD88)	Cave-In Depth Elevation (feet bgs) (ft NAVD88)
Termination Depth: 11.5 feet bgs	Date Completed: 10/30/2024	During: -- --	At Completion: -- --
Proposed Location: Building	Logged By: ZH	24 Hours: -- --	At Completion: -- --
Drill / Test Method: HSA / SPT	Contractor: SB		
	Equipment: Diedrich D-50		

SAMPLE INFORMATION						DEPTH	STRATA	DESCRIPTION OF MATERIALS (Classification)	REMARKS
Depth (feet)	No	Type	Blows Per 6"	Rec. (in.)	N	(feet)			
						0.0	TS	5" Topsoil	
0 - 2	S-1	X	6 - 8 - 19 - 20	21	27		KAME MORAINE	Gray-Brown, Medium Dense, Silty Sand with Gravel (SM)	
2 - 4	S-2	X	25 - 16 - 12 - 9	15	28			As Above, Brown (SM)	
5 - 7	S-3	X	4 - 5 - 5 - 7	20	10			As Above, Gray-Brown, Loose to Medium Dense (SM)	
7 - 8.8	S-4	X	15 - 22 - 55 - 50/3"	6	77		GLACIAL TILL	Gray-Brown, Very Dense, Silty Sand with Gravel (SM)	Cobbles & Boulders
10 - 11.3	S-5	X	26 - 32 - 50/3"	14	64			As Above, Gray (SM)	
								Boring Log B-2 Terminated upon Auger Refusal at Depth of 11.5 fbg	

RECORD OF SUBSURFACE EXPLORATION

 Boring No.: **B-3**

 Page **1** of **1**

Project: Proposed Tractor Supply Company Store		WAI Project No.: GM2422433.Y00	
Location: 778 Duanesburg Road, Rotterdam, Schenectady County, New York		Client: Primax Properties, LLC	
Surface Elevation: ± <u>NS</u> feet Above NAVD88	Date Started: <u>10/30/2024</u>	Water Depth Elevation (feet bgs) (ft NAVD88)	Cave-In Depth Elevation (feet bgs) (ft NAVD88)
Termination Depth: <u>13.5</u> feet bgs	Date Completed: <u>10/30/2024</u>	During: -- --	At Completion: -- --
Proposed Location: <u>Building</u>	Logged By: <u>ZH</u>	24 Hours: -- --	At Completion: -- --
Drill / Test Method: <u>HSA / SPT</u>	Contractor: <u>SB</u>		
	Equipment: <u>Diedrich D-50</u>		

SAMPLE INFORMATION						DEPTH	STRATA	DESCRIPTION OF MATERIALS (Classification)	REMARKS
Depth (feet)	No	Type	Blows Per 6"	Rec. (in.)	N	(feet)			
						0.0			
							TS	8" Topsoil	
0 - 2	S-1		1 - 2 - 1 - 2	15	3		SUBSOIL	7" Subsoil, Roots	
								Brown, Very Loose, Poorly Graded Sand with Silt (SP-SM)	
2 - 4	S-2		4 - 4 - 5 - 6	24	9		ALLUVIAL DEPOSIT	As Above, Loose (SP-SM)	
						5.0			
5 - 7	S-3		4 - 8 - 8 - 13	22	16		KAME MORAINE	Gray-Brown, Medium Dense, Silty Sand with Gravel (SM)	
						7.0			
7 - 8.1	S-4		18 - 26 - 50/2"	9	52		GLACIAL TILL	Gray-Brown, Very Dense, Silty Sand with Gravel (SM)	Cobbles & Boulders
						10.0			
10 - 10.6	S-5		39 - 50/2"	7	-		BEDROCK	Weathered Bedrock	
						15.0			
						20.0			
						25.0			
								Boring Log B-3 Terminated upon Auger Refusal at Depth of 13.5 fbg.	



RECORD OF SUBSURFACE EXPLORATION

Boring No.: B-4

Page 1 of 2

Project: Proposed Tractor Supply Company Store		WAI Project No.: GM2422433.Y00	
Location: 778 Duanesburg Road, Rotterdam, Schenectady County, New York		Client: Primax Properties, LLC	
Surface Elevation: ± NS feet Above NAVD88	Date Started: 10/30/2024	Water Depth Elevation (feet bgs) (ft NAVD88)	Cave-In Depth Elevation (feet bgs) (ft NAVD88)
Termination Depth: 12.0 feet bgs	Date Completed: 10/30/2024	During: 2.5 -- ▽	At Completion: -- -- ▽
Proposed Location: Building	Logged By: ZH	24 Hours: -- -- ▽	At Completion: -- -- ▽
Drill / Test Method: HSA / SPT	Contractor: SB		
	Equipment: Diedrich D-50		

SAMPLE INFORMATION						DEPTH	STRATA	DESCRIPTION OF MATERIALS (Classification)	REMARKS
Depth (feet)	No	Type	Blows Per 6"	Rec. (in.)	N	(feet)			
0 - 2	S-1	X	2 - 4 - 4 - 5	17	8	0.0	TS	8" Topsoil	
							SUBSOIL	6" Subsoil, Roots	
2 - 4	S-2	X	4 - 4 - 5 - 10	19	9	2.0	ALLUVIAL DEPOSIT	Brown, Loose, Silty Sand (SM)	
						4.0		As Above (SM)	
5 - 7	S-3	X	10 - 10 - 15 - 20	24	25	5.0		Gray, Very Stiff, Clayey Silt (ML)	
7 - 9	S-4	X	18 - 27 - 27 - 22	15	54	7.0	GLACIAL TILL	Gray, Very Dense, Silty Sand with Gravel (SM)	
						10.0			
10 - 10.7	S-5	X	14 - 50/3"	6	-	10.5	BEDROCK	Weathered Bedrock	
								Boring Log B-4 Terminated upon Auger Refusal at Depth of 12.0 fbg.	
						15.0			
						20.0			
						25.0			

RECORD OF SUBSURFACE EXPLORATION

Boring No.: **B-6**

Page **1** of **1**

Project: Proposed Tractor Supply Company Store		WAI Project No.: GM2422433.Y00	
Location: 778 Duanesburg Road, Rotterdam, Schenectady County, New York		Client: Primax Properties, LLC	
Surface Elevation: ± <u>NS</u> feet Above NAVD88	Date Started: 10/30/2024	Water Depth Elevation (feet bgs) (ft NAVD88)	Cave-In Depth Elevation (feet bgs) (ft NAVD88)
Termination Depth: 4.0 feet bgs	Date Completed: 10/30/2024	During: -- --	At Completion: -- --
Proposed Location: Parking	Logged By: ZH	24 Hours: -- --	At Completion: -- --
Drill / Test Method: HSA / SPT	Contractor: SB		
	Equipment: Diedrich D-50		

SAMPLE INFORMATION						DEPTH	STRATA	DESCRIPTION OF MATERIALS (Classification)	REMARKS
Depth (feet)	No	Type	Blows Per 6"	Rec. (in.)	N	(feet)			
0 - 2	S-1	X	2 - 2 - 6 - 8	15	8	0.0	TS	8" Topsoil	
							SUBSOIL	16" Subsoil, Roots	
2 - 4	S-2	X	4 - 8 - 10 - 14	5	18		KAME MORaine	Brown, Medium Dense, Silty Sand with Gravel (SM)	Cobbles
						5.0			
						10.0			
						15.0			
						20.0			
						25.0			
								Boring Log B-6 Terminated at Depth of 4.0 feet below ground surface.	

RECORD OF SUBSURFACE EXPLORATION

Boring No.: **B-7**

Page **1** of **1**

Project: Proposed Tractor Supply Company Store		WAI Project No.: GM2422433.Y00	
Location: 778 Duaneburg Road, Rotterdam, Schenectady County, New York		Client: Primax Properties, LLC	
Surface Elevation: ± NS feet Above NAVD88	Date Started: 10/30/2024	Water Depth Elevation (feet bgs) (ft NAVD88)	Cave-In Depth Elevation (feet bgs) (ft NAVD88)
Termination Depth: 4.0 feet bgs	Date Completed: 10/30/2024	During: -- --	At Completion: -- --
Proposed Location: Parking	Logged By: ZH	24 Hours: -- --	24 Hours: -- --
Drill / Test Method: HSA / SPT	Contractor: SB		
	Equipment: Diedrich D-50		

SAMPLE INFORMATION						DEPTH	STRATA	DESCRIPTION OF MATERIALS (Classification)	REMARKS
Depth (feet)	No	Type	Blows Per 6"	Rec. (in.)	N	(feet)			
						0.0			
0 - 2	S-1	X	1 - 2 - 3 - 2	20	5		TS	10" Topsoil	
							SUBSOIL	14" Subsoil, Roots	
2 - 4	S-2	X	2 - 3 - 2 - 2	15	5		ALLUVIAL DEPOSIT	Brown, Loose, Silty Sand (SM)	
						5.0			Boring Log B-7 Terminated at Depth of 4.0 feet below ground surface.
						10.0			
						15.0			
						20.0			
						25.0			



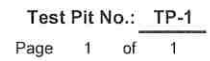
RECORD OF SUBSURFACE EXPLORATION

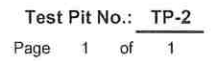
Boring No.: B-8

Page 1 of 1

Project: Proposed Tractor Supply Company Store		WAI Project No.: GM2422433.Y00	
Location: 778 Duaneburg Road, Rotterdam, Schenectady County, New York		Client: Primax Properties, LLC	
Surface Elevation: ± NS feet Above NAVD88	Date Started: 10/30/2024	Water Depth Elevation (feet bgs) (ft NAVD88)	Cave-In Depth Elevation (feet bgs) (ft NAVD88)
Termination Depth: 4.0 feet bgs	Date Completed: 10/30/2024	During: -- --	At Completion: -- --
Proposed Location: Parking	Logged By: ZH	24 Hours: -- --	At Completion: -- --
Drill / Test Method: HSA / SPT	Contractor: SB		
	Equipment: Diedrich D-50		

SAMPLE INFORMATION						DEPTH (feet)	STRATA	DESCRIPTION OF MATERIALS (Classification)	REMARKS
Depth (feet)	No	Type	Blows Per 6"	Rec. (in.)	N				
0 - 2	S-1	X	1 - 2 - 1 - 2	15	3	0.0	TS	9" Topsoil	
							SUBSOIL	15" Subsoil, Roots	
2 - 4	S-2	X	4 - 4 - 4 - 5	4	8		ALLUVIAL DEPOSIT	Brown, Loose, Silty Sand (SM)	
						5.0			
						10.0			
						15.0			
						20.0			
						25.0			
								Boring Log B-8 Terminated at Depth of 4.0 feet below ground surface.	

[illegible]

[illegible]

Project: Proposed Tractor Supply Company Store			WAI Project No.: GM2422433.Y00					
Location: 778 Duaneburg Road, Rotterdam, Schenectady County, New York			Client: Primax Properties LLC					
Surface Elevation: ± NS feet NAVD88		Date Started: 10/28/2024		Water Depth Elevation		Cave-In Depth Elevation		
Termination Depth: 10.0 feet bgs		Date Completed: 10/28/2024		(feet bgs) (ft NAVD88)		(feet bgs) (ft NAVD88)		
Proposed Location: SWM Area		Logged By: RK		During: -- --		At Completion: -- --		
Excavating Method: Mini Excavator		Contractor: SD		At Completion: -- --		At Completion: -- --		
Test Method: Visual Observation		Rig Type: Komatsu PC40		24 Hours: -- --				
SAMPLE INFORMATION			DEPTH	STRATA		DESCRIPTION OF MATERIALS (Classification)		REMARKS
Depth (ft.)	Number	Type	(feet)					
			0.0	TOPSOIL		12" Topsoil		
						Gray, Silty Sand (SM)		
4.5	S-1	Grab	5.0	ALLUVIAL DEPOSIT		Brown, Silty Sand (SM)		Infiltration Test @ 4 fbg
			10.0					
			15.0					
Test Pit TP 5 Terminated at Depth of 10.0 feet below ground surface								



Test Pit No.: TP-7
Page 1 of 1

NOTES: bgs = below ground surface, msl = mean sea level, NA = Not Applicable, NE = Not Encountered, NS = Not Surveyed, P = Perched

August 13, 2025
Page 267



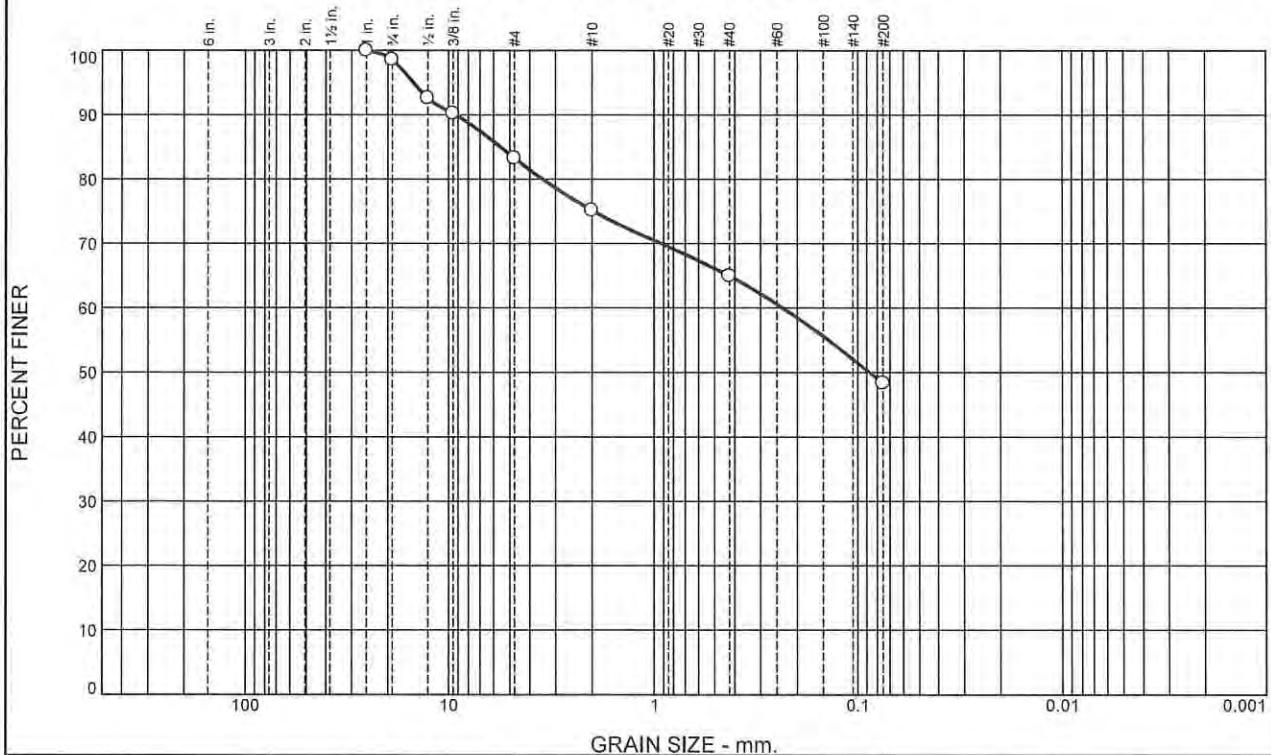
Test Pit No.: TP-8
Page 1 of 1

NOTES: bgs = below ground surface, msl = mean sea level, NA = Not Applicable, NE = Not Encountered, NS = Not Surveyed, P = Perched

APPENDIX B

Laboratory Test Results

Particle Size Distribution Report



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	1.4	15.3	8.1	10.2	16.6	48.4	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
1"	100.0		
3/4"	98.6		
1/2"	92.6		
3/8"	90.2		
#4	83.3		
#10	75.2		
#40	65.0		
#200	48.4		

* (no specification provided)

Material Description

Silty Sand with Gravel

PL= NP

Atterberg Limits

LL= NV

PI= NV

Coefficients

D₉₀= 9.2335

D₈₅= 5.5504

D₆₀= 0.2343

D₅₀= 0.0872

D₃₀=

D₁₅=

D₁₀=

C_u=

C_c=

Classification

USCS= SM

AASHTO= A-4(0)

Remarks

Moisture Content: 9.1%

Location: B-1
Sample Number: S-3

Depth: 5' - 7'

Date: 11/14/24



Client: Primax Properties, LLC

Project: Proposed Tractor Supply Company Store
778 Duaneburg Road, Rotterdam, Schenectady County, NY

Project No: GM2422433.Y00

Figure S-1

Tested By: MM

Checked By: RWM

Particle Size Distribution Report



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	4.8	5.5	4.9	35.0	36.2	13.6	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
1.5"	100.0		
1"	96.0		
3/4"	95.2		
1/2"	93.6		
3/8"	92.7		
#4	89.7		
#10	84.8		
#40	49.8		
#200	13.6		

* (no specification provided)

Material Description

Silty Sand

PL= NP

Atterberg Limits

LL= NV

PI= NV

Coefficients

D₉₀= 5.1698

D₈₅= 2.0417

D₆₀= 0.6292

D₅₀= 0.4285

D₃₀= 0.1756

D₁₅= 0.0807

D₁₀=

C_u=

C_c=

Classification

USCS= SM

AASHTO= A-1-b

Remarks

Moisture Content: 5.5%

Location: TP-5
Sample Number: S-1

Depth: 4.5'

Date: 11/25/24



Client: Primax Properties, LLC

Project: Proposed Tractor Supply Company Store
778 Duanebury Road, Rotterdam, Schenectady County, NY

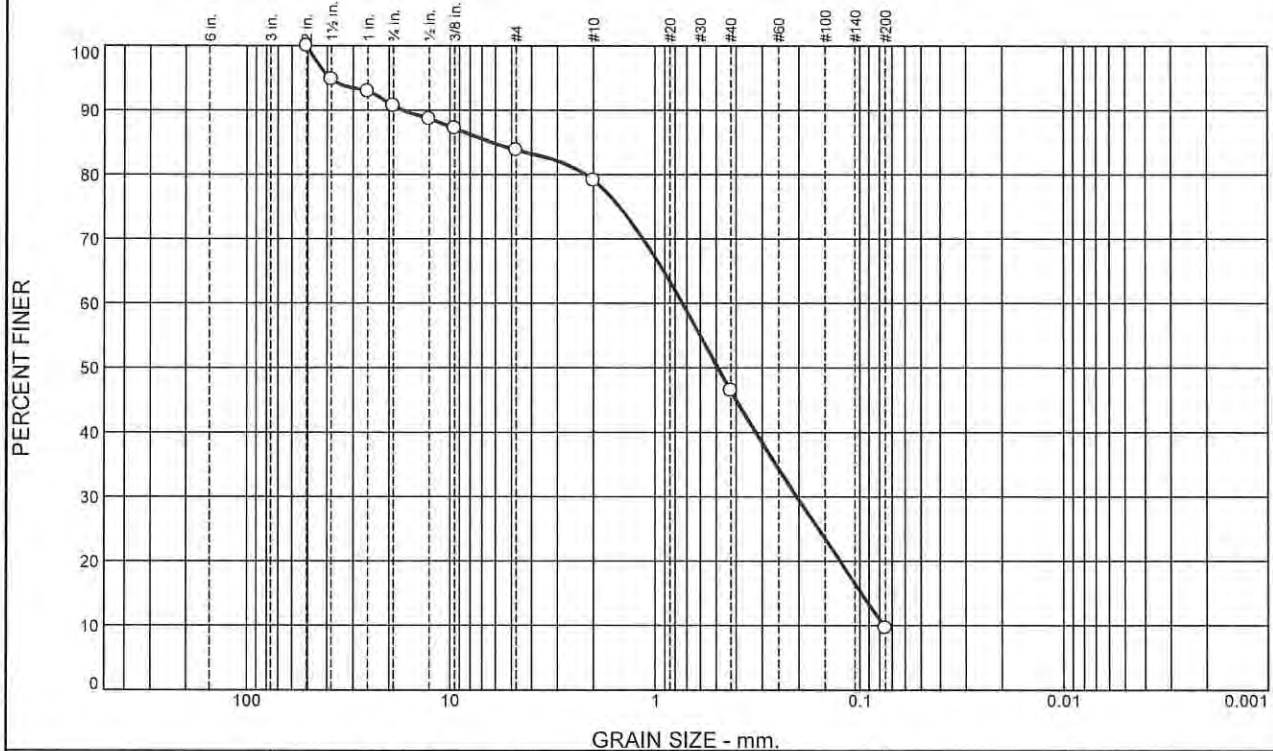
Project No: GM2422433.Y00

Figure S-3

Tested By: MM

Checked By: RWM

Particle Size Distribution Report



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	9.3	6.9	4.7	32.6	36.9	9.6	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
2"	100.0		
1.5"	94.8		
1"	92.9		
3/4"	90.7		
1/2"	88.7		
3/8"	87.2		
#4	83.8		
#10	79.1		
#40	46.5		
#200	9.6		

* (no specification provided)

Material Description

Poorly Graded Sand with Silt and Gravel

Atterberg Limits

PL= NP

LL= NV

PI= NV

Coefficients

D₉₀= 17.0898

D₈₅= 6.2719

D₆₀= 0.7352

D₅₀= 0.4903

D₃₀= 0.2045

D₁₅= 0.0982

D₁₀= 0.0764

C_u= 9.63

C_c= 0.74

Classification

USCS= SP-SM

AASHTO= A-1-b

Remarks

Moisture Content: 6.1%

Location: TP-6

Sample Number: S-1

Depth: 4.5'

Date: 11/25/24



WHITESTONE

Client: Primax Properties, LLC

Project: Proposed Tractor Supply Company Store
778 Duanebury Road, Rotterdam, Schenectady County, NY

Project No: GM2422433.Y00

Figure S-4

Tested By: MM

Checked By: RWM

Particle Size Distribution Report



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	0.0	4.0	3.2	31.5	54.5	6.8	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
3/4"	100.0		
1/2"	98.2		
3/8"	97.3		
#4	96.0		
#10	92.8		
#40	61.3		
#200	6.8		

* (no specification provided)

Material Description

Poorly Graded Sand with Silt

PL= NP

Atterberg Limits

LL= NV

PI= NV

Coefficients

D₉₀= 1.5635

D₈₅= 1.1429

D₆₀= 0.4055

D₅₀= 0.2883

D₃₀= 0.1522

D₁₅= 0.0962

D₁₀= 0.0827

C_u= 4.90

C_c= 0.69

Classification

USCS= SP-SM

AASHTO= A-3

Remarks

Moisture Content: 3.8%

Location: TP-7
Sample Number: S-1

Depth: 4'

Date: 11/25/24



WHITESTONE

Client: Primax Properties, LLC

Project: Proposed Tractor Supply Company Store
778 Duanebury Road, Rotterdam, Schenectady County, NY

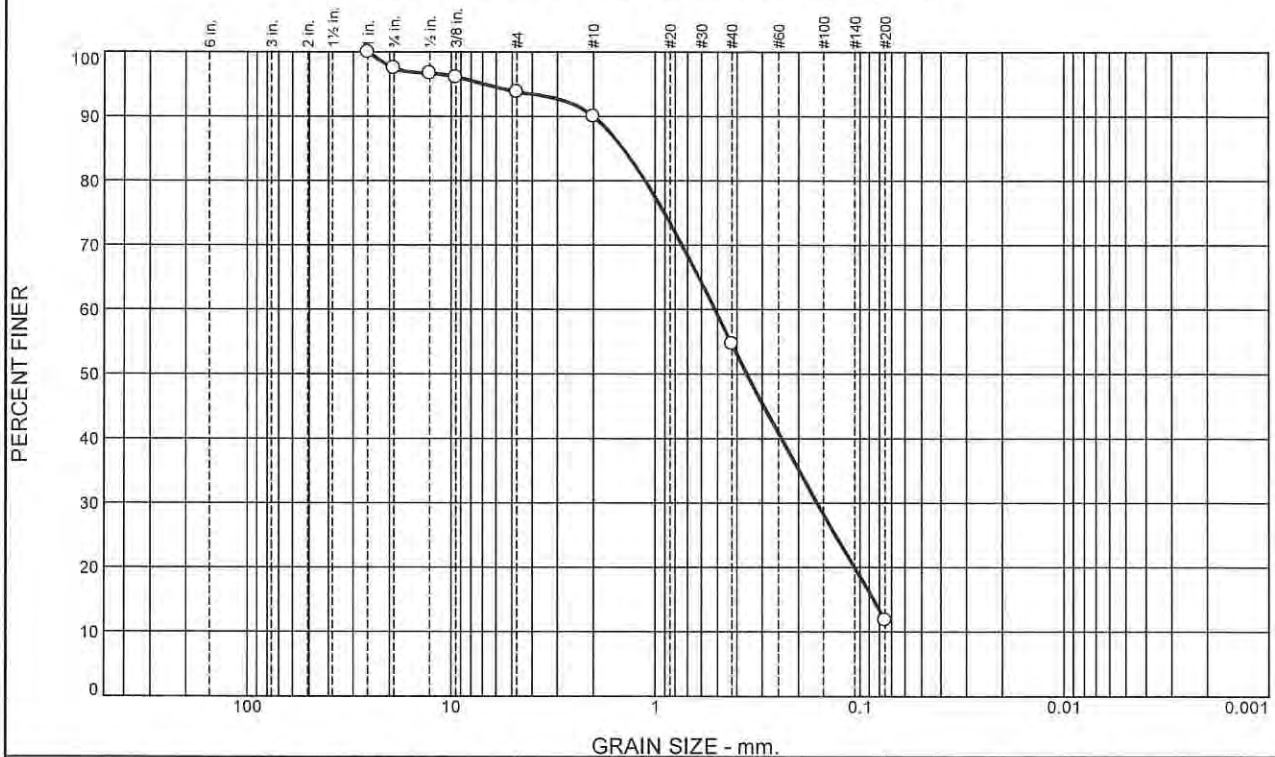
Project No: GM2422433.Y00

Figure S-5

Tested By: MM

Checked By: RWM

Particle Size Distribution Report



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	2.5	3.7	3.8	35.3	42.9	11.8	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
1"	100.0		
3/4"	97.5		
1/2"	96.7		
3/8"	96.1		
#4	93.8		
#10	90.0		
#40	54.7		
#200	11.8		

* (no specification provided)

Material Description

Poorly Graded Sand with Silt

PL= NP

Atterberg Limits

LL= NV

PI= NV

Coefficients

D₉₀= 1.9987

D₈₅= 1.4241

D₆₀= 0.5150

D₅₀= 0.3561

D₃₀= 0.1610

D₁₅= 0.0858

D₁₀=

C_u=

C_c=

Classification

USCS= SP-SM

AASHTO= A-2-4(0)

Remarks

Moisture Content: 11.5%

Location: TP-8

Sample Number: S-1

Depth: 5'

Date: 11/25/24



WHITESTONE

Client: Primax Properties, LLC

Project: Proposed Tractor Supply Company Store
778 Duanebury Road, Rotterdam, Schenectady County, NY

Project No: GM2422433.Y00

Figure S-6

Tested By: MM

Checked By: RVM

APPENDIX C

Supplemental Information (USCS, Terms & Symbols)



UNIFIED SOIL CLASSIFICATION SYSTEM

SOIL CLASSIFICATION CHART

MAJOR DIVISIONS			LETTER SYMBOL	TYPICAL DESCRIPTIONS
COARSE GRAINED SOILS	GRAVEL AND GRAVELLY SOILS	CLEAN GRAVELS (LITTLE OR NO FINES)	GW	WELL-GRADED GRAVELS, GRAVEL-SAND MIXTURES, LITTLE OR NO FINES
	MORE THAN 50% OF COARSE FRACTION <u>RETAINED</u> ON NO. 4 SIEVE	GRAVELS WITH FINES (APPRECIABLE AMOUNT OF FINES)	GP	POORLY-GRADED GRAVELS, GRAVEL-SAND MIXTURES, LITTLE OR NO FINES
		CLEAN SAND (LITTLE OR NO FINES)	GM	SILTY GRAVELS, GRAVEL-SAND-SILT MIXTURES
	MORE THAN 50% OF MATERIAL IS LARGER THAN NO. 200 SIEVE SIZE	SAND AND SANDY SOILS	CLEAN SAND (LITTLE OR NO FINES)	GC
MORE THAN 50% OF COARSE FRACTION <u>PASSING</u> NO. 4 SIEVE		SANDS WITH FINES (APPRECIABLE AMOUNT OF FINES)	SW	WELL-GRADED SANDS, GRAVELLY SANDS, LITTLE OR NO FINES
			SP	POORLY-GRADED SANDS, GRAVELLY SANDS, LITTLE OR NO FINES
FINE GRAINED SOILS		SILTS AND CLAYS	LIQUID LIMITS <u>LESS</u> THAN 50	SM
	SC			CLAYEY SANDS, SAND-CLAY MIXTURES
	SILTS AND CLAYS	LIQUID LIMITS <u>GREATER</u> THAN 50	ML	INORGANIC SILTS AND VERY FINE SANDS, ROCK FLOUR, SILTY OR CLAYEY FINE SANDS OR CLAYEY SILTS WITH SLIGHT PLASTICITY
			CL	INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS
MORE THAN 50% OF MATERIAL IS SMALLER THAN NO. 200 SIEVE SIZE	SILTS AND CLAYS	LIQUID LIMITS <u>GREATER</u> THAN 50	OL	ORGANIC SILTS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY
			MH	INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SAND OR SILTY SOILS
	SILTS AND CLAYS	LIQUID LIMITS <u>GREATER</u> THAN 50	CH	INORGANIC CLAYS OF HIGH PLASTICITY, FAT CLAYS
			OH	ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS
HIGHLY ORGANIC SOILS			PT	PEAT, HUMUS, SWAMP SOILS WITH HIGH ORGANIC CONTENTS

NOTE: DUAL SYMBOLS ARE USED TO INDICATE BORDERLINE SOIL CLASSIFICATIONS FOR SAMPLES WITH 5% TO 12% FINES

GRADATION*

% FINER BY WEIGHT

TRACE..... 1% TO 10%
LITTLE..... 10% TO 20%
SOME..... 20% TO 35%
AND..... 35% TO 50%

COMPACTNESS*

Sand and/or Gravel

RELATIVE DENSITY

LOOSE..... 0% TO 40%
MEDIUM DENSE..... 40% TO 70%
DENSE..... 70% TO 90%
VERY DENSE..... 90% TO 100%

CONSISTENCY*

Clay and/or Silt

RANGE OF SHEARING STRENGTH IN POUNDS PER SQUARE FOOT

VERY SOFT..... LESS THAN 250
SOFT..... 250 TO 500
MEDIUM..... 500 TO 1000
STIFF..... 1000 TO 2000
VERY STIFF..... 2000 TO 4000
HARD..... GREATER THAN 4000

* VALUES ARE FROM LABORATORY OR FIELD TEST DATA, WHERE APPLICABLE. WHEN NO TESTING WAS PERFORMED, VALUES ARE ESTIMATED.

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NEW YORK

August 13, 2025

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GEOTECHNICAL TERMS AND SYMBOLS

SAMPLE IDENTIFICATION

The Unified Soil Classification System is used to identify the soil unless otherwise noted.

SOIL PROPERTY SYMBOLS

- N: Standard Penetration Value: Blows per ft. of a 140 lb. hammer falling 30" on a 2" O.D. split-spoon.
 Qu: Unconfined compressive strength, TSF.
 Qp: Penetrometer value, unconfined compressive strength, TSF.
 Mc: Moisture content, %.
 LL: Liquid limit, %.
 PI: Plasticity index, %.
 δd : Natural dry density, PCF.
 ∇ : Apparent groundwater level at time noted after completion of boring.

DRILLING AND SAMPLING SYMBOLS

- NE: Not Encountered (Groundwater was not encountered).
 SS: Split-Spoon - 1 3/4" I.D., 2" O.D., except where noted.
 ST: Shelby Tube - 3" O.D., except where noted.
 AU: Auger Sample.
 OB: Diamond Bit.
 CB: Carbide Bit
 WS: Washed Sample.

RELATIVE DENSITY AND CONSISTENCY CLASSIFICATION

<u>Term (Non-Cohesive Soils)</u>	<u>Standard Penetration Resistance</u>
Very Loose	0-4
Loose	4-10
Medium Dense	10-30
Dense	30-50
Very Dense	Over 50

<u>Term (Cohesive Soils)</u>	<u>Qu (TSF)</u>
Very Soft	0 - 0.25
Soft	0.25 - 0.50
Firm (Medium)	0.50 - 1.00
Stiff	1.00 - 2.00
Very Stiff	2.00 - 4.00
Hard	4.00+

PARTICLE SIZE

Boulders	8 in.+	Coarse Sand	5mm-0.6mm	Silt	0.074mm-0.005mm
Cobbles	8 in.-3 in.	Medium Sand	0.6mm-0.2mm	Clay	-0.005mm
Gravel	3 in.-5mm	Fine Sand	0.2mm-0.074mm		

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Office Locations:



RESOLUTION NO. 273.25

TO ENACT LOCAL LAW NO. 5 OF 2025; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, RELATING TO A CHANGE OF ZONE REQUEST ON A ±14.02 ACRE PARCEL FROM AGRICULTURAL (A-1) TO GENERAL BUSINESS (B-2) LOCATED AT 774 AND 778 DUANESBURG ROAD

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 5 of 2025.

SECTION 2. The Town Clerk is directed, following consultation with the Attorney to the Town, to file said Local Law in final form with the New York State Department of State.

SECTION 3. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

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: July 30, 2025

TO: Mollie Collins, Town Supervisor

FROM: Peter Comenzo, Senior Planner *PC*

TITLE OF REQUEST: Make a decision on a Change of Zone from Agricultural (A-1) to General Business (B-2).

TOWN BOARD MEETING: August 13, 2025

Background Information: Primax Properties, LLC (Contract Vendee)
c/o Adam Sellner
1100 East Morehead Street
Charlotte, NC 28204

Change of Zone request on ±14.02 acres from Agricultural (A-1) to General Business (B-2) to facilitate the construction a ±22,000 square foot retail business. Property is known as 774 Duanesburg Road (Tax Map No. 57.7-1-14) and 778 Duanesburg Road (Tax Map No. 57-3-6.1)

Evaluation/Analysis: Project was referred to the Planning Commission on June 12, 2024 for a Report and Recommendation. Planning Commission issued a Positive Recommendation at the June 18, 2024 meeting. Public Hearing was held on August 14, 2024 and the hearing was closed.

Recommendation(s): Town Board should Make a decision on the proposed Change of Zone from A-1 to B-2.

Attachment/Document(s): Application Materials
Public Hearing materials submitted to the Board

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): NYS Town Law Article 16
Proposed Local Law of the Year 2024

LEGISLATION WILL BE PREPARED BY: Supervisors Office



Department of State
Corporations, State Records & UCC

New York State
Department of State
DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-0001
dos.ny.gov

Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

5 _____ of the year 20 25 _____

Local Law Title: To Amend Chapter 270, Zoning, of the Town code, relating to a change of zone request on a
±14.02-acre parcel from Agricultural (A-1) to General Business (B-2) located at 774 and
778 Duanesburg Road. See attached description of Land Proposed Zone Change.

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

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

of Rotterdam _____ as follows on the attached pages:
(Name of Local Government)

For Office Use Only

Department of State Local Law Index Number: _____ of the year 20 ____

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Local Law Filing

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

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

I hereby certify that the local law annexed hereto ascribed as local law number 5 of 2025 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board on August 13 2025 in accordance with the applicable provisions of law.

(Name of Legislative Body)

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

~~I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____ in accordance with the applicable provisions of law.~~

~~(Name of Legislative Body)~~

~~(Elective Chief Executive Officer*)~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

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

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

~~I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____ in accordance with the applicable provisions of law.~~

~~(Name of Legislative Body)~~

~~(Elective Chief Executive Officer*)~~

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

Local Law Filing

5. ~~(City local law concerning Charter revision proposed by petition.)~~

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 ____ of the City of _____, having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 ____ became operative.

6. ~~(County local law concerning adoption of Charter.)~~

I hereby certify that the local law annexed thereto, ascribed as local law number _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 ____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

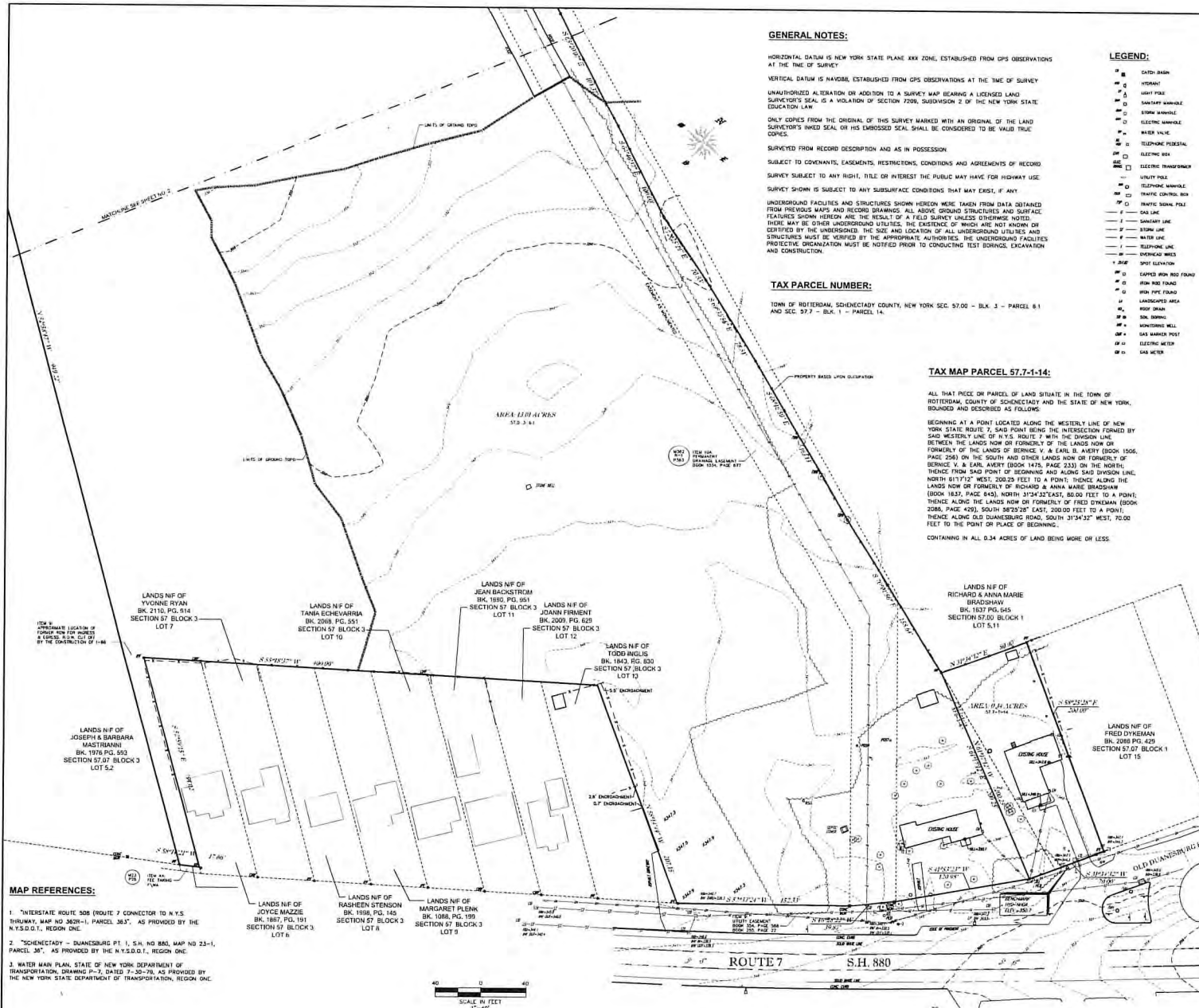
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the paragraph _____ above.

(Seal)

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

(Date)



GENERAL NOTES:

HORIZONTAL DATUM IS NEW YORK STATE PLANE X99 ZONE, ESTABLISHED FROM GPS OBSERVATIONS AT THE TIME OF SURVEY.

VERTICAL DATUM IS NAVD83, 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 AUTHORITY. THE UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION MUST BE NOTIFIED PRIOR TO CONDUCTING TEST BORING, EXCAVATION AND CONSTRUCTION.

TAX PARCEL NUMBER:

TOWN OF ROTTERDAM, SCHENECTADY COUNTY, NEW YORK SEC. 57.00 - BLK. 3 - PARCEL 8.1 AND SEC. 57.7 - BLK. 1 - PARCEL 14.

TAX MAP PARCEL 57.7-1-14:

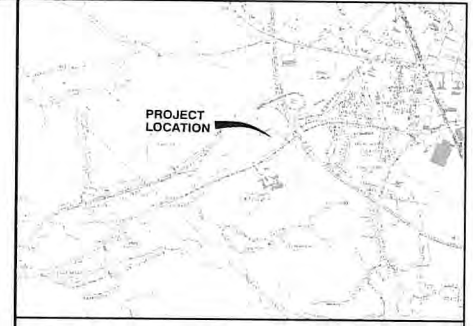
ALL THAT PIECE OR PARCEL OF LAND SITUATE IN THE TOWN OF ROTTERDAM, COUNTY OF SCHENECTADY AND THE STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ALONG THE WESTERN LINE OF NEW YORK STATE ROUTE 7, SAID POINT BEING THE INTERSECTION FORMED BY SAID WESTERN LINE OF N.Y.S. ROUTE 7 WITH THE DIVISION LINE BETWEEN THE LANDS NOW OR FORMERLY OF 1000 INCHES (BOOK 1843, PAGE 830) ON THE SOUTH AND THE LANDS NOW OR FORMERLY OF THE LANDS OF BERNICE V. & EARL B. AVERY (BOOK 1506, PAGE 230) ON THE NORTH; THENCE ALONG SAID DIVISION LINE, NORTH 58°14'49" WEST, 207.15 FEET TO A POINT; THENCE ALONG THE AFORESAID INCHES AND CONTINUING ALONG THE LANDS OF JOHNN FIRMONT (BOOK 2000, PAGE 199), JEAN BACHOSTER (BOOK 1990, PAGE 591), TANA ECHENHARNA (BOOK 2004, PAGE 591), MARGARET PLENK (BOOK 1088, PAGE 199), BASHIEN STENGON (BOOK 1998, PAGE 143), YVONNE RYAN (BOOK 2110, PAGE 814) AND JOYCE MAZZE (BOOK 1867, PAGE 193), SOUTH 50°13'37" WEST, 400.00 FEET TO A POINT; THENCE ALONG THE AFORESAID LANDS OF MAZZE, SOUTH 52°30'15" EAST, 184.00 FEET TO A POINT; THENCE ALONG N.Y.S. ROUTE 7, SOUTH 58°14'21" WEST, 17.66 FEET TO A POINT; THENCE ALONG THE LANDS NOW OR FORMERLY OF JOSEPH & BARBARA MASTRANNI (BOOK 1976, PAGE 543), NORTH 52°30'15" WEST, 94.22 FEET TO AN IRON ROD; THENCE ALONG THE LANDS NOW OR FORMERLY FLYING J. INC. (BOOK 1187, PAGE 634), NORTH 51°57'58" WEST, 113.17 FEET TO A CONCRETE MONUMENT; THENCE ALONG AN EXISTING FENCE LINE ALONG THE LANDS OF RICHARD & ANNA MARIE BRADSHAW (BOOK 1837, PAGE 645), THE FOLLOWING 10 COURSES: 1) SOUTH 84°03'57" EAST, 29.45 FEET TO A POINT; 2) SOUTH 84°03'57" EAST, 136.11 FEET TO A POINT; 3) SOUTH 89°00'00" EAST, 62.99 FEET TO A POINT; 4) SOUTH 89°03'57" EAST, 83.26 FEET TO A POINT; 5) SOUTH 82°07'07" EAST, 60.37 FEET TO A POINT; 6) SOUTH 64°48'37" EAST, 100.00 FEET TO A POINT; 7) SOUTH 72°25'29" EAST, 70.83 FEET TO A POINT; 8) SOUTH 65°36'58" EAST, 78.81 FEET TO A POINT; 9) SOUTH 88°50'50" EAST, 18.13 FEET TO A POINT; 10) SOUTH 70°07'56" EAST, 128.64 FEET TO A POINT; THENCE ALONG OTHER LANDS OF BERNICE & EARL AVERY (BOOK 1415, PAGE 233), SOUTH 67°17'12" EAST, 200.25 FEET TO A POINT; THENCE ALONG THE FIRST MENTIONED N.Y.S. ROUTE 7, THE FOLLOWING THREE COURSES: 1) SOUTH 41°52'24" WEST, 120.88 FEET TO A POINT; 2) SOUTH 48°02'32" WEST, 59.87 FEET TO A POINT AND 3) SOUTH 52°32'24" WEST, 152.33 FEET TO THE POINT OR PLACE OF BEGINNING.

CONTAINING IN ALL 0.34 ACRES OF LAND BEING MORE OR LESS.

LEGEND:

- 1. DATED BOUND
- 2. UTILITY
- 3. LIGHT POLE
- 4. SANITARY MANHOLE
- 5. STORM MANHOLE
- 6. ELECTRIC MANHOLE
- 7. WATER VALVE
- 8. TELEPHONE POLE
- 9. ELECTRIC BOX
- 10. ELECTRIC TRANSFORMER
- 11. UTILITY POLE
- 12. TELEPHONE MANHOLE
- 13. TRAFFIC SIGNAL BOX
- 14. TRAFFIC SIGNAL POLE
- 15. GAS LINE
- 16. SANITARY LINE
- 17. STORM LINE
- 18. WATER LINE
- 19. TELEPHONE LINE
- 20. OVERHEAD WIRE
- 21. SPOT ELEVATION
- 22. EASEMENT FOR ROAD FOUND
- 23. IRON ROD FOUND
- 24. IRON PIPE FOUND
- 25. LANDSCAPED AREA
- 26. ROOF DRAIN
- 27. SKI BOUND
- 28. WINDING WALL
- 29. GAS METER POST
- 30. ELECTRIC METER
- 31. GAS METER



SITE LOCATION PLAN: 1"=2000'

TAX MAP PARCEL 57.0-3-6.1:

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 ALONG THE WESTERN LINE OF NEW YORK STATE ROUTE 7, SAID POINT BEING THE INTERSECTION FORMED BY SAID WESTERN LINE OF N.Y.S. ROUTE 7 WITH THE DIVISION LINE BETWEEN THE LANDS NOW OR FORMERLY OF 1000 INCHES (BOOK 1843, PAGE 830) ON THE SOUTH AND THE LANDS NOW OR FORMERLY OF THE LANDS OF BERNICE V. & EARL B. AVERY (BOOK 1506, PAGE 230) ON THE NORTH; THENCE ALONG SAID DIVISION LINE, NORTH 58°14'49" WEST, 207.15 FEET TO A POINT; THENCE ALONG THE AFORESAID INCHES AND CONTINUING ALONG THE LANDS OF JOHNN FIRMONT (BOOK 2000, PAGE 199), JEAN BACHOSTER (BOOK 1990, PAGE 591), TANA ECHENHARNA (BOOK 2004, PAGE 591), MARGARET PLENK (BOOK 1088, PAGE 199), BASHIEN STENGON (BOOK 1998, PAGE 143), YVONNE RYAN (BOOK 2110, PAGE 814) AND JOYCE MAZZE (BOOK 1867, PAGE 193), SOUTH 50°13'37" WEST, 400.00 FEET TO A POINT; THENCE ALONG THE AFORESAID LANDS OF MAZZE, SOUTH 52°30'15" EAST, 184.00 FEET TO A POINT; THENCE ALONG N.Y.S. ROUTE 7, SOUTH 58°14'21" WEST, 17.66 FEET TO A POINT; THENCE ALONG THE LANDS NOW OR FORMERLY OF JOSEPH & BARBARA MASTRANNI (BOOK 1976, PAGE 543), NORTH 52°30'15" WEST, 94.22 FEET TO AN IRON ROD; THENCE ALONG THE LANDS NOW OR FORMERLY FLYING J. INC. (BOOK 1187, PAGE 634), NORTH 51°57'58" WEST, 113.17 FEET TO A CONCRETE MONUMENT; THENCE ALONG AN EXISTING FENCE LINE ALONG THE LANDS OF RICHARD & ANNA MARIE BRADSHAW (BOOK 1837, PAGE 645), THE FOLLOWING 10 COURSES: 1) SOUTH 84°03'57" EAST, 29.45 FEET TO A POINT; 2) SOUTH 84°03'57" EAST, 136.11 FEET TO A POINT; 3) SOUTH 89°00'00" EAST, 62.99 FEET TO A POINT; 4) SOUTH 89°03'57" EAST, 83.26 FEET TO A POINT; 5) SOUTH 82°07'07" EAST, 60.37 FEET TO A POINT; 6) SOUTH 64°48'37" EAST, 100.00 FEET TO A POINT; 7) SOUTH 72°25'29" EAST, 70.83 FEET TO A POINT; 8) SOUTH 65°36'58" EAST, 78.81 FEET TO A POINT; 9) SOUTH 88°50'50" EAST, 18.13 FEET TO A POINT; 10) SOUTH 70°07'56" EAST, 128.64 FEET TO A POINT; THENCE ALONG OTHER LANDS OF BERNICE & EARL AVERY (BOOK 1415, PAGE 233), SOUTH 67°17'12" EAST, 200.25 FEET TO A POINT; THENCE ALONG THE FIRST MENTIONED N.Y.S. ROUTE 7, THE FOLLOWING THREE COURSES: 1) SOUTH 41°52'24" WEST, 120.88 FEET TO A POINT; 2) SOUTH 48°02'32" WEST, 59.87 FEET TO A POINT AND 3) SOUTH 52°32'24" WEST, 152.33 FEET TO THE POINT OR PLACE OF BEGINNING.

CONTAINING IN ALL 13.01 ACRES OF LAND BEING MORE OR LESS.

NOTES CORRESPONDING TO TITLE COMMITMENT (SEC. 57.7-1-14):

BASED UPON REVIEW OF FIDELITY NATIONAL TITLE INSURANCE COMPANY, SMPL ORDER NO. 5-87143-A, EFFECTIVE DATE APRIL 26, 2024, SCHEDULE B-SECTION 2 EXCEPTIONS:

NOTES CORRESPONDING TO TITLE COMMITMENT (SEC. 57.0-3-6.1):

BASED UPON REVIEW OF FIDELITY NATIONAL TITLE INSURANCE COMPANY, SMPL ORDER NO. 5-87143, EFFECTIVE DATE APRIL 26, 2024, SCHEDULE B-SECTION 2 EXCEPTIONS:

ITEM NO. 8: UTILITY EASEMENTS IN BOOK 354 PAGE 588 AND BOOK 355 PAGE 22 ARE SHOWN HEREON.

ITEM NO. 9: RIGHTS OF WAY EXCEPTED IN DEEDS IN THE CHAIN OF TITLE INCLUDING BOOK 1506, PAGE 236, ASSUMED LOCATION SHOWN HEREON (H202) MAPS SHOW A LANE AND ROAD LEADING TO A PARCEL NORTH OF I-190. IT APPEARS THE ROAD WAS CUT OFF WHEN INTERSTATE 88 WAS CONSTRUCTED.

ITEM 10: APPROPRIATIONS:
A. BOOK 1534, PAGE 872 AFFECTS THE PREMISES AND IS SHOWN HEREON.
B. BOOK 1032, PAGE 733 DOES NOT AFFECT THE PREMISES, PARCEL LIES WITHIN I-88.
C. BOOK 1832, PAGE 232 AFFECTS THE PREMISES AND IS SHOWN HEREON.
D. BOOK 1832, PAGE 232 DOES NOT AFFECT THE PREMISES, PARCEL LIES WITHIN I-88.
E. BOOK 1834, PAGE 405 DOES NOT AFFECT THE PREMISES, PARCEL LIES WITHIN I-88.

DEED REFERENCES:

1. BERNICE V. AVERY AS EXECUTOR OF EMMA M. EVANS TO BERNICE V. & EARL B. AVERY, DATED AUGUST 28, 1988 AND RECORDED IN THE SCHENECTADY COUNTY CLERK'S OFFICE IN DEED BOOK 1506, PAGE 236.
2. BERNICE V. AVERY FORMERLY BERNICE V. EVANS TO BERNICE V. & EARL B. AVERY, DATED NOVEMBER 2, 1993 AND RECORDED IN THE SCHENECTADY COUNTY CLERK'S OFFICE IN DEED BOOK 1476, PAGE 233.

FLOOD ZONE NOTE:

PROPERTY SHOWN DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA ("SFHA") AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE PROPERTY LIES WITHIN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP IDENTIFIED MAP NUMBER 306302040, PANEL 142 OF 257, OF THE TOWN OF ROTTERDAM COMMUNITY NUMBER 367402, SCHENECTADY COUNTY, N.Y., BEARING AN EFFECTIVE DATE OF JANUARY 6, 2014.

CERTIFICATION:

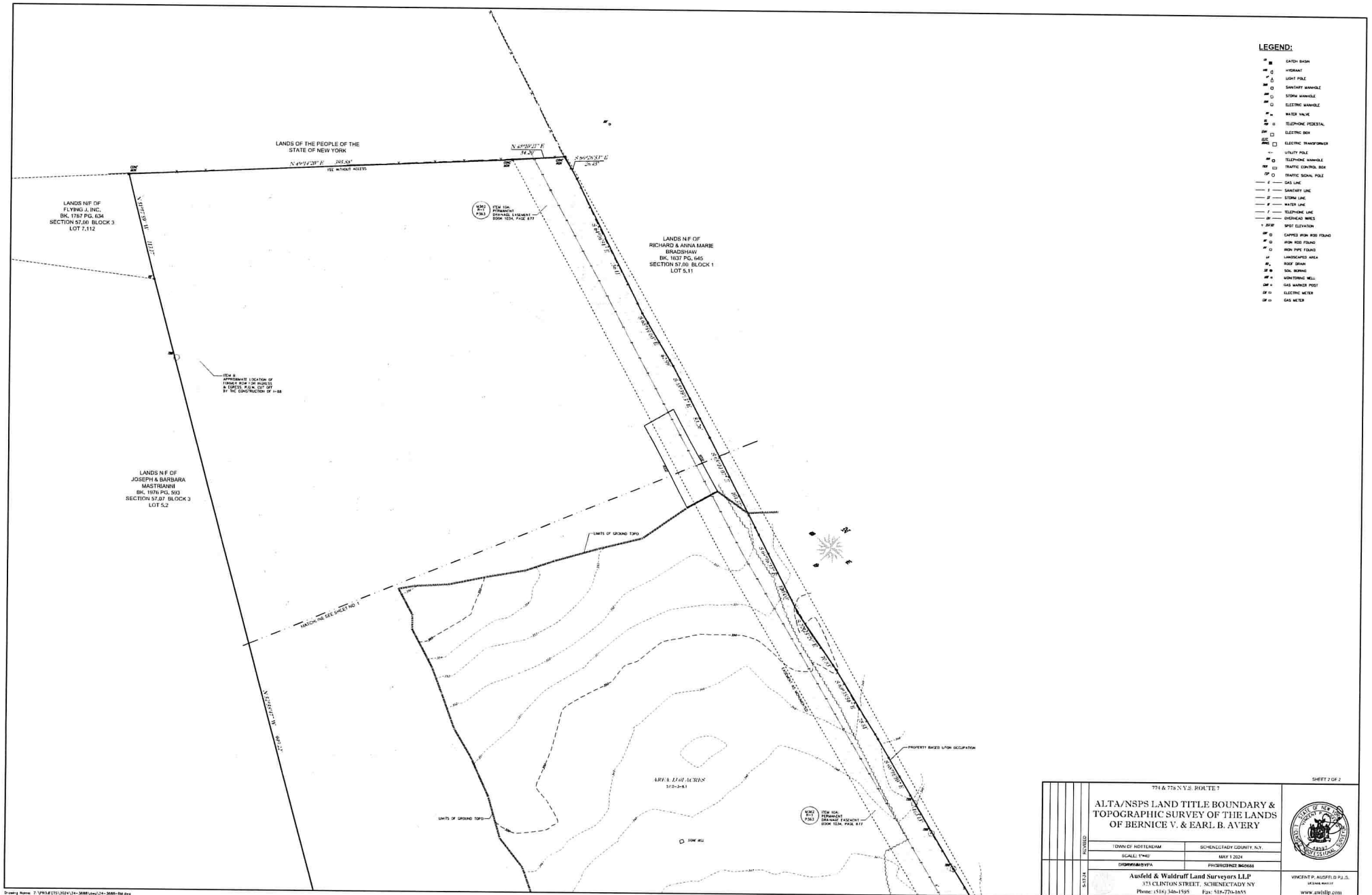
THIS IS TO CERTIFY TO PRIMA PROPTERIES AND FIDELITY NATIONAL TITLE INSURANCE COMPANY, THAT THIS MAP OR PLAN AND THE SURVEY THEREON WAS MADE IN ACCORDANCE WITH THE "2021 MINIMUM STANDARD" DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS. THE FIELD WORK WAS COMPLETED ON MAY 1, 2024.

SIGNED: *[Signature]* DATE: MAY 17, 2024
N.Y.S. REGISTRATION NO. 049587

ALTA/NSPS LAND TITLE BOUNDARY & TOPOGRAPHIC SURVEY OF THE LANDS OF BERNICE V. & EARL B. AVERY	
TOWN OF ROTTERDAM	SCHENECTADY COUNTY, N.Y.
SCALE: 1"=40'	DATE: MAY 1, 2024
DRAWN BY: JPL	PROJECT NO. 240606
Austfeld & Waldorf Land Surveyors LLP 131 CLINTON STREET, SCHENECTADY, NY Phone: (518) 346-1955 Fax: (518) 372-1655	
VINCENT P. AUSTFELD, P.E., L.S. JAMES WALDORF, P.E., L.S. www.austfeld.com	

- MAP REFERENCES:**
1. "INTERSTATE ROUTE 808 (ROUTE 7 CONNECTOR TO N.Y.S. THRUWAY) MAP NO. 3620-1, PARCEL 363", AS PROVIDED BY THE N.Y.S.D.O.T., REGION ONE.
 2. "SCHENECTADY - BUNESBURG PT. 1, S.H. NO. 880, MAP NO. 23-1, PARCEL 38", AS PROVIDED BY THE N.Y.S.D.O.T., REGION ONE.
 3. WATER MAIN PLAN, STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION, DRAWING P-2, DATED 7-30-76, AS PROVIDED BY THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION, REGION ONE.

Drawing Name: 2. 1706062725120124-36889-Long (374-36889-000.dwg)
DWG: 36889.dwg
Date Printed: May 1, 2024, 9:20am



Survey Name: 7_VPN/EAST/2024/24-3000.dwg (24-3000) - Rev.dwg
 Date Printed: May 11, 2024, 9:23am



TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

Application Fee \$1,000

Existing Zone Classification: A-1 Agricultural Zone

Proposed Zone Classification: B-2 General Business Zone

**PART II
GENERAL INFORMATION**

Legal Owner's Name: Bernice V. & Earl B. Avery
Mailing Address: 774 Duanesburg Road
City: Rotterdam State: NY Zip: 12306
Daytime Phone: _____ E-mail: _____

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

Owner's Designated Contact: Adam Sellner - Primax Properties, LLC

Mailing Address: 1100 East Morehead St
City: Charlotte State: NC Zip: 28204
Daytime Phone: 704-954-7224 E-mail: asellner@primaxproperties.com
Project/Proposal Site Area: (Acres or sq. ft.) 14.02 acres
Assessor Tax Parcel No.(s) of Site: 57-3-6.1 & 57.7-1-14
Adjacent Parcels Owned or Controlled and Tax Map Parcel No: (Acres or sq. ft.) _____

Street Address of Proposed Site (if any): 774-778 Duanesburg Road, Rotterdam, NY

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

Lot 57-3-6.1 is vacant containing one existing vacant dwelling;

while Lot 57.7-1-14 contains a single family home

School District: Schalmont

Fire District: FD600 - Fire District 6

Water Supply: CW500 Water District 5

LEGAL INFORMATION

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

The site is located approximately $\pm 2,660$ feet east from the Becker Road and Duanesburg Road intersection, and ± 800 feet west of where Duanesburg Road crosses over I-90

Name of Public Road(s) Providing Access: Duanesburg Road (NYS Route 7)

Width of Property Fronting on the Existing Public Road in Linear Feet: 381 ft

Does the Proposal Have Access to an Arterial or Planned Arterial? ☒ Yes ☐ No

Name(s) of Arterial Road(s): Duanesburg Road

A legal description of the proposed site must be attached: ☒ Yes ☐ No

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? _____

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

The subject parcel is adjacent to the existing B-2 General Business zone and would be a continuation of that zone to fit in. This parcel is within the New York State Route 7 Gateway, and a change of zone would help support the development in line with the goals of the comprehensive plan.

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: [Signature]
Address: 323 CLINTON ST
SCHENECTADY NY 12305

Date: 5/16/24
Phone: 518 346 1595
Zip: 12305

Signed: [Signature]
Address: 17 Computer Drive West
Albany, NY 12205

Date: 05/17/24
Phone: 518-438-9900
Zip: 12205

PLEASE AFFIX SURVEYOR/ARCHITECT/ENGINEER SEAL HERE



ZONING COORDINATION REFERRAL

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

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

For Use By SCDEDP

Received

Case No.

Returned

7-16-24
13-18-24
8-21-24

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

Municipality:

Town of Rotterdam

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

(tel.) 386-2225
(fax) 382-8000
Schenectady County

ACTION: ☒ Zoning Code/Law Amendment
☒ Zoning Map Amendment
☐ Subdivision Review
☐ Site Plan Review

☐ Special Permit
☐ Use Variance
☐ Area Variance
☐ Other (specify) _____

JUL 16 2024

Economic Development
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: August 14, 2024

SUBJECT: Bernice & Earl Avery – 774 & 778 Duanesburg Road. Change of Zone from Agricultural (A-1) to General Business (B-2) for the construction of a ±22,000 square foot retail store on a combined ±14.02-acre parcel. Engineer: Bohler Engineering.

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

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:
 - ☐ the boundary of any city, village or town;
 - ☐ the boundary of any existing or proposed County or State park or other recreation area;
 - ☐ the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
 - ☐ the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
 - ☐ the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
 - ☐ the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: Peter Comenzo

Title: Senior Planner

Address: 1100 Sunrise Boulevard, Schenectady, NY 12306

E-mail: pcomenzo@rotterdamny.org

Phone: 518-355-7575 Ext 338

Signature

Date: 7 11 24



PLANNING & ZONING COORDINATION REFERRAL

Case No. R-18-24

Applicant Bernice & Earl Avery

Referring Officer Peter Comenzo

Municipality Rotterdam

Considerations: Regarding a 14 acre parcel containing a single family residence, requesting a change in zone from Agriculture (A-1) to General Business (B-2) to permit the construction of a 22,000 SF retail store. Individual septic and municipal water proposed. Access proposed to Duanesburg Road (SR 7).

RECOMMENDATION

Receipt of zoning referral is acknowledged on August 14, 2024. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

- ☐ *Approve of the proposal.
- ☒ **Defer to local consideration (No significant county-wide or inter-community impact)**
- ☐ **Modify/Conditionally Approve.** Conditions:

☐ **Advisory Note:**

☐ **Disapprove.** Reason:

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

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

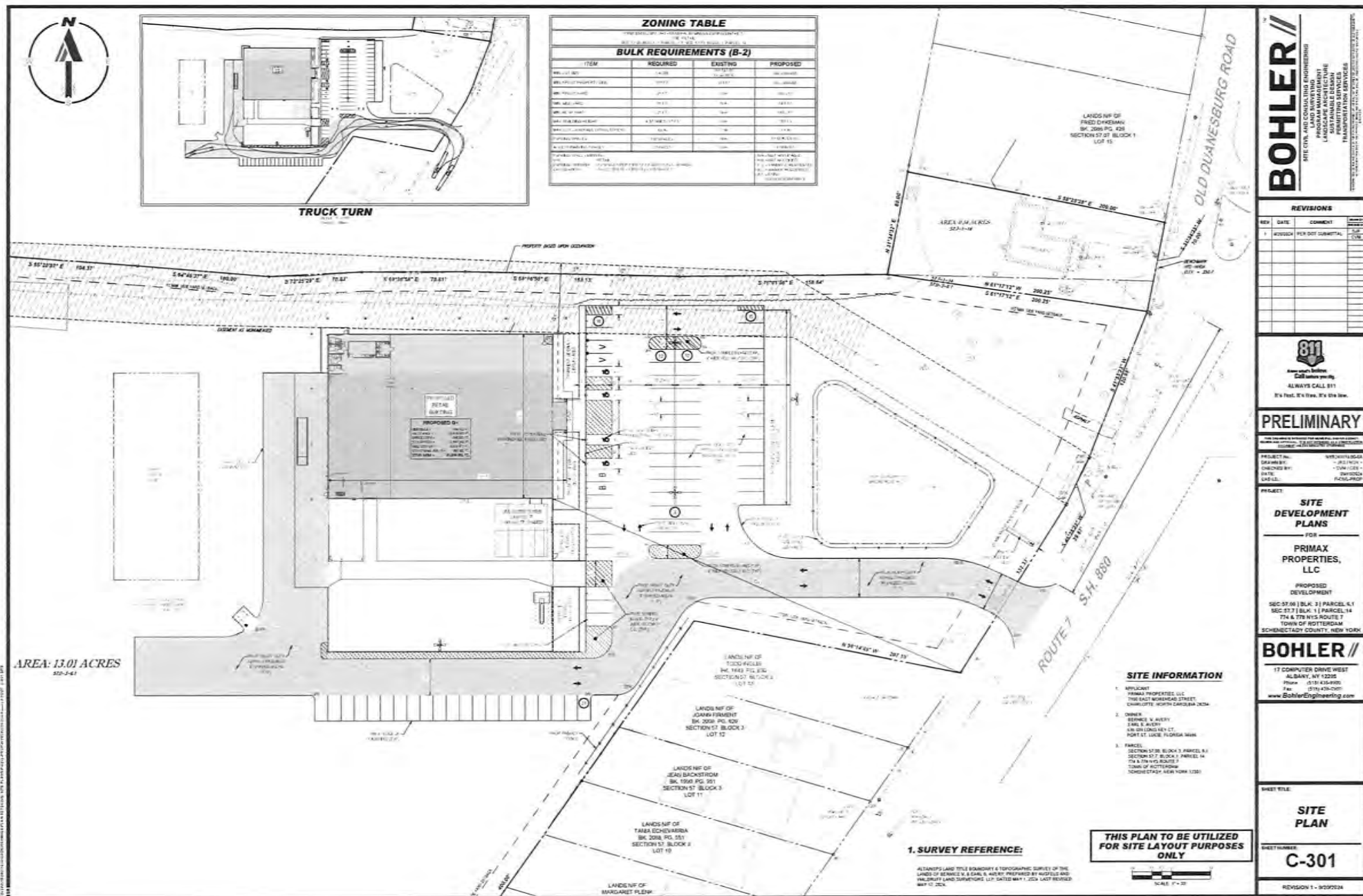
8/16/24
Date

[Signature]
Ray Gillen, Commissioner
Economic Development and Planning



**774-778 DUANESBURG ROAD (NYS ROUTE 7)
TOWN OF ROTTERDAM
SCHENECTADY COUNTY, NEW YORK**

PREPARED BY
BOHLER //
17 COMPUTER DRIVE WEST
ALBANY, NY 12205
Phone: (518) 438-9900
Fax: (518) 438-0900
www.bohlerengineering.com



RESOLUTION NO. 274.25

**TO NEGOTIATE AND EXECUTE AN AMENDMENT TO AN EXISTING
AGREEMENT WITH HYDROSOURCE ASSOCIATES, PC FOR CHANGE ORDER #2
TO INCLUDE ADDITIONAL HYDROGEOLOGICAL 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 negotiate and execute an amendment to an existing agreement with HydroSource Associates PC, located at 120 Daniel Webster Highway, Meredith, NH03253, for Change Order #2 to include Additional Hydrogeological Services concerning Town of Rotterdam's Well No. 6 project, for an increase not to exceed twenty four thousand eight hundred and 00/100 (\$24,800.00) dollars, for a new total project cost not to exceed one million one hundred eighty two thousand eight hundred fifty and 00/100 (\$1,182,850.00) dollars.

SECTION 2. This resolution shall become effective August 13, 2025

DATED: August 13, 2025

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: 8/11/2025

TO: Town Board

FROM: C. Jack Dodson – Deputy Supervisor

TITLE OF REQUEST: Authorize the supervisor to negotiate and execute Change Order #2 with HydroSource Associates, PC for additional costs due to added work scope (geophysics survey) associated with Well #6.

TOWN BOARD MEETING: 8/13/2025

Background Information: Pursuant to Resolution No. 360.23, the town contracted with HydroSource Associates for hydrogeologic services, permitting and construction of new Production Well No. 6. Execution of the HydroSource agreement including any amendments/change orders is a requirement for funding with EFC-DWSRF for the WD#5 Comprehensive Water System Improvement Project.

Evaluation/Analysis: HydroSource Associates propose to utilize geophysics to develop a three-dimensional conceptual model of the Rice Road wellfield area utilizing existing available information on the Great Flats Aquifer. The tasks and activities included in the attached scope match those described in HydroSource Associates' Progress Report or Test Well TW-4 dated July 31, 2025. This work will allow HydroSource to better locate Production Well No. 6 in the formation with higher output.

Recommendation(s): Accept the Change Order #2 with HydroSource Associates, PC for additional work scope in an amount not to exceed \$24,800.00.

Attachment/Document(s): Change Order #2 of contract with HydroSource Associate, PC

Compliance with Purchasing Policy: Yes

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

LEGISLATION WILL BE PREPARED BY: Supervisors Office



HydroSource Associates, P.C.

120 Daniel Webster Highway, Meredith NH 03253

Telephone: (603) 279-0301

www.teamhydrosorce.com

August 6, 2025

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

Re: Amendment #2 to Consulting Agreement to Include Additional Hydrogeological Services

Dear Supervisor Collins:

Attached is an amendment to HydroSource Associates (HSA)'s 12/13/23 Consulting Agreement with the Town of Rotterdam, pursuant to the Town's request. The purpose of this amendment is to add the attached work scope: "Hydrogeologic and Geophysical Evaluation of the Rice Road Wellfield to Characterize the Aquifer and Identify Promising Alternate Test Well Locations", and associated costs to HSA's current consulting agreement with the Town of Rotterdam. The tasks and activities included in the attached scope match those described in HSA's Progress Report or Test Well TW-4 dated July 31, 2025.

If this is acceptable, please provide your agreement by signing the acknowledgement line of the attached amendment and forwarding a copy of the signed document back to us.

Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, reading 'Claude A. Cormier'. The signature is fluid and cursive, with the first name 'Claude' being the most prominent.

Claude A. Cormier
President

**AMENDMENT #2 TO DECEMBER 13, 2023 CONSULTING AGREEMENT
BETWEEN THE TOWN OF ROTTERDAM, NEW YORK (CLIENT)
AND HYDROSOURCE ASSOCIATES, P.C.
FOR HYDROGEOLOGIC SERVICES
AND CONSTRUCTION AND PERMITTING OF NEW SUPPLY WELL**

ADDITIONAL SERVICES TO BE PERFORMED

Hydrogeologic and Geophysical Evaluation of the Rice Road Wellfield to Characterize the Aquifer and Identify Promising Alternate Test Well Locations

HSA proposes to develop a three-dimensional conceptual model of the Rice Road wellfield area utilizing existing available information on the Great Flats Aquifer and prior well installations at the wellfield itself. The prior information will be refined based on the results of electrical resistivity geophysical surveys (described below), and the overall combined information used to identify where the sand and gravel sediments that comprise the Great Flats Aquifer beneath the Rice Road property appear to have the greatest potential saturated thickness and favorable hydraulic properties for developing a new well.

Electrical resistivity surveys will be performed over the Rice Road wellfield property, and the results will be used to identify one or more proposed test well installation locations. The results of the surveys also may be useful, along with the existing information, to assess and document the depth and extent of fine-grained sediment layers that may be present beneath the area so they can be avoided.

Electrical resistivity surveys are often performed to assess subsurface conditions and ensure that promising sites are identified before investment is made in test well installation. A survey involves setting a series of small steel pins (electrodes) at regular intervals along a survey line several hundred feet or more in length. The electrodes are connected to a cable that is stretched out along that line. A low voltage electric current is made to pass between each possible combination of two electrodes in a specified sequence, and the resistivity to the flow of electrical current between each electrode pair is measured. A computer program is used to model the distribution of resistivity in the subsurface, in a process that is similar to that used to produce hospital MRI and CT scans. Because different geologic materials (clay, gravel, sand, granite, etc.) have different electrical properties, the variations in resistivity can be used to infer the subsurface distribution of different sediment and rock types.

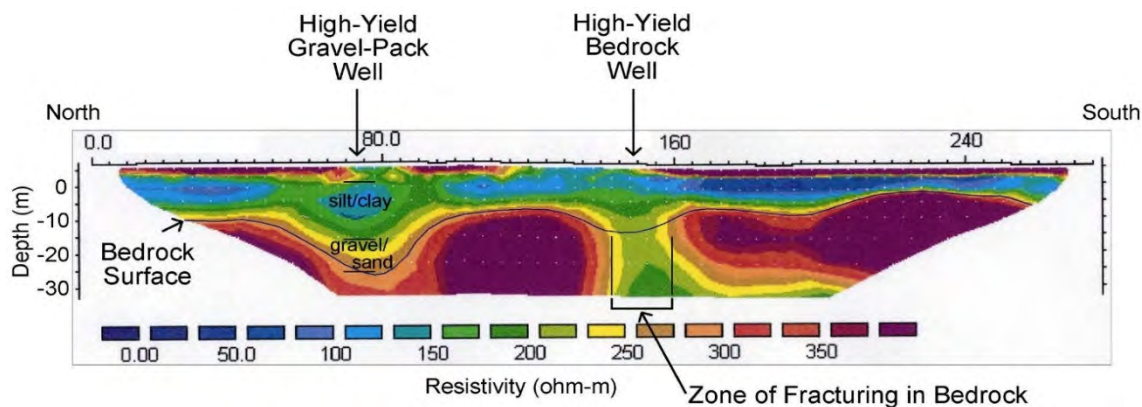
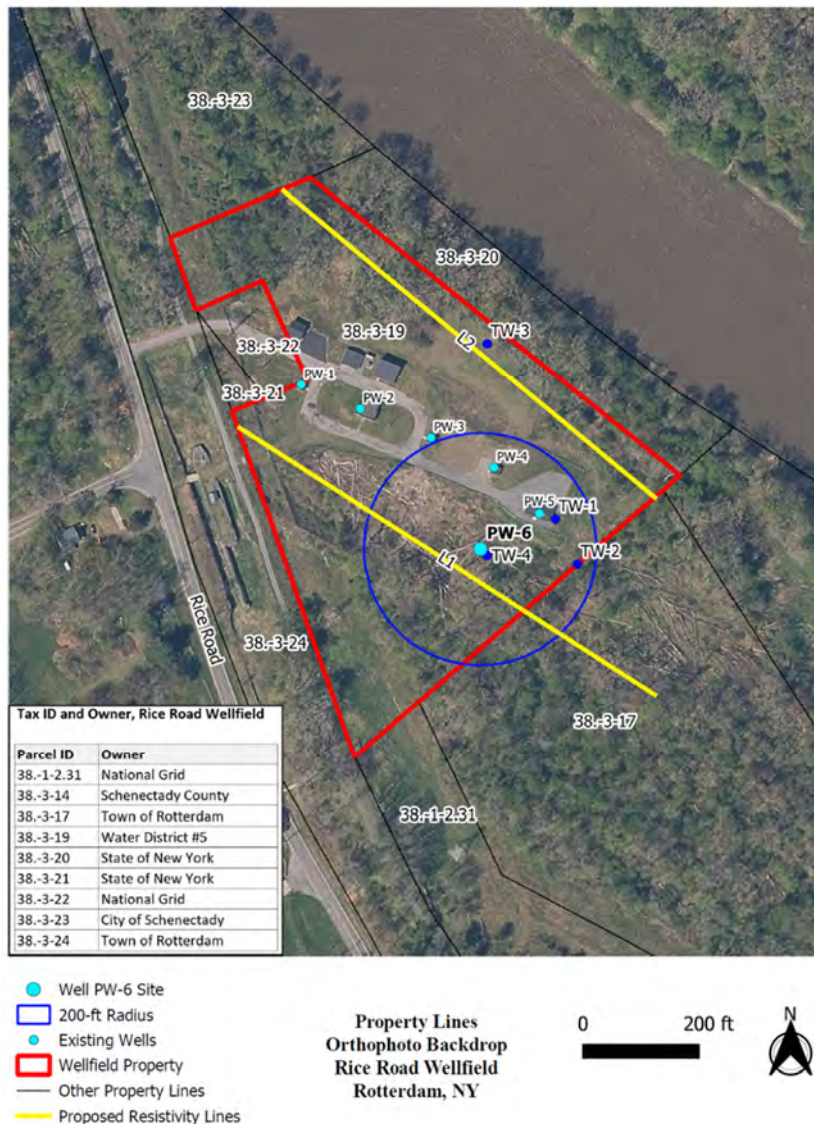


Figure 1 - Example Electrical Resistivity Profile

The survey results are used to produce cross sections of the subsurface like that shown above depicting the variation of electrical conductivity of the earth's subsurface beneath the survey profile line. Electrical resistivity ranges can then be correlated with different sediment layers within the overburden, to the overburden/bedrock interface, or other variables of interest. As such, these surveys typically allow delineation of areas where the thickness of water-bearing strata is greatest, as well as differentiation between coarse sand and gravel (which are promising areas for groundwater development) versus glacial till, or fine-grained silt and/or clay (which are not good aquifer hosts).



These are the same type of surveys used to identify two, 2,880,000 gpd wells for the Village of Malone, a 2,088,000 gpd well for the Town of Houghton, a 2,736,000 gpd well source in Lyons Falls, two 4,300,000+ gpd well sites for the Village of Saranac Lake, a 2,160,000 gpd well site in Ticonderoga, and many others. What we will be looking for at the Rice Road site are well installation locations offering the coarsest sand and gravel deposits that are saturated (i.e., below the water table), and where, specifically, they are likely to be the thickest and therefore most productive in terms of well yield potential, and ideally where the nearby sediments do not include a thick layer of fine-grained sand, silt, and/or clay.

We tentatively assume survey lines on the Rice Road property would extend roughly as shown in Figure 2, although the line locations and orientations can be modified at the Town's request, as needed. Note that Line 1 (L1) is shown as extending across the abutting property to the southeast.

The reason for this is because the

model depth of resistivity surveys is dependent on survey line length; and the line length of approximately 800 feet that is shown should allow for modeling subsurface characteristics to a depth of at least 100 feet.

The survey work we propose includes mobilization of labor and equipment and conduct of the surveys, data analysis and modeling of the survey results in conjunction with other relevant available information, preparation of a brief summary report, and a return trip to the site to stake the proposed test well locations and review them with Town officials, Barton & Loguidice representatives, and a well drilling contractor, as warranted.

If multiple potentially promising test well installation locations are identified, HSA's report will rank the sites by perceived favorability in regard to aquifer conditions that would be expected to support greater sustainable well yield. We will also seek to identify potential well locations that meet the applicable New York State regulatory requirements as much as possible. In general, we will search for well locations at which a range of qualities appear optimized, i.e., aquifer character and yield potential, location and offset distance with respect to other wells to minimize the potential for pumping interference, setbacks from property lines, roads, etc. HSA's report will explain the rationale for the choice of test well sites. If the results indicate as such, we will identify promising test well sites as near the original site chosen for Well PW-6 as possible.

The results from this effort would also likely be useful in identifying where future wells should be located were the Town to consider developing additional wells, or replacing older wells, in the future.

AMENDED PROBABLE COSTS

The probable cost for the additional services under Amendment #2 is estimated at \$24,800.

After adding these services to HSA's current 12/23/23 consulting agreement with the Town of Rotterdam, and the June 11, 2025, Amendment to Consulting Agreement to Include Additional Subcontractor Charges (Amendment #1), the new Total Probable Cost for HSA's services is \$1,119,350 to \$1,182,850.

It is acknowledged and agreed that the Total Probable Costs as referenced in the December 13, 2023 Consulting Agreement between the Town of Rotterdam, New York (Client) and HydroSource Associates, P.C. for Hydrogeologic Services and Construction and Permitting of New Supply Well are hereby amended as shown above.

All other provisions, terms, and conditions included in the 12/13/23 agreement between HydroSource Associates, P.C. and the Town of Rotterdam shall remain unchanged and in full force and effect.

AUTHORIZED CLIENT SIGNATURE

_____(signature) Date _____
Mollie Collins, Supervisor – Town of Rotterdam, New York

HYDROSOURCE ASSOCIATES, P.C.
d/b/a HydroSource Associates Hydrogeologic Consultants, P.C.



Claude A. Cormier, President August 6, 2025

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, May 28, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 202.25
TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH HYDROSOURCE
ASSOCIATES, PC FOR CHANGE ORDER #1 FOR HYDROGEOLOGIC SERVICES
AND CONSULTING

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 HydroSource Associates PC, located at 120 Daniel Webster Highway, Meredith, NH03253, for Change Order #1 – to account for time delays and increased in labor and materials, since submitting their original cost quotation in July, 2023 concerning Town of Rotterdam’s Well No. 6 project, subcontracted to Layne Christensen Company, for an increase not to exceed one hundred sixty one thousand, seven hundred and 00/100 (\$161,700.00) dollars, for a new total project cost not to exceed one million one hundred fifty eight thousand fifty and 00/100 (\$1,158,050) dollars.

SECTION 2. This resolution shall become effective May 28, 2025

DATED: May 28, 2025

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 May 28, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk’s office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this May 30, 2025.

Diane M. Marco

Diane M. Marco, Town Clerk



TOWN OF ROTTERDAM

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



LEGISLATIVE REQUEST FORM

DATE: May 19, 2025

TO: Mollie Collins – Town Supervisor

FROM: Jack Dodson – Deputy Supervisor

TITLE OF REQUEST: Authorize Supervisor to negotiate and execute a change order with HydroSource Associates, PC for additional costs requested of their drilling subcontractor, Layne Christensen Co. for work associated with Production Well No. 6 at the Rice Road Well Source.

TOWN BOARD MEETING: May 28, 2025

Background Information: Pursuant to Resolution No. 360.23, the town contracted with HydroSource Associates, and their subcontractor, Layne Christensen Co. for hydrogeologic services, permitting and construction of new Production Well No. 6 for a fee not to exceed \$996,360.00 in December 2023. Execution of the HydroSource Agreement is a requirement for funding with EFC-DWSRF for the WD#5 Comprehensive Water System Improvement project.

Evaluation/Analysis: The town, under a separate prime contract, preformed a site preparation contract that required in excess of 5,000 cubic yards of material be brought to the site for the new Production Well No. 6 to ready the site for the well driller to drill a test well and the production well. Construction work associated with this site prime contract was recently completed in May 2025. HydroSource Associates, PC notified the town in a May 8, 2025 letter that their subcontractor, Layne Christensen, Co. requested a change order in the amount of \$161,700 to account for time delays and increases in costs of labor and materials that have occurred since submitting their original cost in July 2023. These increased costs include two prevailing wage changes, AIS pipe and screen, gravel, glass beads, and equipment.

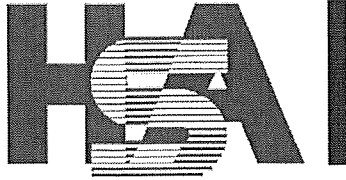
Recommendation(s): Authorize the supervisor to sign the change order with HydroSource Associates, PC for the additional \$161,700 for a new contract amount not to exceed \$1,158,050..

Attachment/Document(s): Resolution 360.23 and HydroSource Associates, PC letter dated May 8, 2025.

Compliance with Purchasing Policy: RFQ process required by EFC-DWSRF Funding.

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

LEGISLATION WILL BE PREPARED BY: Supervisor's Office



HydroSource Associates, P.C.

120 Daniel Webster Highway • Meredith, NH 03253

Telephone: (603) 279-0301

www.teamhydrosorce.com

May 8, 2025

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

Re: Change Order Request from Well Services Subcontractor

Dear Supervisor Collins,

The well drilling contractor for the Town of Rotterdam's Well No. 6 project, Layne Christensen Company, is requesting a change order to their contract to account for time delays and increases in the cost of labor and materials that have occurred since submitting their original cost quotation in July, 2023. Attached is a letter we received from them explaining the rationale behind their request, along with a summary of the anticipated additional charges for their services. The summary also includes a marginally greater cost for the water quality analyses subcontractors to offset increases that have occurred since 2023 for laboratory and shipping fees.

The summary is consistent with the table of Probable Costs presented on pages 15 and 16 of HSA's 7/20/23 contracted scope of services. It lists the subcontractors' original costs and updated current costs. You will note that the proposed additional costs are limited to services to be provided by subcontractors. Assuming all the work within HSA's scope of services will be completed by the end of 2025, we expect that HSA's rates should remain unchanged from those shown in our July, 2023 scope of services.

Please review this information and let me know if there is anything you wish to discuss. If acceptable, we will draft an amendment to our current consulting agreement with the Town to account for these additional costs.

Sincerely,

A handwritten signature in black ink, reading 'Claude A. Cormier'. The signature is fluid and cursive, with the first name 'Claude' being the most prominent.

Claude A. Cormier
President

REVISED PROBABLE COSTS – MAY 6, 2025

Task/Activity	HSA	Previous Laboratory/Drilling Subcontractor Costs	Revised Laboratory/Drilling Subcontractor Costs
Review and Digitization of Applicable Hydrogeologic Information and Existing Well Records; Site Visit	\$11,400		
Well Drilling and Construction Services Contracting	\$4,100		
Test/Observation Well Installation and Preliminary Yield and Water Quality Analysis	\$24,300	\$55,000	\$63,500
Preliminary Report to NYSDOH and NYSDEC	\$15,300		
Construction of Well PW-6	\$63,700	\$400,000 to \$450,000	\$480,000 to \$540,000
Glass Bead Filter Pack Option		\$12,000 to \$13,000	\$17,000 to \$20,500
Development of Well PW-6	\$8,000	\$86,000	\$97,000
Well Camera Video Inspection and Recording	\$2,300		
Step and 72-Hour Constant Rate Pumping Tests	\$57,000	\$162,000	\$205,000
NYSDOH Part 5 Water Quality Sampling and Analyses	\$2,350	\$6,900	\$8,600
Pumping Test Analyses and Final Hydrogeologic Report to NYSDEC and NYSDOH	\$26,500		
Project Management and NYSEFC Contract Administration	\$8,500		
Subtotals	\$223,450	\$721,900 to \$772,900	\$871,000 to \$934,600
	Prior Total: \$945,350 to \$996,350		New Total: \$1,094,450 to \$1,158,050

May 2, 2025

TO: Claude Cormier
HydroSource Associates
50 Winter Street
Ashland, New Hampshire 03217

Mr. Cormier,

After long pauses in commencement of well drilling for the Town of Rotterdam, NY, since our most recent quote in July 2023, signing of our contract in April 2024 and to the commencement of work expected in Summer of 2025 we have experienced significant material and labor cost increases. These increases cover just about every facet of this work scope from prevailing wage rates to permanent material to tooling.

The prevailing wage rates will have increased twice since our original quote. This job we expect to have over 1,400-man hours on site to complete the work, this greatly effects the cost. In addition, AIS pipe and screens, gravel, glass beads, and rental equipment continue to increase annually, and we had to account for these changes to cover our own costs.

Layne is requesting approval for the adjusted bid price as seen in the following table. Please reach out with any questions or concerns.

Sincerely,

LAYNE CHRISTENSEN COMPANY



Max Sainsbury
Area Manager

Test Well	Unit	Est. Quantity	Unit Price	Amount
Mobilization & demobilization	Lump Sum	1	9500	\$ 9,500.00
6-inch drilling	Foot	100	150	\$ 15,000.00
Well Screens	Foot	20	450	\$ 9,000.00
Airlift Development	Hour	12	550	\$ 6,600.00
Pump Test	Lump Sum	1	15000	\$ 15,000.00
			Est. Total	\$ 55,100.00

30-inch Artificial	Unit	Est. Quantity	Unit Price	Amount
Mobilization & demobilization	Lump Sum	1	48000	\$ 48,000.00
48 Inch Drilling	Foot	35	2100	\$ 73,500.00
36 Inch Drilling	Foot	100	1450	\$ 145,000.00
Sieve Analysis	Lump Sum	1	2500	\$ 2,500.00
Install 30 Inch	Foot	75	625	\$ 46,875.00
Install Screen	Foot	25	2000	\$ 50,000.00
<i>Glass beads instead of Gravel (Optional)</i>	Lump Sum	1	17750	\$ 17,750.00
Sanitary Seal	Lump Sum	1	49000	\$ 49,000.00
Plumbness and Alignment	Lump Sum	1	4000	\$ 4,000.00
			Est. Total	\$436,625.00
Development	Unit	Est. Quantity	Unit Price	Amount
Set / Remove Development Tools	Lump Sum	1	51000	\$ 51,000.00
Development	Hours	60	550	\$ 33,000.00
			Est. Total	\$ 84,000.00
Testing	Unit	Est. Quantity	Unit Price	Amount
Test Pump ETC allowance	Lump Sum	1	135000	\$ 135,000.00
Step Test	Lump Sum	1	22000	\$ 22,000.00
Constant Rate	Hours	36	550	\$ 19,800.00
Payment and Performance Bond	Lump Sum	1	3500	\$ 3,500.00
			Est. Total	\$180,300.00
			Grand Total:	\$700,925.00

24-inch Artifical	Unit	Est. Quantity	Unit Price	Amount
Mobilization & demobilization	Lump Sum	1	48000	\$ 48,000.00
48 Inch Drilling	Foot	35	2100	\$ 73,500.00
36 Inch Drilling	Foot	50	1500	\$ 75,000.00
Install 30 Inch and Drill	Foot	100	1150	\$ 115,000.00
Sieve Analysis	Lump Sum	1	2500	\$ 2,500.00
Install 24 Inch Screen and Riser	Foot	25	2275	\$ 56,875.00
<i>Glass beads instead of Gravel (Optional)</i>	Lump Sum	1	14500	\$ 14,500.00
Sanitary Seal	Lump Sum	1	45000	\$ 45,000.00
Plumbness and Alignment	Lump Sum	1	4000	\$ 4,000.00
			Est. Total	\$434,375.00
Development	Unit	Est. Quantity	Unit Price	Amount
Set / Remove Development Tools	Lump Sum	1	51000	\$ 51,000.00
Development	Hours	60	550	\$ 33,000.00
			Est. Total	\$ 84,000.00
Testing	Unit	Est. Quantity	Unit Price	Amount
Test Pump ETC allowance	Lump Sum	1	135000	\$ 135,000.00
Step Test	Lump Sum	1	22000	\$ 22,000.00
Constant Rate	Hours	36	550	\$ 19,800.00
Payment and Performance Bond	Lump Sum	1	3500	\$ 3,500.00
			Est. Total	\$180,300.00
			Grand Total:	\$698,675.00

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, December 13, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 360.23

**TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH HYDROSOURCE ASSOCIATES,
PC FOR HYDROGEOLOGIC SERVICES AND CONSULTING**

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

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with HydroSource Associates, PC, located at 120 Daniel Webster Highway, Meredith, NH 03253, for Hydrogeologic services and Consulting services related to the construction and permitting of a new supply well, Well PW-6, to develop an additional public drinking water source, in the amount not to exceed nine hundred ninety six thousand, three hundred fifty and 00/100 (\$996,350.00) dollars.

SECTION 2. This resolution shall become effective December 13, 2023.

DATED: December 13, 2023

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on December 13, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 15, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk





HydroSource Associates, PC

120 Daniel Webster Highway, Meredith, NH 03253

Telephone: (603) 279-0301

www.teamhydrosourcesource.com

December 13, 2023

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

Re: Proposed Scope of Hydrogeologic Services and Consulting Agreement with Mandatory State Revolving Fund Equivalency Project Terms and Conditions for Non-Construction Contracts

Dear Supervisor Collins:

HSA had previously sent you a Proposed Scope of Hydrogeologic Services and Consulting Agreement dated 7/20/23 which covered the construction and permitting of a new supply well, Well PW-6, that the Town is seeking to develop as an additional public drinking water source. Per the Town's request, we have modified the agreement to now include the New York State Environmental Facilities Corporation (NYSEFC)'s Mandatory State Revolving Fund (SRF) Equivalency Project Terms and Conditions for Non-Construction Contracts.

We understand that these terms and conditions include the requirement to solicit for Disadvantaged Business Enterprise (DBE) participation on subcontracting opportunities. As before, a waiver request to these requirements and supporting waiver information is also enclosed. This is addressed to the Town's designated Minority Business Officer, Peter Comenzo.

As explained in HSA's waiver request, a search for DBE firms had already been made for the only subcontracting opportunity available under HSA's scope of work, i.e., water quality laboratory analytical services. Our understanding is that for these services the laboratory would need to be certified both as a DBE firm, and certified by the New York State Department of Health (NYSDOH) to provide the required Part 5 Water Quality Analyses for the new well. Our search turned up no such firms, and thus we intend to subcontract non-DBE laboratories for these services.

Our understanding is that, as subcontractors, the laboratories may nonetheless also be required to enter into a contract that includes the NYSEFC terms and conditions, and to perform the required administrative efforts if the Town wishes to seek reimbursement for the laboratories' costs from the SRF financing program. Please be aware that laboratories may be unwilling to review, commit to, and administer such a contract that includes the NYSEFC terms and conditions, mainly because these provisions largely don't apply to the kind of work a laboratory performs; and reviewing the provisions and performing all the duties needed to comply with them may consume more of the

laboratory's time than the revenue for their services would justify. Furthermore, HSA's efforts to negotiate the details of such a contract with laboratories, and then our independent administrative efforts associated with each of those subcontracts, would probably cost as much or more in HSA labor time than the actual laboratory charges themselves. In this case, if acceptable, we propose that HSA invoice the Town for the laboratory charges separately when they are incurred, and the Town pay for those services independently, and not include them as reimbursable under the NYSEFC financing arrangement. This is what we propose, and have described in our waiver request.

Based on our review of the equivalency terms and conditions, additional potential efforts and/or requirements that were not included in HSA's proposed scope of work and could be required under the equivalency terms and conditions may be activities related to specific Crosscutter Review items, e.g., Protection of Wetlands, Sole Source Aquifer designation, Floodplain Management (relative to access road preparation for well installation), et al. HSA's proposed scope of services does not include any efforts related to Crosscutter Review items, and our understanding is that these would be the responsibility of the Town's consulting engineers, Barton & Loguidice, or others, and not HSA.

The aforementioned details are summarized in Appendix B of the enclosed agreement.

We welcome the opportunity to provide our services to the Town of Rotterdam and look forward to working with you. If you have any questions or need any clarification regarding this proposal, please do not hesitate to call me at 603-279-0301, or email me at ccormier@teamhydrosources.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Claude A. Cormier". The signature is fluid and cursive, with the first name "Claude" being the most prominent part.

Claude A. Cormier
President

Attachments

CONSULTING AGREEMENT

The undersigned hereby authorizes HydroSource Associates, P.C. (HSA) to conduct the work described herein, and agrees to compensate HydroSource Associates, PC for such services in accordance with the following terms and conditions.

CLIENT INFORMATION:

Client Name: Town of Rotterdam, New York email: mcollins@rotterdamny.org
Address: 1100 Sunrise Boulevard
Rotterdam, New York 12306
Contact: Mollie Collins, Supervisor

DESCRIPTION OF WORK TO BE PERFORMED: Hydrogeologic Services and Construction and Permitting of New Supply Well as described in HSA's proposal dated July 20, 2023.

BUDGET AND AGREEMENT TERMS: The total probable cost for this Agreement is \$945,350 to \$996,350. This budget is a probable cost for all work described above. Invoices will be submitted periodically as work proceeds. If, as work proceeds, it is anticipated that this budget will be exceeded, HSA will notify Client's contact with a revised probable cost for Client's written approval.

HSA's payment terms are net 10 days. An interest charge of 1.5% per month (APR 18 percent) will be charged on all invoices outstanding more than 30 days unless a lower charge is required under applicable law, in which case the lower rate shall apply. HSA may cease its work under this Agreement until invoices outstanding more than 30 days are paid. In the event that HSA is required to make collection efforts or take legal action on seriously overdue payments, Client shall promptly reimburse HSA for administrative costs and collection costs, including reasonable attorneys' fees and expenses. HSA shall have the right to immediately terminate this Agreement without further liability if Client fails to make timely payment or otherwise materially breaches this Agreement.

This Agreement, the attached Standard Terms and Conditions, Appendix A (Proposed Scope, dated July 20, 2023), Appendix B (Additional Stipulations), HSA's attached Fee Schedule, and the New York State Environmental Facilities Corporation (NYSEFC)'s Mandatory State Revolving Fund (SRF) Equivalency Project Terms and Conditions for Non-Construction Contracts constitute the entire agreement between HSA and Client. To the fullest extent permitted by law, and notwithstanding any other provision of this Agreement, the total liability, in the aggregate, of HSA and HSA's officers, directors, partners, employees, agents and subconsultants, and any of them, to Client and anyone claiming by, through or under Client, for any and all claims, losses, costs or damages of any nature whatsoever arising out of, resulting from or in any way related to the Project or the Agreement from any cause or causes, including but not limited to the negligence, professional errors or omissions, strict liability, breach of Agreement or warranty, express or implied, of HSA or HSA's officers, directors, employees, agents or subconsultants, or any of them, shall not exceed the total compensation received by HSA under this Agreement. Under no circumstances shall HSA's aggregate liability exceed the amount of HSA's insurance coverage. This limitation of liability applies to all injuries, damages, claims, losses, expenses and defense costs, whether based on contract, negligence, strict liability, statutory, warranty, trespass, indemnity, misrepresentation or any other theory of liability, except intentional misconduct, collectively hereinafter "Claim." HSA will not be liable for lost profits, loss of use of property, delays, or other special, indirect, incidental, consequential, punitive, exemplary or multiple damages. HSA shall not be liable for any costs, losses, damages, or other liabilities arising from any acts or omissions of the Client, its agents, staff, or other consultants or contractors employed by the Client.

AUTHORIZED CLIENT SIGNATURE

Mollie A. Collins 12/29/2023
Signature Date

Mollie A. Collins, Supervisor
Print Name and Title

HYDROSOURCE ASSOCIATES, P.C.
d/b/a HydroSource Associates Hydrogeologic Consultants, P.C.

Claude A. Cormier 12/13/2023
Claude A. Cormier, President

Please return one signed original to HSA, 120 Daniel Webster Highway, Meredith, NH 03253

RESOLUTION NO. 275.25

**TO PROMOTE AND APPOINT LISA GALLO TO THE POSITION OF PUBLIC
WORKS COORDINATOR**

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Lisa Gallo, of Rotterdam, New York 12306, is hereby promoted and appointed to the position of Public Works Coordinator, full time, provisional, with full employee benefits, and subject to pre-employment background checks, at an annual salary of seventy-eight thousand and 00/100 (\$78,000.00) dollars, commencing August 18, 2025.

SECTION 2. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

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: August 11, 2025

TO: Town Board

FROM: Mollie A. Collins, Supervisor

TITLE OF REQUEST: Appoint Ms. Lisa Gallo to the position of Public Works Coordinator

TOWN BOARD MEETING: August 13, 2025

Background Information: Ms. Gallo has been a town employee for over twenty years in the Department of Public Works. Ms. Gallo has taken on many duties that fall outside of her current title, Senior Department of Public Works Specialist.

Evaluation/Analysis: Ms. Gallo's historical knowledge and practical experience in many facets of this department make her qualified for this position. She understands the principles and practices of public works activities.

Recommendation(s): Recommend to appoint Ms. Gallo to the position of Public Works Coordinator on Monday, August 18, 2025.

Attachment/Document(s): See attached documents.

Compliance with Purchasing Policy: N/A

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

1. Public Works Coordinator

POSITION TITLE

EXAM NUMBER

Date Received _____ Approved _____

Conditional _____ Disapproved _____

RECEIVED

JUL 28 2025

Town of Rotterdam
SUPERVISORS OFFICE

CIVIL SERVICE DEPT.
USE ONLY

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

2. Name and Legal Residence

Gallo Lisa R
Last Name First Name Middle Initial

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

Schenectady NY 12306
County City, Town, Village State Zip

Home Phone Number _____ Cell Phone _____

Email Address _____

If mailing address is different:

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

County City, Town, Village State Zip

Social Security Number _____

5. Citizenship

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

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

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

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

Religious ☐ Military ☐ Disability ☐

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

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

License #:	_____
Restrictions:	_____
Expiration Date:	_____
Endorsements:	<u>None</u>
Class of License:	<u>DM</u>
Is this License Currently Valid	YES ☒ NO ☐

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:	<u>New York</u>		
County of:	<u>Schenectady</u>		
Village of:			
Town of:	<u>Rotterdam</u>		
City of:	<u>Schenectady</u>		
School District	<u>Mohonasen</u>		

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

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

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

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

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

REMARKS:

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

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

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

High School

Have you ever graduated from High School or do you have possession of a High School Equivalency Diploma?		YES ☒	NO ☐
If Yes, Name and Location of High School or Issuing Government Authority:		Draper High School 901 Draper Avenue Rotterdam, NY 12306	
Equivalency Diploma Number:			

College, University, Professional or Technical School

Name of School	Number of College Credits	Degree Earned	Major Subject/ Courses	Did You Graduate?		Date Degree Expected or Received
				Yes	No	
Russell Sage College Troy, NY 12180	126	BS	Elementary Ed	X		
College of St. Rose Albany, NY	30	MS	Early Childhood Ed	X		

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

Length of Employment		Firm Name:	Town of Rotterdam
From:		Firm Address:	1100 Sunrise Blvd, Schenectady NY 12306
To:		Description of Duties:	
Month/Year (mm/yyyy)		Manage & Coordinate PW Process, Project reviews & Management throughout the planning, design & bidding & report to supervisor of town.	
Employment Details		Liason between DPW & water distribution, water/sewer repair, water treatment & other major department activities & report to town supervisor.	
Your Exact Title	Sr. DPW Specialist	Coordinate with Building Inspectors on activities.	
Name of Your Supervisor	James Keith	Prepare budget estimates for DPW	
Supervisor's Title	Sr. Building Inspector	manage office daily activities.	
Hours worked / wk. (exclusive of overtime)	35	Assist Engineers, grants, review/edit documents, reports.	
Reason for Leaving	N/A	22 yrs experience working in DPW & managing departmental duties.	
Other titles: Typist, Account Clerk, Typist, DPW Specialist			
Length of Employment		Firm Name:	Graybar Electric Company
From:		Firm Address:	229 Church Street, Albany NY
To:		Description of Duties:	
Month/Year (mm/yyyy)		Assist and Process Customer orders	
Employment Details		Quote State Projects	
Your Exact Title	Customer Service Rep	Assist Branch Administrator & Financial Manager with billing	
Name of Your Supervisor	Don Scott	Mail, data entry, cash sales, research issues	
Supervisor's Title	Supervisor of Customer Ser	Draft letters & tables for tracking purposes	
Hours worked / wk. (exclusive of overtime)	40	Utilize Microsoft Excel and Word	
Reason for Leaving	Company Downsized		
Other Title: Receptionist			

Length of Employment	Firm Name:	Various School Districts
From: [REDACTED]	Firm Address:	Various
To: [REDACTED]	Description of Duties:	
Employment Details	Interpret, teach and develop lesson plans	
Your Exact Title: Substitute Teacher	Create learning centers and bulletin boards	
Name of Your Supervisor: Principals	Utilize classroom management techniques	
Supervisor's Title: Principals	Communicate with staff and parents	
Hours worked / wk. (exclusive of overtime): 28-35	Assist teachers with assessment of student progress.	
Reason for Leaving: wanted full time position w/ benefits		
Other Title: Long-term Substitute Teacher		
Length of Employment	Firm Name:	Ground Round
From: [REDACTED]	Firm Address:	Central Avenue, Albany NY
To: [REDACTED]	Description of Duties:	
Employment Details	Process guest orders through verbal, data entry and manual communication	
Your Exact Title: Server/Trainer	Clean/prepare dining and kitchen areas	
Name of Your Supervisor: Peter Frankie	Shift Supervisor to wait staff	
Supervisor's Title: Manager	Dishes	
Hours worked / wk. (exclusive of overtime): 28-35		
Reason for Leaving: wanted full time position w/ benefits		
Other Title: Hostess		

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.

Lisa R. Gallo
Signature of Applicant

Lisa R. Gallo
Print Name

7/28/2025
Date

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

PUBLIC WORKS COORDINATOR

DISTINGUISHING FEATURES OF THE CLASS: This position exists in a Town and involves responsibility for being the liaison between the Department of Public Works and the Town Supervisor. An employee in this class is responsible for the efficient and economical use of a skilled, semi-skilled and unskilled workforce and is responsible for attending to the concerns of such workforce, bringing all necessary items to the attention of the Town Supervisor. The work is performed under the general direction of the Town Supervisor with considerable leeway allowed for use of independent judgement in supervising employees and problem solving. Supervision is exercised over employees in the Public Works Department. Does related work as required.

TYPICAL WORK ACTIVITIES:

- Coordinates the work schedules of the Town's Building Inspectors and relays them to the Town Supervisor;
- Acts as a liaison between the Department of Public Works, contractors and the Town Supervisor in regard to the construction, maintenance and repair of the water distribution system;
- Acts as a liaison between the Department of Public Works, contractors, and the Town Supervisor in regard to the construction, maintenance and repair of the storm and sanitary sewer systems;
- Acts as a liaison between the Department of Public Works, contractors, and the Town Supervisor in regard to the water treatment and sewage treatment plants and pumping stations;
- Acts as a liaison between the Department of Public Works, contractors and the Town Supervisor in regard to new construction projects and other major department activities;
- Insures proper use and maintenance of town vehicles assigned to the Department of Public Works;
- Prepares budget estimates;
- Serves as a member of the Town's negotiating team;
- Does related work as required.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS: Good knowledge of the principles and practices of supervision; working knowledge of the principles and practices of public works activities; strong supervisory skills, ability to plan and organize projects, ability to plan and direct the work of others; initiative; resourcefulness; good judgment; tact and courtesy.

MINIMUM QUALIFICATIONS:

- (A) Graduation from a regionally accredited or New York State College with an Associate's degree and two (2) years of experience in the administration or coordination of projects in building construction, public works, water systems or sewer systems, one (1) year of which shall have been in a supervisory capacity; OR
- (B) Graduation from high school or possession of a high school equivalency diploma and four (4) years of experience as defined in (A) above; OR
- (C) An equivalent combination of training and experience as defined by the limits of (A) and (B) above.

Adopted
CSC 05/20/03

JC: COMPETITIVE

RESOLUTION NO. 276.25

**CALL FOR BIDS FOR RUN OF BANK GRAVEL INSTALLATION IN BASEMENT OF
DEMOLISHED BUILDING LOCATED AT 369 DUANESBURG ROAD**

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 Run of Bank Gravel Installation in Basement of Demolished Building Located at 369 Duanesburg Road Rotterdam, N.Y.

SECTION 2. The Town Clerk of the Town of Rotterdam shall cause the following public notice to be published in the official newspaper of the Town of Rotterdam, and the Supervisor of the Town of Rotterdam shall cause the following public notice be published to the Empire State Purchasing Group on BidNet (<http://www.bidnetdirect.com/townofrotterdam>) at least five (5) days before the date of reception of bid proposals:

TOWN OF ROTTERDAM

NOTICE TO BIDDERS

PLEASE TAKE NOTICE: That all bids received by the Town Board of the Town of Rotterdam, by **Wednesday, the 3rd day of September 2025, 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:

**RUN OF BANK GRAVEL INSTALLATION IN BASEMENT OF DEMOLISHED
BUILDING LOCATED AT 369 DUANESBURG ROAD**

Digital Copies of Specifications may be obtained from the Empire State Purchasing Group on BidNet at <http://www.bidnetdirect.com/townofrotterdam>. Copies of 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 TO THE TOWN CLERK OFFICE AT
1100 SUNRISE BOULEVARD, ROTTERDAM NY, 12306 OR ELECTRONICALLY ON
BIDNET PRIOR TO 11:00 A.M., SEPTEMBER 3, 2025**

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: August 13, 2025

BidNet: Please publish on August 15, 2025

Daily Gazette: Please publish once on August 15, 2025

Town Clerk Post

SECTION 3. This resolution shall become effective August 13, 2025.

DATED: August 13, 2025

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: August 12, 2025

TO: Mollie Collins – Town Supervisor

FROM: James Keith, Senior Building Inspector

TITLE OF REQUEST: Call for Bids-Run of Bank Gravel installation In Basement of Demolished Building

TOWN BOARD MEETING: August 13, 2025

Background Information: The Town of Rotterdam purchased 369 Duanesburg Road and demolished the structure on premises.

Evaluation/Analysis: The Town needs to fill in the basement of the demolished structure for safety purposes.

Recommendation(s): Town Board advertises in the newspaper the Notice to Bidders on Friday August 15, 2025 to be opened Wednesday September 3, 2025 at 11:00 am.

Attachment/Document(s): Bid Package

Compliance with Purchasing Policy:

Effect(s) on Existing Law(s):

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

Town of Rotterdam
Request for Bids (RFB)



Run of Bank Gravel Installation
In Basement of Demolished Building
Located at
369 Duanesburg Road
Rotterdam, N.Y.

RFB 25-04

Bid Due Date:
September 3, 2025
@ 11:00 AM.

TOWN OF ROTTERDAM

ADVERTISEMENT FOR BIDS

Sealed bids for the furnishing of all labor and material necessary for the Run of Bank Gravel Installation In Basement of Demolished Building Located at 369 Duanesburg Road Rotterdam, N.Y. 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 Wednesday, September 3, 2025**, at which time and place they will be publicly opened and read aloud.

The work shall include supplying and installing run of bank gravel in the basement of a building that has been or will be demolished.

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 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.

Each Bid must be submitted on the provided Bid Form and subject to the conditions provided in the Instructions to Bidders. No Bidder may withdraw the bid within thirty (30) days after the actual date of opening thereof. The bid shall be for the year 2025 construction season. There will be no formal Pre-Bid Meeting held, but any Bidder that has any questions should contact Jim Keith at (518) 355-7575, ext. 340 or via email at jkeith@rotterdamny.org.

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. Prevailing wage rates shall apply.

The right is reserved to waive any informalities in the Bid and to reject any or all Bids.

INSTRUCTIONS TO BIDDERS (ITB)

1. All bids must be submitted before **11:00 AM local time on Wednesday, September 3, 2025**, 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, 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, up to the completion of the project.
8. The Town Board reserves the right to reject any or all bids and re-advertise.

9. All bids are to be based on delivery prepaid to destination, which shall be the project area.
10. Delivery (if applicable): Time is of the essence. Materials are 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 difference which the Town Board might stand to lose between the contract price and the market price.
11. Where items or articles or equipment or supplies are designated as manufactured by a specific manufacturer, it is to be understood that the articles as specified represent an accepted standard. Where certain brands of materials, apparatus, or equipment are specified, such goods have been selected in order to establish a standard for the particular service required, but it is not the intention to limit competition thereby. If the bidder proposes to furnish the article which is specified, he is to fill in the amount on the line indicated. If he desires to bid on a substitute for the article specified, which is claimed to be equivalent to the standard specified, the amount should be recorded and also identified as "substitute" bid and furnish the required information relating to the manufacturer. In cases where the bid is based upon a substitute article, the bidder will be asked to submit a sample. Samples will be returned, if desired, as soon as the award is made.
12. The Town Board of the Town of Rotterdam reserves the right to waive any informalities on bids received, and to accept reasonable substitutes for specified items as long as such substitutes in no way affect the performance of the item for which the bid has been requested.
13. The approximate quantities if shown in the bidding documents are not meant to imply that said quantities will in fact be the purchased amount. Payment will be based on actual quantities installed on the items provided in the bid form.
14. Failure to adequately and fully complete the bid packet and/or questions contained herein shall be disqualified and the bid shall be rejected.
15. Qualifications of Bidder - Town of Rotterdam may make such investigations it deems necessary to determine the ability of the Bidder to perform the work. The bidder shall furnish to the Town, within five (5) days of a request, all such information and data for this purpose.
16. Bids provided shall remain in effect until completion of project.
17. 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 manner 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 the bidder may withdraw its bid and the bid security will be returned.

18. 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.

19. Bid Security: Not needed to be submitted with the bid.

20. Bid Bond: Not needed to be submitted with the bid.

NON-COLLUSION BIDDING CERTIFICATION

- A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:
- 1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
 - 2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
 - 3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.
- B. A bid shall not be considered for award nor shall any award be made where (A), (1), (2), and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certifying, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reason therefore. Where (A), (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made or his designee, determines that such disclosure was not made for the purpose of restricting competition.
- C. The fact that the bidder (A) has published price lists, rates or tariffs governing items being procured, (B) has informed prospective customers of proposed or pending publication of new or revised price lists for such items or (C) has sold the same item to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning subparagraph (A)(1).
- D. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or state services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one (1) of this section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

Name of Company: _____

Signed by: _____ Title: _____

Signature: _____ Date: _____

Email: _____

**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 Contractor/Company: _____

Signed by: _____ Title: _____

Signature: _____ Date: _____

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

Prohibition Against Retaliation – Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a claim of discrimination or harassment,

including sexual harassment. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

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

- made a complaint of harassment or discrimination, either internally or with any anti-discrimination agency;
- opposed harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or management of harassment or discrimination;
- reported that another employee has been subjected to harassment or discrimination;
- encouraged a fellow employee to report harassment or discrimination;
- participated in a workplace investigation regarding harassment or discrimination;
- testified or assisted in a proceeding involving harassment or discrimination under the Human Rights Law or other anti-discrimination laws.

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

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

department where services are being provided, the Town Supervisor, or a member of the Town Board.

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

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

Investigation of Complaint – The Town Supervisor, in consultation with the Town Board, will determine the appropriate individual(s) to conduct the investigation. All complaints pursuant to this policy, whether reported in verbal or written form, will be investigated promptly, thoroughly, and in as impartial a manner as possible. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. All employees are required to cooperate in an investigation, if so directed. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation. All relevant materials, including all electronic communications, documents, emails or phone records that are relevant to the allegations will also be considered. A written report will be prepared documenting the results of the investigation. The individual who reported the complaint and the individual about whom the complaint was made will be notified of the final determination.

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

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

Legal Protections and External Remedies – Nothing in this policy should be construed as in any way limiting employees' rights to file a formal complaint with the appropriate state or federal

agencies responsible for administering anti-discrimination laws. Complainants should be aware that time restrictions may apply and need to be considered.

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

New York State Division of Human Rights (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.

BID FORM

- (a) The Bid Form is provided herein.
- (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.

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 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.

TOWN OF ROTTERDAM

BID FORM

The undersigned has read, understands, and agrees to all conditions of this proposal:

Run of Bank Gravel Installation in Basement of Demolished Building

SUBMITTED BY: _____

BID RECIPIENT

This Bid is submitted to:

Town of Rotterdam
Attn: Diane Marco, Town Clerk
1100 Sunrise Boulevard
Rotterdam, NY 12306

The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Town in the form included in the Bidding Documents to perform all work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

BIDDER'S ACKNOWLEDGEMENTS

Bidder accepts all the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 30 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Town.

BIDDER'S REPRESENTATIONS

In submitting this Bid, Bidder represents that:

- A. Bidder has examined and carefully studied the Bidding Documents, and any data and reference items identified in the Bidding Documents, and hereby acknowledges receipt of the following Addenda:

Addendum No.

Addendum Date

- B. Bidder is familiar with and has satisfied itself as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
- C. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and any Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder; and (3) Bidder's safety precautions and programs.
- D. Bidder agrees, based on the information and observations referred to in the preceding paragraph, that no further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.
- E. Bidder is aware of the general nature of work to be performed for the Town.
- F. Bidder has given the Town written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents and confirms that the written resolution thereof by the Town is acceptable to Bidder.
- G. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance and furnishing of the Work.
- H. The submission of this Bid constitutes an incontrovertible representation by Bidder that Bidder has complied with every requirement of this Article, and that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work.

BIDDER'S CERTIFICATION

Bidder certifies that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed

individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;

- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding;
- D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph D:
 - 1. “corrupt practice” means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process;
 - 2. “fraudulent practice” means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Town, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Town of the benefits of free and open competition;
 - 3. “collusive practice” means a scheme or arrangement between two or more Bidders, with or without the knowledge of Town, a purpose of which is to establish bid prices at artificial, non-competitive levels;
 - 4. “coercive practice” means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

BASIS OF BID

Bidder will provide all labor, materials, equipment needed to complete the work in accordance with the Contract Documents for the following price of the item:

CONTRACT BID ITEM

1. 1200 CY of Run of Bank Gravel Cost/CY_____

TOTAL LUMP SUM BID PRICE _____

The basement depth is approximately 8 feet. The above quantity is estimated. Payment will be based upon the actual volume of Run of bank Gravel is installed.

The cost will include supplying, delivering and installation of run of bank gravel material in the basement area of the demolished building.

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 and conditions.

SUBMITTED on _____ 2025.

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

Phone No.

I understand if 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.

CONTRACTOR SELECTION CRITERIA

The Town will be awarding the project to the lowest cost responsible bidder as determined by the Town. The Town may conduct investigations as deemed necessary to determine the lowest responsible bidder.

NEW YORK STATE DEPARTMENT OF LABOR CONTRACTOR REGISTRATION REQUIREMENT

Effective on December 30, 2024, all contractors and subcontractors submitting bids or performing construction work on public works projects or private projects covered by Article 8 of the Labor Law are required to register with the NYS Department of Labor (NYSDOL) under Labor Law Section 220-i. Specifically, contractors must register with the Department of Labor's Bureau of Public Work and Prevailing Wage Enforcement prior to bidding on public work projects or commencing work on public work projects or covered private projects that are subject to prevailing wage. The state purpose is to ensure that such contractors and subcontractors do not have previous labor law violations and that they will abide by the State's labor laws and regulations, including the prevailing wage requirements. These registration requirements go into effect on December 30, 2024. Consequently, after that date, local governments cannot award a contract for public work to a contractor unless they are registered with the State. The NYS Department of Labor has published FAQs regarding this new requirement. For additional information, please visit the NYSDOT website or contact the Department directly by calling 518-457-5589 or by emailing labor.sm.pwask@labor.ny.gov.

Proof that all contractors and subcontractors must be provided to the Town prior to the award of this contract.

AGREEMENT

THIS AGREEMENT dated _____ is by and between the Town of Rotterdam (“Town”) and

_____ (“Contractor”)

Town and Contractor hereby agree as follows:

ARTICLE 1 – WORK

- 1.01 The work shall include providing all labor, materials and equipment, and other means necessary to install run of bank gravel in the basement of a demolished building.

ARTICLE 2 – ENGINEER

- 2.01 The Town may retain an engineer to act as Town’s representative, assume all duties and responsibilities, and have the rights and authority assigned to the Engineer in the completion of the Work.

ARTICLE 3 – CONTRACT TIMES

3.01 *Time of the Essence*

- A. All time limits for Milestones, if any, Substantial Completion, and completion shall be agreed upon between the Town and the Contractor.

3.02 *Contract Times: Days*

- A. The Work will be completed within thirty (30) calendar days from the award date.

3.03 *Liquidated Damages*

- A. Contractor and Town recognize that time is of the essence as stated in Paragraph 3.01 above and that Town will suffer financial and other losses if the Work is not completed and Milestones not achieved within the times agreed upon in Paragraph 3.02 above, plus any extensions thereof allowed in accordance with the Contract. The parties also recognize the delays, expenses, and difficulties involved in proving in a legal proceeding the actual loss suffered by the Town if the Work is not completed on time. Accordingly, instead of requiring any such proof, the Town and Contractor agree that as liquidated damages for delay (but not as a penalty):

1. Substantial Completion: Contractor shall pay Town FIVE HUNRED (\$500.00) for each calendar day that expires after the time specified in Paragraph 3.02.A above for Substantial Completion until the Work is substantially complete.
2. Completion of Remaining Work: After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Times (as duly adjusted pursuant to the Contract) for completion and readiness for final payment, Contractor shall pay Town FIVE HUNRED (\$500.00) for each calendar day that expires after such time until the Work is completed and ready for final payment.

3.

ARTICLE 4 – CONTRACT PRICE

4.01 Town shall pay Contractor for completion of the Work in accordance with the Contract Documents the amounts that follow, subject to adjustment under the Contract:

Total of Lump Sum Amount is:

_____ Dollars
(words)

And _____ cents \$ _____
(words) (figures)

ARTICLE 5 – PAYMENT PROCEDURES

5.01 *Submittal and Processing of Payments*

A. Contractor shall submit Applications for Payment based upon percentage of completion as determined by the Engineer. Applications for Payment will be processed by Engineer and/or Town. The payment application shall include Application and Certificate for Payment AIA Document G702 with supporting documentation and certified payroll documents.

5.02 *Progress Payments; Retainage*

A. Town shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment on or about the 30th day of each month during performance of the Work provided that such Applications for Payment have been submitted in a timely manner and otherwise meet the requirements of the Contract. All such payments will be measured by the quantities of materials installed and bid prices for each item established as provided elsewhere in the Contract. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Town may withhold, including but not limited to liquidated damages, in accordance with the Contract. Ninety-five (95) percent of Work completed (with the balance being retained) of each payment request; and

B. Upon Substantial Completion, Town shall pay an amount sufficient to increase total payments to Contractor to one hundred (100) percent of the Work completed, less such amounts set off by Town, and less the value of Work to be completed or corrected as shown on the punch list of items to be completed or corrected prior to final payment.

5.03 *Final Payment*

A. Upon final completion and acceptance, the Town shall pay the remainder of the Contract Price as recommended by the Engineer.

ARTICLE 6 – INTEREST is not used or allowed.

ARTICLE 7 – CONTRACTOR’S REPRESENTATIONS

7.01 In order to induce Town to enter this Contract, Contractor makes the following representations:

- A. Contractor has examined and carefully studied the Contract Documents, and any data and reference items identified in the Contract Documents.
- B. Contractor has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. The contractor is familiar with and is satisfied with all Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Contractor’s entry into this Contract constitutes an incontrovertible representation by Contractor that without exception all prices in the Agreement are premised upon performing and furnishing the Work required by the Contract Documents.
- E. Contractor has considered the information known to Contractor itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and the Site related reports and drawings identified in the Contract Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor; and (3) Contractor’s safety precautions and programs.
- F. Based on the information and observations referred to in the preceding paragraph, Contractor agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.
- G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. The Contractor has given the Town written notice of all conflicts, errors, ambiguities, or discrepancies that the Contractor has discovered in the Contract Documents, and the written resolution thereof by Designer is acceptable to Contractor.
- I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 8 - CONTRACTOR'S PERFORMANCE AND PAYMENT BOND – Not needed

ARTICLE 9 – CONTRACT DOCUMENTS – Not applicable

The Contract Documents include all language stated in the bid documents and supplementary documentation provided by the contractor (performance bond, payment bond, insurance, etc.), design plans and specifications. The Contract Documents can only be modified or supplemented via mutual agreement between the owner, contractor and engineer.

ARTICLE 10 - TERM OF THE BID

The bid shall be in effect from the date of the contract's execution until December 31, 2026. Hourly rates shall remain per the bid.

ARTICLE 11 - 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.

ARTICLE 12 - INSURANCE

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 Township, 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 insurance policy 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.

ARTICLE 13 - PREVAILING WAGES

- (a) All laborers providing services under this contract, whether employed by the Contractor or by the Subcontractor(s), shall be paid not less than the current prevailing rate of wages and shall be provided supplements not less than the prevailing supplements as established by the New York State Department of Labor, per the New York State Prevailing Scheduling of Wages.
- (b) All vendors submitting bids agree to conform to all current NYS Department of Labor and prevailing wage laws. The successful vendor(s) are responsible for complying with all current labor rates and regulations throughout the duration of any contract resulting from this document. For policy or rate questions call the NYS Department of Labor at (888) 469-7365. Actual rates are available via the internet at:
- (c) Payrolls and Payroll Records: Every contractor and subcontractor MUST keep original payrolls or transcripts subscribed and affirmed as true under penalty of perjury. Payrolls must be maintained for at least five (5) years from the project's date of completion. At a minimum, payrolls must show the following information for each person employed on a public work project: Name, Social Security Number, Classification(s) in which the worker was employed, Hourly wage rate(s) paid, supplements paid or provided and Daily and weekly number of hours worked in each classification.

Every contractor and subcontractor shall submit to the Finance Department, within thirty (30) days after issuance of its first payroll and every thirty (30) days thereafter, a

transcript of the original payrolls, subscribed and affirmed as true under penalty of perjury. The Finance Department shall receive and maintain such payrolls.

ARTICLE 14 - SALES AND USE TAXES

The Town is exempt from New York State sales and use taxes on materials and equipment to be incorporated in the Work. Said taxes shall not be included in the Bid.

ARTICLE 15 - 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.

ARTICLE 16 - 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.

ARTICLE 17 - 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 Town 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.

ARTICLE 18 - 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, specifications, or specified herein.

ARTICLE 19 - 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.

ARTICLE 20 - 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.

ARTICLE 21 - 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 for 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.

ARTICLE 22 - 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.

ARTICLE 23 - 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 Contractor 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.

ARTICLE 24 - 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 public. 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

ARTICLE 25 - 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.

ARTICLE 26 - 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.

ARTICLE 27 - PROTECTION OF EXISTING STRUCTURES

When work is to be done around existing structures, the Contractor will take 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 Contractor 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.

ARTICLE 28 - INSPECTION

- (a) During the progress of the work and up to the date of Final Acceptance, the Contractor shall at all times afford the representatives of the Town every reasonable, safe and proper facility for inspecting all work done or being done at the site.
- (b) Rejected work and materials shall be promptly taken down and removed from the site, which must at all times be kept in a reasonably clean and neat condition. Payment will not be made of any item until the work is completed to the satisfaction of the Inspector and/or Town officials.

ARTICLE 29 – TECHNICAL SPECIFICATIONS FOR RUN OF BANK GRAVEL

The material shall have the following gradation:

<u>Sieve Size</u>	<u>Percent Passing by Weight</u>
4 inch	100
No. 40	0 to 70
No. 200	0 to 15

The grading percentages specified above shall apply to the material after it has been delivered to the construction site as well as when tested at the pit or other source of supply.

The materials shall be substantially free of shale or other soft, poor durability particles as well as vegetable matter and other deleterious substances.

The contractor shall provide material certificate of compliance to the Town.

Construction Method:

The contractor shall spread the material uniformly in the basement area. Once the entire area is filled, compact the surface so that it is uniform and level.

END OF SECTION