MEETING OF THE
ROTTERDAM TOWN BOARD

March 27, 2024
7:00 PM
Agenda Review 6:30 PM

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

- 2023 Annual Report of the Conservation Advisory Council
- Kiwanis International Park Waterfront Access Improvements Project

PUBLIC HEARING

- To recognize the introduction of Introductory Local Law No. __ of 2024; To amend section 266-42, entitled "Schedule II: One-Way Streets" of the Code of the Town of Rotterdam, eliminating one-way traffic flow on Laura St. between Guilderland Ave. and Pauline St.

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

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

INTRODUCTION OF MOTIONS, ORDERS AND RESOLUTIONS
RESOLUTIONS

146.24 To accept Town Board meeting minutes. *Pg. 10*

147.24 To adopt a Negative Declaration on a Change of Zone application from Single Family Residential (R-1) to Light Industrial (I-1) on tax parcel #59.7-10-1.12 located at the corner of Tower Avenue and Chrisler Avenue. *Pg. 55*

148.24 To enact Introductory Local Law No. 3 of 2024; To amend chapter 270, Zoning, of the Town Code, for a Change of Zone of approximately ±0.35 acres from Single Family Residential (R-1) to Light Industrial (I-1), located at the corner of Tower Avenue and Chrisler Avenue (Tax Map No. 59.7-10-1.12), to facilitate the construction of a ±2,000 square foot storage garage. *Pg. 71*

149.24 To enact Introductory Local Law No. 4 of 2024; To amend section 266-42, entitled "Schedule II: One-Way Streets" of the Code of the Town of Rotterdam, eliminating One-Way traffic flow on Laura Street between Guilderland Avenue and Pauline Street. *Pg. 81*

150.24 Authorize the Supervisor to negotiate and execute a Memorandum of Understanding (MOU) with the County of Schenectady for NYS Discovery and Bail Reform Funds. *Pg. 84*

151.24 Adoption of the Town of Rotterdam Complete Streets Policy. *Pg. 89*

152.24 To negotiate and execute Amendment No. 1 to an existing agreement with Labella for Sewer District No. 7 and related extensions for an updated map plan and report. *Pg. 102*

153.24 To negotiate and execute Amendment No. 1 to an existing agreement with Labella for Sewer District No. 7 Extension No. 1. Benefit Assessment Determination. *Pg. 116*

154.24 To recognize the introduction of Introductory Local Law __ of 2024; To amend chapter 270, Zoning, of the Town Code, to extend the existing Main Street/Neighborhood Center (MS/NC) overlay district; Declare Lead Agency and referring same to the Planning Commission for report and recommendation. *Pg. 127*

155.24 To negotiate and execute an agreement with Prime AE for professional engineering services related to a leak detection survey for Water District No. 5. *Pg. 141*

156.24 To negotiate and execute Amendment Two to an existing agreement with Prime AE for the Water District No. 3 & No. 4 Water System Improvements for CDS funding assistance. *Pg. 150*

157.24 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. 172*

158.24 A resolution in connection with the Town of Rotterdam accepting Lead Agency status pursuant to the State Environmental Quality Review Act (SEQRA) regulations 6NYCRR Part 617 for the Rotterdam Junction Water District No. 3 & No. 4 Water System Improvements Project. *Pg. 175*

159.24 To authorize an agreement with Mohawk Valley Society Local 85-133 for live music at the 2024 Summer Concert Series. *Pg. 178*

160.24 To negotiate and execute an agreement with Environmental Systems Research Institute, Inc. (esri) for GIS annual licensing subscription services. *Pg. 182*

161.24 To authorize Change Orders No. 5 with Bunkoff General Contractors Inc. for the Rotterdam Town Hall Renovations. *Pg. 187*

162.24 To recognize the Introduction of Local Law No. __ of 2024; To extend Local Law No. 8 of 2023 and schedule a public hearing thereon. *Pg. 190*

163.24 To recognize the Introduction of Local Law No. __ of 2024; To extend Local Law No. 9 of 2023 and schedule a public hearing thereon. *Pg. 204*

LIAISON REPORTS
MISCELLANEOUS
EXECUTIVE SESSION

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

ADJOURNMENT

Mollie A. Collins, Supervisor

PUBLIC HEARING

3/27/24

- To recognize the introduction of Introductory Local Law No. __ of 2024; To amend section 266-42, entitled “Schedule II: One-Way Streets” of the Code of the Town of Rotterdam, eliminating one-way traffic flow on Laura St. between Guilderland Ave. and Pauline St.

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 130.24

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW NO. __ OF 2024; TO AMEND SECTION 266-42, ENTITLED "SCHEDULE II: ONE-WAY STREETS" OF THE CODE OF THE TOWN OF ROTTERDAM, ELIMINATING ONE-WAY TRAFFIC FLOW ON LAURA ST. BETWEEN GUILDERLAND AVE. AND PAULINE ST. AND SCHEDULING A PUBLIC HEARING THEREON

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby recognizes the introduction of Introductory Local Law No. __ of 2024; To amend section 266-42, entitled "Schedule II: One-Way Streets" of the Code of the Town of Rotterdam, eliminating one-way traffic flow on Laura St. between Guilderland Ave. and Pauline St.

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

TOWN OF ROTTERDAM
NOTICE OF HEARING

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a public hearing at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 at 7:00p.m. on the 27th day of March, 2024 for the following purpose:

> To recognize the introduction of Introductory Local Law No. __ of 2024; To amend section 266-42, entitled "Schedule II: One-Way Streets" of the Code of the Town of Rotterdam, eliminating one-way traffic flow on Laura St. between Guilderland Ave. and Pauline St.

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

DATED: March 13, 2024
Daily Gazette: Please publish once on March 15, 2024
Town Clerk
Post

SECTION 3. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

TOWN OF ROTTERDAM

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

LEGISLATIVE REQUEST FORM

DATE: February 15, 2024

TO: Legislative Review Board

FROM: Deputy Chief William Male

TITLE OF REQUEST: Recommend the elimination of one way traffic flow on Laura St. between Guilderland Ave. and Pauline St.

TOWN BOARD MEETING: February 28, 2024

March 13, 2024:	Call for public hearing
March 27, 2024:	Hold public hearing
March 27, 2024:	Adopt local law

Background Information: Received complaints from neighboring residents regarding the one way traffic restriction on Laura St. between Guilderland Ave. and Pauline St. This stretch of road was made a one way due to the increased volume of traffic when Napa Auto Parts was housed at this intersection. Napa Auto Parts has since moved from this location. Blue Ocean Bottle and Cans is now at this intersection and does not create a large volume of vehicle traffic. The residents of this area find the one way restriction to be an inconvenience.

Evaluation/Analysis: A visual traffic survey was completed as well as a review of Blue Ocean Bottle and Cans' surveillance video on Saturday July 17, 2021. There was very little vehicle traffic related to the business.

Recommendation(s): Recommend the elimination of one way traffic flow on Laura St. between Guilderland Ave. and Pauline St.

Attachment/Document(s): Memorandum prepared by Sgt. Reilly.

Effect(s) on Existing Law(s): 266-42 of the Rotterdam Town Code

LEGISLATION WILL BE PREPARED BY: RPD

212

7

March 13, 2024

March 27, 2024

ROTTERDAM POLICE DEPARTMENT
UNIFORM DIVISION
TRAFFIC SURVEY

July 28, 2021

TO: Chief Brown, Deputy Chief Male, Lieutenant Collins, Lieutenant Girard

FROM: Sergeant Reilly

RE: Removal of ONE WAY zone on Laura Street

COMPLAINT

The Rotterdam Police Department received a traffic related complaint from a town resident regarding concerns for the portion of Laura Street located between Pauline Avenue and Guilderland Avenue which is a ONE WAY zone.

The resident states that he has lived on Laura Street his whole life and after speaking with several of his neighbors, they feel that the ONE WAY zone on Laura Street is no longer needed due to Napa Auto Parts no longer being located at 2600 Guilderland Avenue. He states that there is no longer a high volume of vehicles at 2600 Guilderland Avenue, and therefore no need for the ONE WAY zone. Additionally, he feels that the local residence are inconvenienced by the one way as it is only for one block and it forces them to travel onto Pauline Avenue rather than continue straight onto Laura Street to gain access to Guilderland Avenue.

SURVEY

A visual traffic survey was conducted on multiple occasion during the month of July, 2021.

Currently occupying 2600 Guilderland Avenue, which is on the corner of Laura Street and Guilderland Avenue, is a recycling redemption center called Blue Ocean Bottle and Cans.

- I reviewed the surveillance footage from this business for Saturday July 17, 2021, as it would be assumed that Saturday would be the highest traffic day for bottle/can redemption.

I spoke with multiple residents on Pauline Avenue and Laura Street on various days. I asked their input and asked their opinion on the matter as they are most directly affected by the "one way" on Laura Street. All residents did want the ONE WAY zone removed.

ROTTERDAM POLICE DEPARTMENT
UNIFORM DIVISION
TRAFFIC SURVEY

CONCLUSION

In conclusion, I recommend that the ONE WAY zone be removed on Laura Street between Pauline Avenue and Guilderland Avenue. This recommendation is based off of my conversations and requests by residents. Residents on Pauline Avenue stated traffic has increased on Pauline Avenue as the vehicles traveling west on Laura St. to Guilderland Avenue are forced to make a right or left onto Pauline Avenue as a direct result of the ONE WAY zone. Also, upon my visual observations as well as the review of the surveillance video from Blue Ocean Bottle and Cans, I only witnessed two vehicles during several hours park on the side of the building and neither of these vehicles would have obstructed the view of vehicles traveling west on Laura Street. The business itself does not have a large volume of customers and there are no delivery trucks constantly traveling on the Laura Street side of the business as they use to when Napa Auto Parts was there. This small stretch of Laura Street being a one way is no longer needed as there is no longer heavy traffic at 2600 Guilderland Avenue. By doing away with this ONE WAY zone less traffic will be on Pauline Avenue and the residence of that neighborhood will be able to utilize Laura St. in its full capacity, which will be more convenient for their commute.

Respectfully Submitted,

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

RESOLUTION NO. 146.24

TO ACCEPT TOWN BOARD MEETING MINUTES

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby adopts the minutes of the Town Board Meeting of March 13, 2024 as attached.

SECTION 2. This resolution shall become effective March 27, 2024

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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

LEGISLATIVE REQUEST FORM

DATE: March 18, 2024
TO**:** Mollie A. Collins, Supervisor

FROM: Diane M. Marco, Town Clerk

TITLE OF LEGISLATIVE REQUEST: To adopt meeting minutes the Town Board Meeting of March 13, 2024.

TO BE PLACED ON TOWN BOARD AGENDA OF: March 27, 2024.

TO BE PLACED ON TOWN BOARD MEETING OF**:** March 27, 2024.

Background Information: Attached. To adopt the Town Board Meeting of March 13, 2024.

Evaluation/Analysis: N/A

Recommendation(s): To place on Town Board agenda and Town Board meeting of March 27, 2024.

Attachment/Document(s): Attached

Compliance with Purchasing Policy: N/A

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

LEGISLATION WAS PREPARED BY: Town Clerk Diane M. Marco

TOWN OF ROTTERDAM

DIANE M. MARCO

Town Clerk

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

March 15, 2024

Certified Resolutions: #121-#145 for the year 2024 was duly adopted at the Town Board Meeting held the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 that was held Wednesday, March 13, 2024 at 7:00 p.m. The Town Board Agenda Meeting started at approximately 6:30 p.m. and was adjourned at approximately 6:55 p.m. by Councilmember Dodson and seconded by Councilmember Gallucci. All agreed to adjourn the Town Board Agenda Meeting. The Town Board Meeting started at approximately 7:00 p.m. Motion #16 was made by Councilmember Dodson and seconded by Councilmember Gallucci. Motion #17 was made by Councilmember Dodson and seconded by Councilmember Mastroianni. Motion #18 was made by Councilmember Dodson and seconded by Councilmember Mastroianni. Motion #19 was made by Councilmember Mastroianni and seconded by Councilmember Dodson. The Town Board meeting was adjourned at approximately 7:48 p.m. by Councilmember Dodson and seconded by Councilmember Schlag. All agreed to adjourn the Town Board Meeting.

All Councilmembers were present

Diane M. Marco

Diane M. Marco, Town Clerk

THIS MEETING IS BEING HELD AT THE ROTTERDAM SENIOR CITIZENS CENTER
2369 HAMBURG STREET, ROTTERDAM, NY 12303

MEETING OF THE ROTTERDAM TOWN BOARD

March 13, 2024
7:00 PM
Agenda Review 6:30 PM

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

- To recognize the introduction of Introductory Local Law No. ____ of 2024; To amend Chapter 270, Zoning, of the Town Code, for a change of zone of approximately ±0.35 acres from Single Family Residential (R-1) to Light Industrial (I-1), located at the corner of Tower Avenue and Chrisler Avenue (Tax Map No. 59.7-10-1.12), to facilitate the construction of a ±2,000 square foot storage garage. **PUBLIC HEARING CLOSED**

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

16.24 I make a motion to add resolution 143.24 to the agenda.

17.24 I make a motion to add resolution 144.24 to the agenda

18.24 I make a motion to close the public hearing.

19.24 I make a motion to add resolution 145.24 to the agenda.

RESOLUTIONS

121.24 To accept Town Board meeting minutes. *Pg. 19*

122.24 To accept revenue for Town Clerk's office for February 2024. *Pg. 51*

123.24 To approve budget transfers to the 2023 and 2024 budget. *Pg. 56*

124.24 To approve budget transfers of gas and diesel to the 2023 budget. *Pg. 60*

125.24 Call for bids for On-Call Fencing Construction and Repair Services. *Pg. 62*

126.24 Call for bids for On-Call Maintenance Contract Services. *Pg. 87*

127.24 To accept bid and award contract for On-Call Plumbing Construction Services. *Pg. 112*

128.24 To accept bids and award contracts for Highway Materials: Crushed Limestone, Gravel & Sand. *Pg. 149*

129.24 To accept bids and award contracts for Highway Materials: Manhole Frame and Grates & Manhole Round Risers. *Pg. 186*

130.24 To recognize the introduction of Introductory Local Law No. __ of 2024; To amend section 266-42, entitled "Schedule II: One-Way Streets" of the code of the Town of Rotterdam, eliminating one-way traffic flow on Laura St. between Guilderland Ave. and Pauline St. and scheduling a public hearing thereon. *Pg. 210*

131.24 To authorize Change Orders No. 4 with Bunkoff General Contractors Inc. for the Rotterdam Town Hall Renovations. *Pg. 215*

132.24 To negotiate and execute amendment one to an existing agreement with Prime AE for the Water District No. 3 & No. 4 Water System Improvements. *Pg. 222*

133.24 To negotiate and execute an agreement with Prime AE for professional engineering services related to Rotterdam Water District No. 5 Lead Service Line Inventory Assistance. *Pg. 237*

134.24 To negotiate and execute an agreement with Phoenix Fence LLC. *Pg. 247*

135.24 To negotiate and execute an agreement with Landart Studio NY Landscape Architecture, PLLC for professional design services related to the Eunice Esposito Park pickleball courts. *Pg. 254*

136.24 To negotiate and execute an agreement with Landart Studio NY Landscape Architecture, PLLC for professional design services related to Juracka Park. *Pg. 263*

137.24 To negotiate and execute an agreement with Ultimate Roofing. *Pg. 272*

138.24 To authorize Change Order No. 2 with John W. Danforth Company for the Rotterdam Town Hall Renovations. *Pg. 282*

139.24 To authorize Change Order No. 1 with Empire Electric NY LLC for the Rotterdam Town Hall Renovations. *Pg. 290*

140.24 To declare Town Hall equipment obsolete. *Pg. 302*

141.24 To authorize the purchase of two (2) Maggie Locators. *Pg. 305*

142.24 To negotiate and execute an agreement with Jason Hovak for an Information Technology Evaluation. *Pg. 312*

143.24 To appoint Jeanna Wiegert to the position of Account Clerk. *Pg. 317*

144.24 To authorize the purchase of a GIS Integrated Leak Noise Correlator Leak Logger Kit System. *Pg. 324*

145.24 A Resolution opposing Part O of the Governor's 2024 Article VII revenue bill regarding the siting of major electric transmission facilities, also known as the "Rapid" Act. *Pg. 355*

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 ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following motion was duly adopted:

MOTION 16.24

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to add Resolution 143.24

SECTION 2. This motion shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York**, DO HEREBY CERTIFY** that the foregoing motion was approved by the Town Board of the Town of Rotterdam on March 13, 2024 and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following motion was duly adopted:

MOTION 17.24

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to add resolution 144.24 to the agenda.

SECTION 2. This motion shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York**, DO HEREBY CERTIFY** that the foregoing motion was approved by the Town Board of the Town of Rotterdam on March 13, 2024 and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following motion was duly adopted:

MOTION 18.24

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to close the public hearing.

SECTION 2. This motion shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York**, DO HEREBY CERTIFY** that the foregoing motion was approved by the Town Board of the Town of Rotterdam on March 13, 2024 and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following motion was duly adopted:

MOTION 19.24

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to add Resolution 145.24 to the agenda.

SECTION 2. This motion shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York**, DO HEREBY CERTIFY** that the foregoing motion was approved by the Town Board of the Town of Rotterdam on March 13, 2024 and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 121.24

TO ACCEPT TOWN BOARD MEETING MINUTES

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 adopts the minutes of the Special Town Board Meeting of February 26, 2024 and the Town Board Meeting of February 28, 2024 as attached.

SECTION 2. This resolution shall become effective March 13, 2024

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni			**X**
Gallucci			**X**
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco
Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 122.24

TO ACCEPT REVENUE FOR TOWN CLERK'S OFFICE FOR FEBRUARY 2024

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

SECTION 1. The Town Clerk's report for the month of February 2024, has been placed on file and the Town Clerk's check in the amount of four thousand four hundred ninety-six dollars and 26/100 ($4,496.26) has been submitted to the Supervisor for deposit.

SECTION 2. This resolution shall become effective March 13, 2024

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco
Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 123.24

TO APPROVE BUDGET TRANSFERS TO THE 2023 AND 2024 BUDGET

THEREFORE, UPON MOTION OF Councilmember **SCHLAG**, 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 **2023** are hereby audited and approved:

Fund	***Account No.***		***Title***	***Amount***
Hwy	DA5130 4145	FROM:	Equip. Repair	-181.22
Hwy	DA5130 4709	INTO:	Hwy Machinery Misc.	+181.22
Hwy	DA5130 4145	FROM:	Equipment Repair	-2,379.30
Hwy	DA5130 4712	INTO:	Hwy Grease Oil Lube.	+2,379.30

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 transfers to the various accounts for **2024** are hereby audited and approved:

Fund	***Account No.***		***Title***	***Amount***
General	A6772 4270	FROM:	Misc. Expense	-500.00
General	A6772 4305	INTO:	Auto Maint. & Repairs	+500.00

SECTION 2. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 124.24

TO APPROVE BUDGET TRANSFERS OF GAS AND DIESEL TO THE 2023 BUDGET

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

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

Fund	***Account No.***		***Title***	***Amount***
General	A3120 4302	FROM:	Patrol Vehicle Gas	-18,696.96
General	A3310 4302	FROM:	Traffic Control Gas	-581.76
General	A3620 4302	FROM:	Safety Insp Gas	- 0
General	A7110 4302	FROM:	Parks Gas	-2,143.88
General	A1355-4302	FROM:	Assessor	- 0
General	A3410 4302	FROM:	Fire Fight Gas	-3,233.58
General	A5132 4304	INTO:	Central Gas Expenditure	+24,656.18
Highway	DA5110 4304	FROM:	Fuel General	-1,682.62
Highway	DA5140 4304	FROM:	Fuel Brush & Weed	-1,832.56
General	A5132 4304	INTO:	Central Gas Expenditure	+3,515.18
S2	S28120 4302	FROM:	S2 Gas Oil Lube	-2,036.85
General	A5132 4304	INTO:	Central Gas Expenditure	+2,036.85
W5	W58340 4302	FROM:	W5 Gas Oil Lube	-1,914.37
General	A5132 4304	INTO:	Central Gas Expenditure	+1,914.37

SECTION 2. . Pursuant to Section 36 of the General Municipal Law of the State of New York and Sections 102, 112 and 113 of Town Law of the State of New York, regarding the Uniform System of Accounts, the following **DIESEL** transfers to the various accounts for 2023 are hereby audited and approved:

Fund	***Account No.***		***Title***	***Amount***
General	A8189 4302	FROM:	Landfill Gas	-2,576.99
General	A4160-4162	FROM:	Compost Tub Grinder	- 0
General	A3410 4302	FROM:	Fire Fight Gas	-2,051.46
Highway	DA5148 4304	INTO:	Central Diesel Expenditure	+4,628.45

Highway	DA5110 4304	FROM:	Fuel General	-7,353.84
Highway	DA5140 4304	FROM:	Fuel Brush & Weed	-8,189.01
Highway	A5132 4304	INTO:	Central Diesel Expenditure	+15,542.85
S2	S28120 4302	FROM:	S2 Gas Oil Lube	-819.42
Highway	DA5148 4304	INTO:	Central Diesel Expenditure	+819.42
W5	W58340 4302	FROM:	W5 Gas Oil Lube	-806.42
Highway	DA5148 4304	INTO:	Central Diesel Expenditure	+806.42

SECTION 3. This resolution shall become effective March 13, 2024

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 125.24

CALL FOR BIDS FOR ON-CALL FENCING CONSTRUCTION AND REPAIR SERVICES

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

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to call for bids for On-Call Fencing Construction and Repair Services.

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

TOWN OF ROTTERDAM
NOTICE TO BIDDERS

PLEASE TAKE NOTICE: That all bids received by the Town Board of the Town of Rotterdam, by Wednesday, the 3rd day of April, 2024, at 10:30 A.M., will be opened electronically and in person at that time. The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet (http://www.bidnetdirect.com/townofrotterdam) by the close of business the 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 FENCING CONSTRUCTION AND REPAIR SERVICES

Digital Copies of Specifications may be obtained from the Empire State Purchasing Group on BidNet at http://www.bidnetdirect.com/townofrotterdam. Copies of RFP documents obtained from any other source are not considered official copies. The Town of Rotterdam cannot guarantee the accuracy of any information not obtained from the BidNet Direct website and is not responsible for any errors contained by any information received from an alternate source. Only those vendors who obtain ITB, RFP or RFQ documents from the BidNet system are guaranteed to receive addendum information, if such information is issued. If you obtain the document from a source other than the source indicated, it is recommended that you register on the Empire State Purchasing Group website, http://www.bidnetdirect.com/new-york and obtain an official copy.

ALL BID PROPOSALS MUST BE SUBMITTED ELECTRONICALLY, OR IN PERSON TO THE TOWN CLERK PRIOR TO 10:30 A.M., WEDNESDAY, APRIL 3, 2024

ALL HANDLING COSTS (MAIL, DELIVERY SERVICES, PRINTING ETC.) SHALL BE THE RESPONSIBILITY OF THE BIDDER

The Town Board reserves the right to reject any and all bids or proposals or any specific part of any item of any bid.

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

DATED: March 13, 2024
BidNet: Please publish on March 14, 2024
Daily Gazette: Please publish on March 15, 2024
Town Clerk Post

SECTION 3. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco
Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 126.24

CALL FOR BIDS FOR ON CALL MAINTENANCE CONTRACT SERVICES

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to call for bids for On call Maintenance Contract Services.

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

TOWN OF ROTTERDAM
NOTICE TO BIDDERS

PLEASE TAKE NOTICE: That all bids received by the Town Board of the Town of Rotterdam, by Wednesday, the 3rd day of April, 2024, at 11:00 A.M., will be opened electronically and in person at that time. The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet (http://www.bidnetdirect.com/townofrotterdam) by close of business the next day, of all bid submissions received pursuant to this notice. Additionally, the official bid report and all bids shall be available in the office of the Town Clerk for public inspection during regular business hours, for the purchase by the Town of Rotterdam of the following:

ON CALL MAINTENANCE CONTRACT SERVICES

Digital Copies of Specifications may be obtained from the Empire State Purchasing Group on BidNet at http://www.bidnetdirect.com/townofrotterdam. Copies of RFP documents obtained from any other source are not considered official copies. The Town of Rotterdam cannot guarantee the accuracy of any information not obtained from the BidNet Direct website and is not responsible for any errors contained by any information received from an alternate source. Only those vendors who obtain ITB, RFP or RFQ documents from the BidNet system are guaranteed to receive addendum information, if such information is issued. If you obtain the document from a source other than the source indicated, it is recommended that you register on the Empire State Purchasing Group website, http://www.bidnetdirect.com/new-york and obtain an official copy.

ALL BID PROPOSALS MUST BE SUBMITTED ELECTRONICALLY, OR IN PERSON TO THE TOWN CLERK PRIOR TO 11:00 A.M., WEDNESDAY, APRIL 3, 2024

ALL HANDLING COSTS (MAIL, DELIVERY SERVICES, PRINTING ETC.) SHALL BE THE RESPONSIBILITY OF THE BIDDER

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: March 13, 2024
BidNet: Please publish on March 14, 2024
Daily Gazette: Please publish once on March 15, 2024
Town Clerk Post

SECTION 3. This resolution shall become effective March 13, 2024

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco
Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 127.24

TO ACCEPT BID AND AWARD CONTRACT FOR ON CALL PLUMBING CONSTRUCTION SERVICES

WHEREAS, Pursuant to notice duly published according to Section One Hundred Three of the General Municipal Law of the State of New York, the Town of Rotterdam on March 4, 2024 posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (http://bidnetdirect.com/townofrotterdam). Additionally, the official bid report and all bids were made available in the Office of the Town Clerk for public inspection upon request, for the purchase by the Town of Rotterdam of the following:

ON CALL PLUMBING CONSTRUCTION SERVICES

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 does hereby accept and award the bid for On Call Plumbing Construction Services for the Town of Rotterdam to BPI Mechanical Service, located at 95 Hudson River Road, Waterford, NY 12188, at the hourly rates, overhead and profit percentages per the attached spreadsheet.

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

SECTION 3. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 128.24

TO ACCEPT BIDS AND AWARD CONTRACTS FOR HIGHWAY MATERIALS: CRUSHED LIMESTONE, GRAVEL & SAND

WHEREAS, Pursuant to notice duly published according to Section One Hundred Three of the General Municipal Law of the State of New York, the Town of Rotterdam on Monday, March 1, 2024, posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (http://bidnetdirect.com/townofrotterdam). Additionally, the official bid report and all bids were made available in the Office of the Town Clerk for public inspection upon request, for the purchase by the Town of Rotterdam of the following:

CRUSHED LIMESTONE, GRAVEL & SAND

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam does hereby accept and award the unit price per ton bid for Highway Material: **Crushed Limestone (Size 1)** and **Fill Sand** to Carver Sand & Gravel LLC. of P.O Box 890 2170 River Road, Coeymans, N.Y. 12045, pursuant to attached schedule.

SECTION 2. The Town Board of the Town of Rotterdam does hereby accept and award the unit price per ton bids for Highway Materials: **Crushed Limestone** (1A, 1B, 2, 3, & Rubble) to Cushing Stone Co., Inc. of 725 State Highway 5S, Amsterdam, N.Y. 12010, pursuant to the attached schedule.

SECTION 3. The Town Board of the Town of Rotterdam does hereby accept and award the unit price per ton bids for Highway Materials: **Gravel** and **Road Sand** to Wm. Larned & Sons Inc., of 544 Burdeck Street, Schenectady, N.Y. 12306, pursuant to the attached schedule.

SECTION 4. The Supervisor of the Town of Rotterdam is hereby authorized to execute a contract with said bidders in accordance with the terms of the bid proposals as submitted. Summary of bid prices are on file in the Town Clerk's office;

SECTION 5. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 129.24

TO ACCEPT BIDS AND AWARD CONTRACTS FOR HIGHWAY MATERIALS: MANHOLE FRAME AND GRATES & MANHOLE ROUND RISERS

WHEREAS, Pursuant to notice duly published according to Section One Hundred Three of the General Municipal Law of the State of New York, the Town of Rotterdam on Monday, March 1, 2024, posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (http://bidnetdirect.com/townofrotterdam). Additionally, the official bid report and all bids were made available in the Office of the Town Clerk for public inspection upon request, for the purchase by the Town of Rotterdam of the following:

MANHOLE FRAME AND GRATES & MANHOLE ROUND RISERS

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 does hereby accept and award the unit price/delivery bids for Highway Material: **Manhole Round Risers** to Chemung Supply Corp., of 2040 Corning Road, Elmira, New York 14903, pursuant to attached schedule.

SECTION 2. The Town Board of the Town of Rotterdam does hereby accept and award the unit price/delivery bids for Highway Materials: **Manhole Frames & Grates and Manhole Frames Square Risers** to Guardian Concrete Products Inc. of 2140 Maxon Road Ext., Schenectady, New York 12308, pursuant to the attached schedule.

SECTION 3. The Supervisor of the Town of Rotterdam is hereby authorized to execute a contract with said bidders in accordance with the terms of the bid proposals as submitted. Summary of bid prices are on file in the Town Clerk's office;

SECTION 4. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 130.24

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW NO. __ OF 2024; TO AMEND SECTION 266-42, ENTITLED "SCHEDULE II: ONE-WAY STREETS" OF THE CODE OF THE TOWN OF ROTTERDAM, ELIMINATING ONE-WAY TRAFFIC FLOW ON LAURA ST. BETWEEN GUILDERLAND AVE. AND PAULINE ST. AND SCHEDULING A PUBLIC HEARING THEREON

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby recognizes the introduction of Introductory Local Law No. __ of 2024; To amend section 266-42, entitled "Schedule II: One-Way Streets" of the Code of the Town of Rotterdam, eliminating one-way traffic flow on Laura St. between Guilderland Ave. and Pauline St.

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

TOWN OF ROTTERDAM
NOTICE OF HEARING

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a public hearing at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 at 7:00p.m. on the 27th day of March, 2024 for the following purpose:

> To recognize the introduction of Introductory Local Law No. __ of 2024; To amend section 266-42, entitled "Schedule II: One-Way Streets" of the Code of the Town of Rotterdam, eliminating one-way traffic flow on Laura St. between Guilderland Ave. and Pauline St.

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

DATED: March 13, 2024
Daily Gazette: Please publish once on March 15, 2024
Town Clerk
Post

SECTION 3. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 131.24

TO AUTHORIZE CHANGE ORDERS NO. 4 WITH BUNKOFF GENERAL CONTRACTORS INC. FOR THE ROTTERDAM TOWN HALL RENOVATIONS

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 Change Orders No. 4 with Bunkoff General Contractors Inc, located at 790 Watervliet Shaker Road, Latham, NY 12110, for the Rotterdam Town Hall Renovations, Contract 1 – General Construction, for a cost increase of $18,021.00 for the removal of existing carpet and installation of new carpet in the Board Room, for a new contract sum totaling one million, one hundred forty eight thousand, six hundred seventy seven and 00/100 ($1,148,677.00) dollars.

SECTION 2. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 132.24

TO NEGOTIATE AND EXECUTE AMENDMENT ONE TO AN EXISTING AGREEMENT WITH PRIME AE FOR THE WATER DISTRICT NO. 3 & NO. 4 WATER SYSTEM IMPROVEMENTS

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute amendment one to an existing agreement with Prime AE, located at 100 Great Oaks Boulevard, Suite 114, Albany, NY 12203, for professional engineering services for the Water District No. 3 & No. 4 Water System Improvements, for funding application assistance through the DWSRF & Water Infrastructure Initiative Act (WIIA) Programs, in an amount not to exceed five thousand eight hundred and 00/100 ($5,800.00) dollars, for a new total agreement amount not to exceed ninety seven thousand and 00/100 ($97,000.00) dollars.

SECTION 2. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 133.24

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH PRIME AE FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO ROTTERDAM WATER DISTRICT NO. 5 LEAD SERVICE LINE INVENTORY ASSISTANCE

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 Prime AE, located at 100 Great Oaks Boulevard, Suite 114, Albany, NY 12203, to provide Professional Engineering Services related to Rotterdam Water District No. 5 Lead Service Line Inventory Assistance, in the amount not to exceed one hundred seventy-five thousand, five hundred and 00/100 ($175,500.00) dollars.

SECTION 2. This resolution shall become effective on March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 134.24

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH PHOENIX FENCE LLC

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute and agreement with Phoenix Fence LLC, located at 11071 Mariaville Road, Pattersonville, NY 12137 for the purchase and installation of nine (9) six-foot galvanized fencing gates at Leonard C. White Park (Carman Park), in the amount not to exceed four thousand seven hundred fifty and 00/100 ($4,750.00) dollars.

SECTION 2. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 135.24

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH LANDART STUDIO NY LANDSCAPE ARCHITECTURE, PLLC FOR PROFESSIONAL DESIGN SERVICES RELATED TO THE EUNICE ESPOSITO PARK PICKLEBALL COURTS

THEREFORE, UPON MOTION OF Councilmember **MASTROIANNI**, seconded by Councilmember **SCHLAG**,
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 LAndArt Studio NY LANDSCAPE ARCHITECTURE, PLLC, located at 1118 Morningside Avenue, Schenectady, New York 12309, to provide Professional Design Services related to the Eunice Esposito Park Pickleball Courts, in the amount not to exceed five thousand six hundred fifty-five 00/100 ($5,655.00) dollars.

SECTION 2. This resolution shall become effective on March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 136.24

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH LANDART STUDIO NY LANDSCAPE ARCHITECTURE, PLLC FOR PROFESSIONAL DESIGN SERVICES RELATED TO JURACKA PARK

THEREFORE, UPON MOTION OF Councilmember **MASTROIANNI**, 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 LAndArt Studio NY LANDSCAPE ARCHITECTURE, PLLC, located at 1118 Morningside Avenue, Schenectady, New York 12309, to provide Professional Design Services related to a Master Plan for Juracka Park, in the amount not to exceed five thousand six hundred fifty-five 00/100 ($5,655.00) dollars.

SECTION 2. This resolution shall become effective on March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco
Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 137.24

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH ULTIMATE ROOFING

THEREFORE, UPON MOTION OF Councilmember **SCHLAG,** 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 and agreement with Ultimate Roofing, located at 207 East Campbell Road, Schenectady, New York 12303, for the repair of the Senior Citizens Center auditorium roof entrance, in the amount not to exceed three thousand two hundred and 00/100 ($3,200.00) dollars.

SECTION 2. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 138.24

TO AUTHORIZE CHANGE ORDER NO. 2 WITH JOHN W. DANFORTH COMPANY FOR THE ROTTERDAM TOWN HALL RENOVATIONS

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 Change Order No. 2 with John W. Danforth, located at 5 Liebich Lane, Halfmoon, NY 12065, for the Rotterdam Town Hall Renovations, Contract 2 – Mechanical Construction, to insulate the horizontal portion of the stormwater drain piping, for a cost increase of one thousand eight hundred eighty six and 69/100 ($1,886.69) dollars, and a new contract sum totaling one hundred eighty three thousand, one hundred ninety and 59/100 ($183,190.59) dollars.

SECTION 2. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

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

Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 139.24

TO AUTHORIZE CHANGE ORDER NO. 1 WITH EMPIRE ELECTRIC NY LLC FOR THE ROTTERDAM TOWN HALL RENOVATIONS

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 Change Order No. 1 with Empire Electric NY LLC, located at PO Box 13082, Albany, New York 12212, for the Rotterdam Town Hall Renovations, Contract 3 – Electrical Construction, for the removal of rooftop sirens and antennas and an addition of pull station, for a cost increase of one thousand five hundred ninety two and 54/100 ($1,592.54) dollars, and a new contract sum totaling one hundred sixteen thousand, eight hundred ninety two and 54/100 ($116,892.54) dollars.

SECTION 2. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M Marco, Town Clerk

TOWN OF ROTTERDAM Office of the Town Clerk Schenectady, County, N.Y.

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 140.24

TO DECLARE TOWN HALL EQUIPMENT OBSOLETE

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

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

-1 Desk
-2 Tall/Wide File Cabinets
-3 Short/Wide File Cabinets
-1 Medium/Wide File Cabinet
-3 Tall Skinny File Cabinets
-4 Rolling File Cabinets
-1 File Cabinet w/Door
-Multiple Broken Chairs
- 2 Glass Doors

SECTION 2. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco
Diane M Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 141.24

TO AUTHORIZE THE PURCHASE TWO (2) MAGGIE LOCATORS

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the purchase of two (2) Maggie Magnetic Locators from Ferguson Enterprises LLC #3326 – DBA Pollardwater, located at 709 City Center Blvd, Ste A101, Newport News, VA 23606, for the price of each locator not to exceed one thousand ninety-five and 00/100 ($1,095.00) dollars.

SECTION 2. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 142.24

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH JASON HOVAK FOR AN INFORMATION TECHNOLOGY EVALUATION

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with Jason Hovak, located at 150 Clizbe Avenue, Amsterdam, New York 12010, for consulting services to evaluate the current state of the Town's Information Technology environment, for a 12-week term, in the amount not to exceed thirteen thousand four hundred forty 00/100 ($13,440.00) dollars.

SECTION 2. This resolution shall become effective on March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 143.24

TO APPOINT JEANNA WIEGERT TO THE POSITION OF ACCOUNT CLERK

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

SECTION 1. Jeanna Wiegert, of Scotia, New York 12302, is hereby appointed to the position of Account Clerk, full time, probationary, with full employee benefits, and subject to pre-employment background checks, at an annual salary of forty-four thousand four hundred sixty-four and 29/100 ($44,464.29) dollars, commencing April 4, 2024.

SECTION 2. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco
Diane M Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 144.24

TO AUTHORIZE THE PURCHASE OF A GIS INTEGRATED LEAK NOISE CORRELATOR LEAK LOGGER KIT SYSTEM

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the purchase of one Waterpoint LNC2 GIS Integrated Leak Nosie Correlator Leak Logger Kit System from 64 Seconds, located at 945 Concord Street, Framingham, MA 01701, for an amount not to exceed eleven thousand three hundred sixty-four and 00/100 ($11,364.00) dollars.

SECTION 2. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins	**X**		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M Marco, Town Clerk

TOWN OF ROTTERDAM Office Of The Town Clerk Schenectady, County, N.Y.

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 145.24

A RESOLUTION OPPOSING PART O OF THE GOVERNOR'S 2024 ARTICLE VII REVENUE BILL REGARDING THE SITING OF MAJOR ELECTRIC TRANSMISSION FACILITIES, ALSO KNOWN AS THE "RAPID" ACT

WHEREAS, New York Governor Hochul has released the Executive Budget Proposal for Fiscal Year 2025, which includes Part O of the Transportation, Economic Development, and Environmental Conservation budget bill entitled the Renewable Action through Project Interconnect and Deployment ("RAPID") Act; and

WHEREAS, the RAPID Act seeks to move the Office of Renewable Energy Siting ("ORES") from the Department of State to the Department of Public Service, and seeks to consolidate and expedite permitting procedures for major renewable energy and electric transmission facilities under a new Article VIII of the Public Service Law; and

WHEREAS, if passed, the RAPID Act will undermine sound environmental review of major electric transmission facilities by requiring ORES to render a permit decision within a single year, otherwise the facility shall be automatically approved regardless of project size or impact on private property or conservations lands; and

WHEREAS, if passed, the RAPID Act will constitute a significant deprivation of Private Property Rights by extending the power of Eminent Domain to the construction of major electric transmission facilities by large-scale solar and wind developers, said power being currently limited to regulated utilities granted a certificate of environmental compatibility and public need; and

WHEREAS, if passed, the RAPID Act will undermine the protection of natural resources by allowing conservation easements to be extinguished anywhere in the state–including the Adirondack Park and Catskill Park–for the construction of major electric transmission facilities by large-scale solar and wind developers, said authority being currently limited to regulated utilities granted a certificate of environmental compatibility and public need; and

WHEREAS, if passed, the RAPID Act will further erode home rule and local decision-making enshrined in the New York State Constitution, Local Government Bill of Rights, Statute of Local Governments, and Municipal Home Rule law, usurping the rights of local governments to determine how communities and property within their jurisdictions develop, and contravening the purpose of comprehensive planning outlined in Section 272-A of Town Law; **NOW**

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. That the Rotterdam Town Board strongly opposes the passage of Part O contained in the Governor's Article VII Revenue Bill relating to the expedited siting of major electric transmission facilities, the use of Eminent Domain, and the extinguishing of conservation easements, and be it further.

SECTION 2. That the Rotterdam Town Board calls on the Governor of New York, members of the State Senate, and members of the State Assembly to ensure that Part O, and particularly the offending provisions identified herein, be excluded from the New York State budget or any other legislation and be it further.

SECTION 3. That the Rotterdam Town Board opposes state or federal action that would weaken or eliminate New York's long-standing tradition of home rule and local government authority; and be it further.

SECTION 4. That the Clerk of the Town of Rotterdam is hereby directed to provide a copy of this resolution to Governor Kathy Hochul, Lieutenant Governor Antonio Delgado, members of the State Senate, members of the State Assembly, the New York State Association of Counties, the New York State Association of Towns, the Inter-County Association of Western New York, and all others deemed necessary and proper.

SECTION 5. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M Marco, Town Clerk

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

RESOLUTION NO. 147.24

TO ADOPT A NEGATIVE DECLARATION ON A CHANGE OF ZONE APPLICATION FROM SINGLE FAMILY RESIDENTIAL (R-1) TO LIGHT INDUSTRIAL (I-1) ON TAX PARCEL #59.7-10-1.12 LOCATED AT THE CORNER OF TOWER AVENUE AND CHRISLER AVENUE

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 herby adopts the Negative Declaration dated March 27, 2024, as prepared by the Senior Planner, for a Change of Zone request on approximately 0.35 acres of from Single Family Residential (R-1) to Light Industrial (I-1) to construct a ±2,000 square foot storage garage on the corner of Tower Avenue and Chrisler Avenue, Tax Map No. 59.7-10-1.12.

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 March 27, 2024.

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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

LEGISLATI□E RE□UEST FORM

DATE:	March 18, 2024
TO:	Mollie Collins, Town Supervisor
FROM:	Peter Comenzo, Senior Planner PC
TITLE OF REQ□EST:	Issuance of a Negative Declaration for a Change of □one from Single Family Residential (R-1) to Light Industrial (I-1)
TOWN BOARD MEETING:	March 18, 2024
Background Information:	Govin Sarju (Owner) 2175 Tower Street Schenectady, NY 12304 Change of □one Request on approximately 0.35 acres of from Single Family Residential (R-1) to Light Industrial (I-1). Property is located at the corner of Tower Avenue and Chrisler Avenue (Tax Map No. 59.7-10-1.12). Applicant is proposing to construct a □2,000 square foot storage garage.
Evaluation/Analysis:	The proposal is a State Environmental Quality Review (SEQR) □nlisted Action and requires environmental review prior to the Town Board making a decision on the request.
Recommendation(s):	Town Board consider the issuance of a Negative Declaration on the proposed Change of □one request.
Attachment/Document(s):	Draft Negative Declaration SEQR Full EAF Part 1 □ 2
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
State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date: March 27, 2024

This notice has been prepared in accordance with Article 8 of the Environmental Conservation Law by the Town of Rotterdam Department of Public Works Department
(Reference: 6 NYCRR 617.5 Unlisted Action)

SEQRA Status:	Type I	( )
	Type II	( )
	Unlisted	(X)
Conditioned Negative Declaration:	Yes	( )
	No	(X)

Owner: Govin Sarju (Owner)
2175 Tower Street
Schenectady, NY 12304

Tax Map Number(s): #59.7-10-1.12

Project Location: Corner of Tower Avenue and Chrisler Avenue.

Zoning: Change of Zone from Single-Family Residential (R-1) to Light Industrial (I-2)

Action: Change of Zone Request on approximately 0.35 acres of from Single Family Residential (R-1) to Light Industrial (I-1). Applicant is proposing to construct a ±2,000 square foot storage garage.

Reasons Supporting This Determination:
(See 617.7(a)-(c) for requirements of this determination)

This project is an Unlisted Action and the Town conducted as a SEQR coordinated review. The applicant has supplied an Environmental Assessment Form and the Town Board has or has caused to complete Part 2 of this checklist.

The Change of Zone request concerns approximately 0.35 acres being rezoned from Single Family Residential (R-1) to Light Industrial (I-1). Property is located at the corner of Tower Avenue and Chrisler Avenue (Tax Map No. 59.7-10-1.12). Applicant is proposing to construct a ±2,000 square foot storage garage.

The applicant received a positive report and recommendation from Planning Commission on the Change of Zone request on February 20, 2024.

The applicant would like the Town Board to approve a Change of Zone to allow for the construction of a ±2,000 square foot storage garage. Very little traffic is anticipated as a result of this use. The property is located with frontage on Crane Street and the property to the north and south are developed with commercial and industrial uses. The property on the west side of Chrisler Avenue is an active CSX Rail Line.

After a review of the applicable modifications, Environmental Assessment Form, and comments received on this proposal, the Town Board of the Town of Rotterdam has determined that this proposal will not have a significant adverse impact on the environment.

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

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

(iii) the impairment of the environmental characteristics of a Critical Environmental Area.

(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

(v) the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;

(vi) a major change in the use of either the quantity or type of energy;

(vii) the creation of a hazard to human health;

(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

(x) the creation of a material demand for other actions that would result in one of the above consequences;

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

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

(i) included in any long-range plan of which the action under consideration is a part;

(ii) likely to be undertaken as a result thereof; or

(iii) dependent thereon.

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

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

(ii) its probability of occurrence;

(iii) its duration;

(iv) its irreversibility;

(v) its geographic scope;

(vi) its magnitude; and

(vii) the number of people affected

DRAFT

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 27th day of March, 2024 hereby adopted this NEGATIVE DECLARATION pursuant to 6NYCRR PART 617, State Environmental Quality Review.

_____

Mollie A. Collins
Town Supervisor

For further information contact:

Peter J. Comenzo
Town of Rotterdam Senior Planner
John F. Kirvin Government Center
1100 Sunrise Boulevard
Rotterdam, New York 12306
(518) 355-7575 x-338
pcomenzo@rotterdamny.org

DRAFT

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "**Yes"** to a numbered question, please complete all the questions that follow in that section.
- If you answer "**No"** to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)
If "Yes", answer questions a - j. If "No", move on to Section 2.

☐ NO ☑ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☑	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☑	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☑	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☑	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☑	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☑	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☑	☐
h. Other impacts: _____ _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____ _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☑ NO ☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____ _____		☐	☐

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)

☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____ _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☑ NO ☐ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____ _____		☐	☐

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	**No, or small impact may occur**	**Moderate to large impact may occur**
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, Elb	☐	☐
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.	El a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☑ NO ☐ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____ _____		☐	☐
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____ _____		☐	☐

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____ _____		☐	☐

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems. ☐ NO ☑ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☑	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☑	☐
c. The proposed action will degrade existing transit access.	D2j	☑	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☑	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☑	☐
f. Other impacts: _____ _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy. ☑ NO ☐ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____ _____		☐	☐

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting. ☐ NO ☑ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☑	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☑	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☑	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☑	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☑	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☑ NO ☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may cccur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____		☐	☐

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. ☑ NO ☐ YES

(See Part 1. C.1, C.2. and C.3.)

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb	☐	☐
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

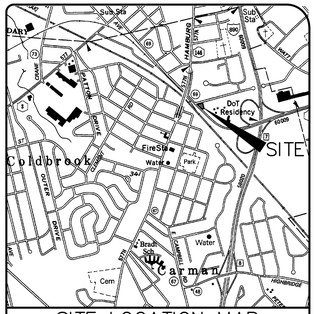
The proposed project is inconsistent with the existing community character. ☑ NO ☐ YES

(See Part 1. C.2, C.3, D.2, E.3)

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

PRINT FULL FORM



SITE LOCATION MAP

SCALE: 1" = 2000'

SITE STATISTICS:

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

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

NOTES:

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

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

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

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

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

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

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

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

DEED REFERENCE:

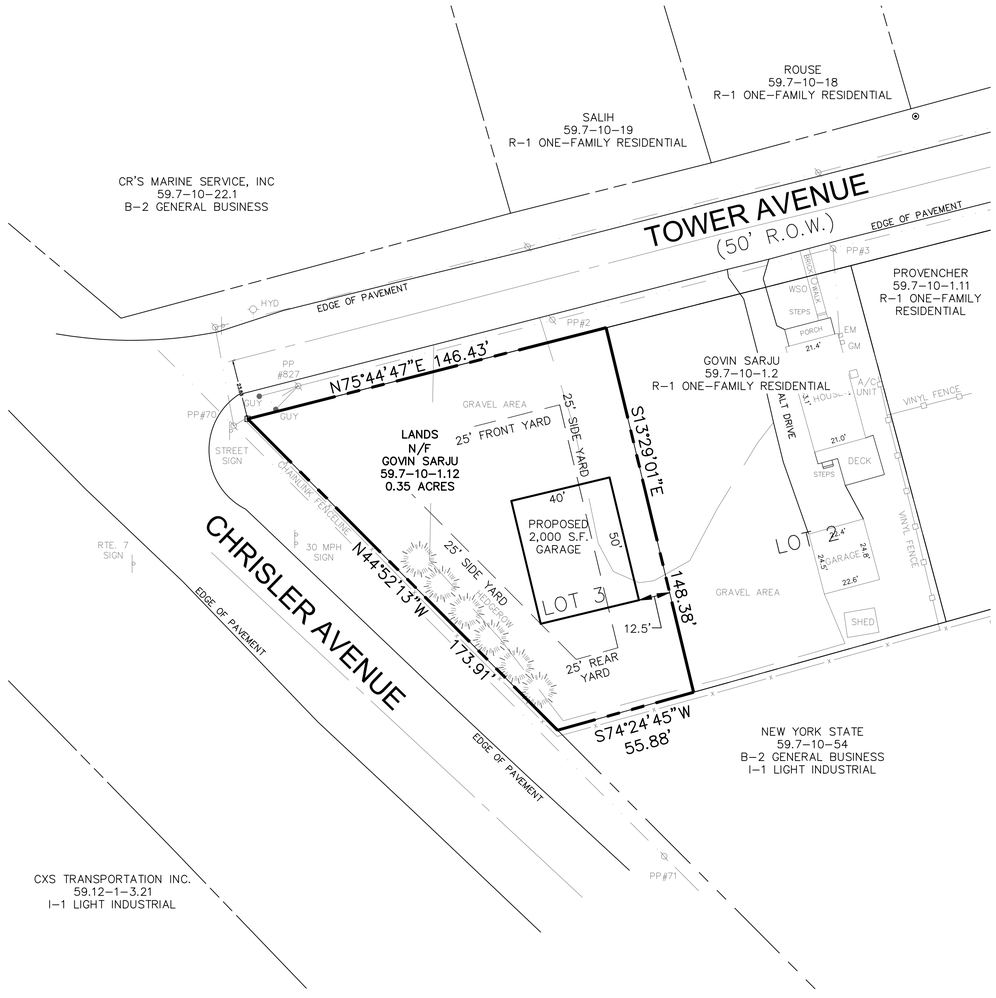
1) CONVEYED BY KIMBERLY A. CONSTANTINO TO GOVIN SARJU BY DEED DATED NOVEMBER 19, 2019 AND RECORDED IN THE SCHENECTADY COUNTY CLERK'S OFFICE ON NOVEMBER 21 2019 IN LIBER 2025 OF DEEDS AT PAGE 283.

MAP REFERENCE:

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

LEGEND

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



GRAPHIC SCALE

15 0 15 30 60

(IN FEET)

1 inch = 30 ft.

TAX MAP ID:
59.7-10-1.12

SITE AREA:
0.35± ACRES

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

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

FOR MUNICIPAL APPROVAL ONLY
NOT FOR CONSTRUCTION

NO.	DATE:	REVISIONS	BY:

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

© Copyright 2024 – Ingalls & Associates, LLP – All rights reserved

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

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

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

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

RESOLUTION NO. 148.24

TO ENACT INTRODUCTORY LOCAL LAW NO. 3 OF 2024; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, FOR A CHANGE OF ZONE OF APPROXIMATELY ±0.35 ACRES FROM SINGLE FAMILY RESIDENTIAL (R-1) TO LIGHT INDUSTRIAL (I-1), LOCATED AT THE CORNER OF TOWER AVENUE AND CHRISLER AVENUE (TAX MAP NO. 59.7-10-1.12), TO FACILITATE THE CONSTRUCTION OF A ±2,000 SQUARE FOOT STORAGE GARAGE

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 3 of 2024.

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 March 27, 2024.

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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

LEGISLATI□E RE□UEST FORM

DATE:	March 18, 2024
TO:	Mollie Collins, Town Supervisor
FROM:	Peter Comenzo, Senior Planner PC
TITLE OF REQ□EST:	Town Board to make a decision on Change of □one from Single Family Residential (R-1) to Light Industrial (I-1)
TOWN BOARD MEETING:	March 27, 2024
Background Information:	Govin Sarju (Owner) 2175 Tower Street Schenectady, NY 12304 Change of □one Request on approximately 0.35 acres of from Single Family Residential (R-1) to Light Industrial (I-1). Property is located at the corner of Tower Avenue and Chrisler Avenue (Tax Map No. 59.7-10-1.12). Applicant is proposing to construct a □2,000 square foot storage garage.
Evaluation/Analysis:	Town Board referred to Planning Commission for Report and Recommendation February 14, 2024. The Planning Commission issued a positive recommendation on February 20, 2024. The Town Board held a Public Hearing on March 13, 2024.
Recommendation(s):	Decision on Change of □one request from Single family Residential (R-1) to Light Industrial (I-1).
Attachment/Document(s):	County 239m response. Application materials.
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

TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

PART I

PROCEDURES TO APPLY FOR A CHANGE OF ZONE (COZ)

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

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

Revised March 2013

****

TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

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

Application Fee **$650**

Existing Zone Classification: R-1 One-Family Residential

Proposed Zone Classification: I-1 Light Industrial

PART II
GENERAL INFORMATION

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

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

Owner's Designated Contact: Ingalls & Associates, LLP

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

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

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

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

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

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

School District: Mohonasen

Fire District: #3

Water Supply Town of Rotterdam

Proposed Use of Property:

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

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

LEGAL INFORMATION

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

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

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

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

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

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

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

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

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

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

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

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

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

UTILITIES

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

Proposed Means of Sewage Disposal:
( ) Public Sewer
(✓) Septic Tank & Leachfield
( ) Other, please describe

There will be no public or private utilities on the site.

PART III

****

SURVEYOR/ARCHITECT/ENGINEER VERIFICATION

****

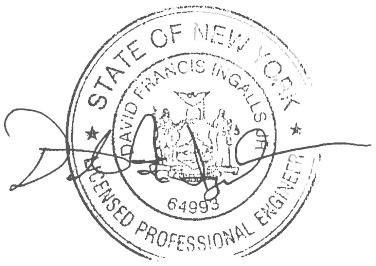
I, the undersigned, a licensed land surveyor, architect, and/or engineer, have completed the information requested. The legal description has been prepared by me or under my supervision in accordance with the requirements of the Town of Rotterdam regulations and the laws of the State of New York.

Signed: _____ Date: 01-19-24

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

Saratoga Springs, NY Zip: 12866

PLEASE AFFIX SURVEYOR/ARCHITECT/ENGINEER SEAL HERE



****

LEGAL OWNER SIGNATURE

****

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

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

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

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

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

Govin Sarju
Signature of applicant or representative

1-8-24
Date

NOTARY

STATE OF NEW YORK) ss:
COUNTY OF Schenectady)

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

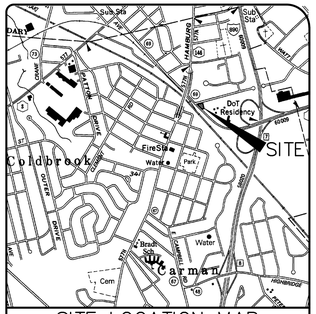
NOTARY SEAL

Notary Signature

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

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

PLEASE AFFIX NOTARY SEAL HERE



SITE LOCATION MAP

SCALE: 1" = 2000'

SITE STATISTICS:

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

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

NOTES:

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

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

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

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

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

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

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

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

DEED REFERENCE:

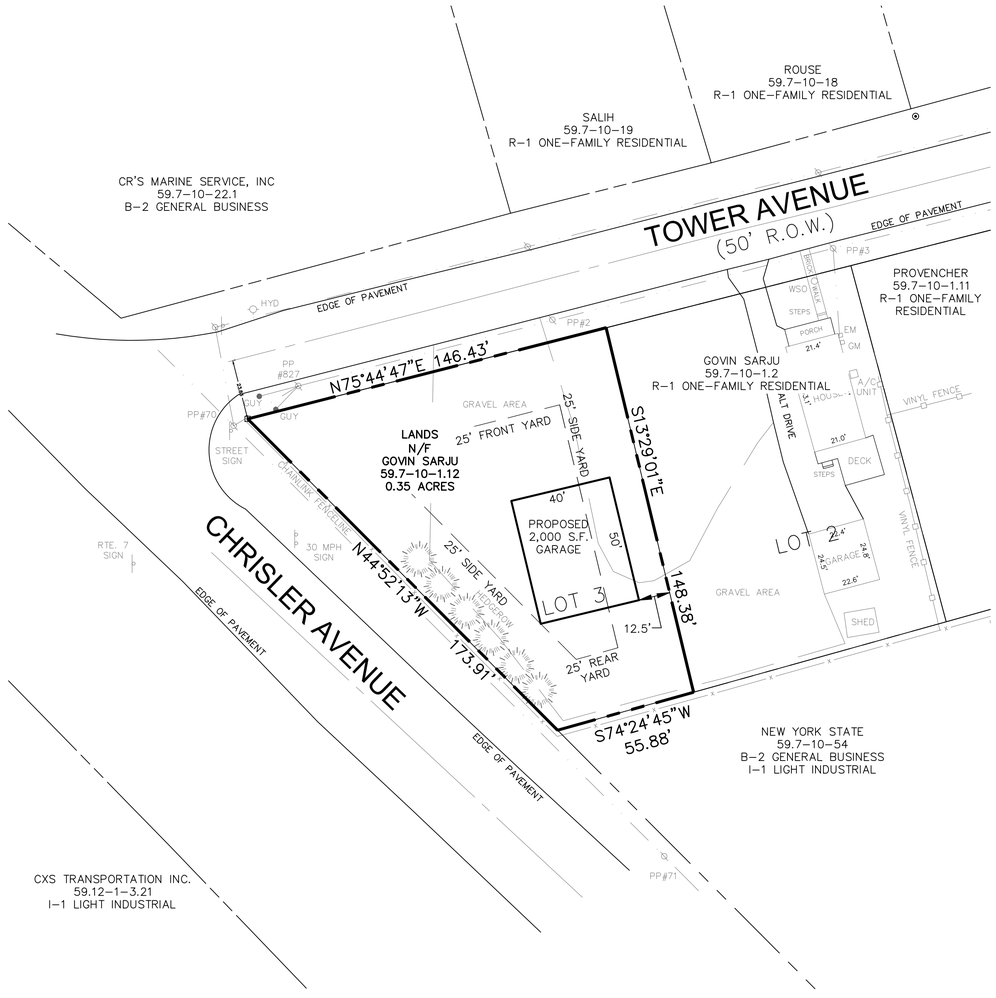
1) CONVEYED BY KIMBERLY A. CONSTANTINO TO GOVIN SARJU BY DEED DATED NOVEMBER 19, 2019 AND RECORDED IN THE SCHENECTADY COUNTY CLERK'S OFFICE ON NOVEMBER 21 2019 IN LIBER 2025 OF DEEDS AT PAGE 283.

MAP REFERENCE:

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

LEGEND

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



GRAPHIC SCALE

15 0 15 30 60

(IN FEET)

1 inch = 30 ft.

TAX MAP ID:
59.7-10-1.12

SITE AREA:
0.35± ACRES

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

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

FOR MUNICIPAL APPROVAL ONLY
NOT FOR CONSTRUCTION

NO.	DATE:	REVISIONS	BY:

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

© Copyright 2024 – Ingalls & Associates, LLP – All rights reserved

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

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

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

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

RESOLUTION NO. 149.24

TO ENACT INTRODUCTORY LOCAL LAW NO. 4 OF 2024; TO AMEND SECTION 266-42, ENTITLED "SCHEDULE II: ONE-WAY STREETS" OF THE CODE OF THE TOWN OF ROTTERDAM, ELIMINATING ONE-WAY TRAFFIC FLOW ON LAURA STREET BETWEEN GUILDERLAND AVENUE AND PAULINE STREET

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 4 of 2024.

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 March 27, 2024.

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

ROTTERDAM POLICE DEPARTMENT
UNIFORM DIVISION
TRAFFIC SURVEY

July 28, 2021

TO: Chief Brown, Deputy Chief Male, Lieutenant Collins, Lieutenant Girard

FROM: Sergeant Reilly

RE: Removal of ONE WAY zone on Laura Street

COMPLAINT

The Rotterdam Police Department received a traffic related complaint from a town resident regarding concerns for the portion of Laura Street located between Pauline Avenue and Guilderland Avenue which is a ONE WAY zone.

The resident states that he has lived on Laura Street his whole life and after speaking with several of his neighbors, they feel that the ONE WAY zone on Laura Street is no longer needed due to Napa Auto Parts no longer being located at 2600 Guilderland Avenue. He states that there is no longer a high volume of vehicles at 2600 Guilderland Avenue, and therefore no need for the ONE WAY zone. Additionally, he feels that the local residence are inconvenienced by the one way as it is only for one block and it forces them to travel onto Pauline Avenue rather than continue straight onto Laura Street to gain access to Guilderland Avenue.

SURVEY

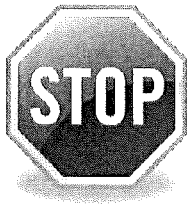
A visual traffic survey was conducted on multiple occasion during the month of July, 2021.

Currently occupying 2600 Guilderland Avenue, which is on the corner of Laura Street and Guilderland Avenue, is a recycling redemption center called Blue Ocean Bottle and Cans.

- I reviewed the surveillance footage from this business for Saturday July 17, 2021, as it would be assumed that Saturday would be the highest traffic day for bottle/can redemption.

I spoke with multiple residents on Pauline Avenue and Laura Street on various days. I asked their input and asked their opinion on the matter as they are most directly affected by the "one way" on Laura Street. All residents did want the ONE WAY zone removed.

ROTTERDAM POLICE DEPARTMENT
UNIFORM DIVISION
TRAFFIC SURVEY



CONCLUSION

In conclusion, I recommend that the ONE WAY zone be removed on Laura Street between Pauline Avenue and Guilderland Avenue. This recommendation is based off of my conversations and requests by residents. Residents on Pauline Avenue stated traffic has increased on Pauline Avenue as the vehicles traveling west on Laura St. to Guilderland Avenue are forced to make a right or left onto Pauline Avenue as a direct result of the ONE WAY zone. Also, upon my visual observations as well as the review of the surveillance video from Blue Ocean Bottle and Cans, I only witnessed two vehicles during several hours park on the side of the building and neither of these vehicles would have obstructed the view of vehicles traveling west on Laura Street. The business itself does not have a large volume of customers and there are no delivery trucks constantly traveling on the Laura Street side of the business as they use to when Napa Auto Parts was there. This small stretch of Laura Street being a one way is no longer needed as there is no longer heavy traffic at 2600 Guilderland Avenue. By doing away with this ONE WAY zone less traffic will be on Pauline Avenue and the residence of that neighborhood will be able to utilize Laura St. in its full capacity, which will be more convenient for their commute.

Respectfully Submitted,

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

RESOLUTION NO. 150.24

AUTHORIZE THE SUPERVISOR TO NEGOTIATE AND EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE COUNTY OF SCHENECTADY FOR NYS DISCOVERY AND BAIL REFORM FUNDS

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 a memorandum of understanding (MOU) with the County of Schenectady, for the distribution of funds awarded to support local law enforcement agencies with expenditures related to the implementation of NYS discovery and bail reforms.

SECTION 3. This resolution shall become effective March 27, 2024.

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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

LEGISLATIVE REQUEST FORM

DATE:	March 14, 2024
TO:	Town Board
FROM:	Rotterdam PD
TITLE OF REQUEST:	Authorize the Supervisor to negotiate and execute a Memorandum of Agreement (MOU) with the County of Schenectady
TOWN BOARD MEETING:	March 27, 2024
Background Information:	NYS Division of Criminal Justice Services is providing funding to support local law enforcement agencies with expenditures related to the implementation of NYS discovery and bail reforms during a period of 2023-2024.
Evaluation/Analysis:	The NYS Division of Criminal Justice Services approved the County's 2023-2024 Discovery Reform Funding Plan
Recommendation(s):	Authorize the Supervisor to sign the Memorandum of Understanding(MOU) and agree to the conditions set forth in the MOU and disperse the funds according to exhibit A.
Attachment/Document(s):	Memorandum of Understanding
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	N/A
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "Agreement") is entered into between the County of Schenectady (hereinafter "the County") and the Town of Rotterdam/Rotterdam Police Department (collectively, "the Parties") in order to facilitate distribution of the funding awarded to support local law enforcement agencies with expenditures related to the implementation of NYS discovery and bail reforms that took effect January 1, 2020.

WHEREAS, NYS Division of Criminal Justice Services (hereinafter "DCJS") is providing funding to support local law enforcement agencies with expenditures related to the implementation of NYS discovery and bail reforms during a period of 2023-2024; and

WHEREAS, DCJS set a maximum award amount for each County that was determined based on each county's prorated share of criminal court arraignments statewide; and

WHEREAS, the County submitted a 2023-2024 Discovery Reform Funding Plan to DCJS, after having sought collaborative input, and requests for eligible expenses during the state fiscal year April 1, 2023 through March 31, 2024, from the District Attorney's Office, the Department of Probation, the Sheriff's Department, and all local police departments, including Schenectady, Rotterdam, Niskayuna, Scotia and Glenville; and

WHEREAS, DCJS approved the County's 2023-2024 Discovery Reform Funding Plan; and

WHEREAS, the County desires to disburse said funds to the various local police agencies in the amounts as set forth in the approved 2023-2024 Discovery Reform Funding Plan; and

WHEREAS, the County greatly appreciates all of the efforts of the members of the law enforcement agencies in responding to the discovery and bail reforms.

THE PARTIES HEREBY AGREE AS FOLLOWS:

1. The County, through the County Finance Department, shall distribute funds in the amount of $ 49,490 to the Town of Rotterdam/Rotterdam Police Department.

2. The Town of Rotterdam/Rotterdam Police Department agrees to utilize the funding to pay for the expenses as previously submitted, related to the implementation of the discovery and bail reforms that took effect January 1, 2020, and as set forth in Exhibit A attached hereto.

3. Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein and, if through mistake or otherwise, such provision is not inserted then, upon application of either party, this contract shall be amended forthwith to make such insertion.

NOW, THEREFORE, the above terms and conditions have been read and fully agreed upon the parties.

Schenectady County

_____

Signature_____

Rory Fluman
County Manager

Date:_____

Town of Rotterdam

_____

Signature_____

Mollie A. Collins
Supervisor

Date:_____

_____

Chief Michael Brown
Rotterdam Police Chief

Date: 3-14-24

Exhibit A

Town of Rotterdam Discovery Reform Items 2023-2024

Administrative Support – Discovery Officer for compliance with state mandates - **$45,000**

Office equipment – Computer upgrade and replacement scanner for Discovery Officer, and external hard drives for digital storage used for discovery - **$4,490**

Total: $49,490

RESOLUTION NO. 151.24

ADOPTION OF THE TOWN OF ROTTERDAM COMPLETE STREETS POLICY

WHEREAS, The Complete Streets Act (Chapter 398, Laws of New York) was signed into law on August 15, 2011 and requires state, county and local agencies to consider the convenience and mobility of all users when developing transportation projects that receive state and federal funding; NOW

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. That the Town Board of the Town of Rotterdam hereby adopts the Town of Rotterdam Complete Streets Policy for future projects that receive federal and/or state funding and would also apply to future private development projects where complete street principles should be included to provide a positive benefit to the overall transportation system.

SECTION 2. This resolution shall become effective March 27, 2024.

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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

LEGISLATIVE REQUEST FORM

DATE: March 13, 2024

TO: Town Board

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

TITLE OF REQUEST: Town of Rotterdam Complete Streets Policy

TOWN BOARD MEETING: March 27, 2024

Background Information: The Complete Streets Act was signed into law by the Governor of New York back in 2011, and requires state, county, and local agencies to develop a policy to consider the convenience and mobility of all users when developing transportation projects that receive state and federal funding. The Complete Streets Act requires that streets design guidelines for all modes of transportation be considered in the planning, design, and construction of roadways. A Complete Street is generally defined as a roadway that considers the safe, convenient access, and mobility of roadways for all users.

Evaluation/Analysis: Complete Street Policy was developed that included establishing guiding principles the Town will follow for new, reconstructed, and rehabilitated roadway projects receiving federal and state funding for implementation. In addition, it will assist the Town in determining if elements of the Complete Streets Policy need to be implemented on future private development projects so that all anticipated modes of transportation can safely travel through and connect with the existing transportation system.

Recommendation(s): I recommend that the Town Board adopt the Complete Streets Policy for future projects that receive federal and/or state funding. The policy would also apply to future private development projects where complete street principles should be included to provide a positive benefit to the overall transportation system.

Attachment/Document(s): March 2024 Complete Streets Policy

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

TOWN OF ROTTERDAM

COMPLETE STREETS POLICY

Date: March 2024

Prepared by:
Fred C. Mastroianni, P.E.
Town Consultant Engineer

Table of Contents

Title	Page(s)
Cover	1
Table of Contents	2
1. Background	3-4
2. Vision	4
3. Guiding Principals	4
4. Land Use and Transportation	4-5
5. Public Health and Economic Development	5
6. Design Standards	5-6
7. Complete Streets Review Checklist	6
8. Safety	6-7
9. Implementation	7
10. Coordination	8

1.Background

The Complete Streets Act was signed into law by the Governor of New York in 2011, and requires state, county, and local agencies to consider the convenience and mobility of all users when developing transportation projects that receive state and federal funding. This law requires that complete streets design guidelines be considered for the planning, design, construction, reconstruction, and rehabilitation of roadways receiving federal or state funding. A Complete Street is generally defined as a roadway that is planned and designed to consider the safe, convenient access, and mobility of a roadway for users of all ages and abilities.

The New York State's Complete Streets Act states the following:

"For all state, county and local transportation projects that are undertaken by the Department or receive both federal and state funding and are subject to Department of Transportation oversight, the department or agency with jurisdiction over such projects shall consider the convenient access and mobility on the road network by all users of all ages, including motorists, pedestrians, bicyclists, and public transportation users through the use of complete street design features in the planning, design, construction, reconstruction and rehabilitation, but not including resurfacing, maintenance, or pavement recycling of such projects."

The Town of Rotterdam Comprehensive Plan dated December 2022 states the Town should consider adopting Complete Streets Policy to ensure that future road improvements incorporate design features that suit multiple modes of transportation. The Comprehensive Plan includes the following statement:

"Complete Streets design is defined as roadway design features that accommodate and facilitate convenient access and mobility by all users, including current and projected users, particularly pedestrians, bicyclists, transit users, and individuals of all ages and abilities. Complete streets may also play a role in making a community healthier, reducing environmental impact, and leading to private investment in a corridor. The Town of Rotterdam should consider adopting a Complete Streets Policy to ensure that future road improvements incorporate design features that suit multiple modes of transportation."

Typical Complete Streets design features include, but are not limited to; sidewalks, bicycle lanes, multi-use paths, paved shoulders suitable for bicycle and pedestrian travel, shared roadway signage, flush and raised crosswalks, pedestrian control signalization, and traffic calming measures that reduce vehicular speeds and thus improve overall safety of the traveling public. Such guidelines are intended to provide convenient access and mobility for all users including motorists, pedestrians, bicyclists, and public transit users. Complete Streets design can include more vegetation to provide shade and a buffer from traffic, and it can include green infrastructure to better manage stormwater. As stated in the New York State Complete Streets Act of 2011, "Complete Streets will contribute to a cleaner, greener transportation system" and "more citizens will achieve the health benefits associated with active forms of transportation while traffic congestion and auto related air pollution will be reduced."

By incorporating Complete Streets design features in transportation projects, vehicular speeds will be reduced and thus improve overall safety of the traveling public. This Complete Streets Policy ("The Policy) does not commit the Town from funding any improvements, but when public funding is available for transportation projects in the Town, this Policy will be considered as part of the design development of complete streets. This Policy also applies to all access roads constructed as part of private development projects that connect to publicly owned roadways.

2. Vision

This Policy will encourage the development of a safe, accessible, and connected multi-modal network throughout the Town and thus create more of a balanced transportation system for all users. The Policy encourages, where practicable, that new and updated public and private projects are planned, designed, and operated to enable safe, comfortable, and convenient travel to the greatest extent possible for users of all ages and abilities with respect to all modes of transportation, including pedestrians, bicyclists, motorists, and transit riders. The Policy will serve all users in the Town equitably, by their mode of travel.

With the implementation of The Policy, overall transportation system will improve safety and health, while encouraging economic activity, community character, livability, equity and enhancing the quality of life for residents and visitors. Complete Streets designed roadways offer better transportation options, support an aging population, advance economic development, invest in underserved communities in the Town, and help children get to and from school.

3. Guiding Principles

The guiding principles support long term safety, health, mobility, economic viability, livability, sustainability, environmental protections, equity, and quality of life through street-level improvements to the build environment as follows:

A. Connected and integrated Complete Streets principles apply to all roadways and all project phases of public and private development projects.
B. A safe, accessible, and equitable transportation network that balances the needs of a diverse range of users.
C. Reinforcing collaboration with partners within the local community, schools, and businesses as well as with Schenectady County, New York State, federal agencies, and transit providers to provide appropriate connectivity for all modes of travel.
D. Promoting programs that improve connectivity to points of community interest such as town parks, grocery stores, libraries, houses of worship and public/private educational institutions. These programs include Safe Routes to Schools, Safe Routes to Parks, and Active Friendly Routes to Everyday Destinations.

4. Land Use and Transportation

The integration of land use and transportation is a critical component to the livability of a community. Complete Streets encourages a comprehensive approach for accommodating alternative travel modes by multiple users, regardless of age, race, economic status, or ability. This results in a balanced transportation system with

pedestrian and bicycle facilities, street trees, pedestrian scaled lighting, and ADA compliant sidewalks which will positively impact the physical health and safety of the community, enhance the environmental quality of our neighborhoods and the economic vitality of the Town. As part of development of projects, Complete Streets design elements must be considered and support the type of street the community desires. The Town shall require specific evidence of all new or revised land use policies, plans, zoning ordinances or equivalent documents, showing how the projects support the Complete Streets Policy.

5. Public Health and Economic Development

Numerous research conducted by various Public Health and Transportation Agencies have concluded that investing in multimodal transportation increases walking and bicycle travel and in turn improves overall public health. In addition, complete streets can improve and maintain the economic vitality of the Town. Streets that include accommodating pedestrian and bicycle travel are welcoming and encourage residents and visitors to frequent the local businesses. The benefits of Complete Streets include better access to safe streets for all, increased opportunity for active transportation, improved individual health, improvements to overall air quality, promotion of equal opportunities, and decreased crashes throughout the Town. This policy promotes and enhances public health and safety, while encouraging economic activity, community character, livability, and equity for people of all ages, abilities, and socioeconomic backgrounds, including children, families, aging populations, and individuals with disabilities. In creating Complete Streets, the Town will prioritize vulnerable users and those residing in federally designated environmental justice areas.

6. Design Standards

The Town of Rotterdam Roadway Design Standards for new construction has been used as the basis for design for new private development projects that involve roadway construction. The roadway design standards is approximately 20 years old and do not in general include construction of infrastructure that accommodates all modes of transportation and should be updated in the near future. As part of future development in the Town, the most recent transportation engineering design standards that include but not limited to the following documents will need to be considered during project development:

- New York State Department of Transportation (NYSDOT) Highway Design Manual.
- NYSDOT Design Guidance for Bicycle Facilities.
- NYSDOT Complete Street Standards.
- Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach.
- Federal Highway Administration (FHWA) Manual on Uniform Traffic Control Devices (MUTCD).
- Public Right-of-Way Accessibility Guideline (PROWAG).
- American Association of State Highway Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets.
- AASHTO Guide for the Planning, Designing and Operating Pedestrian Facilities.
- AASHTO Guide for the Planning of Bicycle Facilities.

- Public Right of Way Accessibility Guidelines.
- American Disabilities Act Standards for Accessible Design.
- Capital Region Transportation Council Complete Streets Design Guide.

Town, County, State, and private development projects shall follow the design manuals, standards, and guidelines stated above, as applicable to provide a more complete transportation system on all projects.

One important element that should also be considered for design and implementation is use of green infrastructure such as bioswales, planters, rain gardens, and street trees which can be located within traffic-calming elements like islands, curb extensions, and wider sidewalks. Vegetation in green infrastructure can improve the quality of life of people who live in urban areas. Storm events can lead to undesirable discharge of stormwater runoff that is untreated into waterbodies, which should be avoided on any type of infrastructure project. Watersheds need to be protected by better management of stormwater for new and redevelopment projects.

This section of the Complete Streets Policy shall be updated a minimum of every three years by the Town to ensure that the listing of design standards and guidelines are current.

7. Complete Streets Review Checklist

To provide the Town, public and private entities with a formalized method to plan, design and implement Complete Streets design guidelines, a checklist has been developed by the Town to assist in incorporating Complete Streets design elements on new and redevelopment projects, and is provided in Appendix A of this document.

There are instances where it may not be feasible or practicable to construct multimodal transportation facilities. These instances may include:

A. The underlying terrain is too steep, or grade separation is too great to achieve compliance with current design standards.
B. The right of way is not available to constructing the facilities.
C. Underground structures cannot be moved or adjusted to properly construct the facilities.
D. Adjacent developed facilities are not able to achieve the maximum allowable running slope of sidewalk near roads with steep grades.
E. Locations where stormwater collection and treatment cannot be accommodated due to limited space.
F. Locations where there is inadequate space to construct the facilities.
G. Projects that are considered minor maintenance activities such as pavement repairs, resurfacing, and recycling of pavement of existing road surfaces.
H. Emergency repair projects.

8. Safety

During development, each project is to consider traffic calming features that could reduce vehicular speeds and provide a safer environment for all transportation users. One important consideration is having adequate sight distance at intersections and linear sight lines along the roadways. Items that should be discouraged along a

roadway include high fences, trees, walls, large trucks/trailers parked on roads, bushes, or shrubberies that obstruct the view of oncoming traffic. Non-automotive modes of transportation including bicycling, walking, and public transportation shall be included in transportation planning of projects and making sure that a safe environment is provided for these modes of transportation.

9. Implementation

The Town will apply The Policy on all projects that involve transportation facilities. This includes projects involving new construction, reconstruction, retrofits, rehabilitation, or changes in the allocation of pavement space on an existing roadway, as well as those that involve new privately built roads and easements intended for public use. Complete Streets elements may be achieved through single projects or incrementally through a series of smaller improvements over time. The design of new, rehabilitated, or reconstructed facilities should anticipate likely demand for bicycling, walking, transit, and motorist use and should not preclude the provision of future improvements.

The Policy is intended to serve as a usable tool for implementation of Complete Streets features for new construction and rehabilitation of existing transportation facilities that are funded by public and private entities. The design guidelines previously stated are intended to provide uniform design of various transportation facilities for future consideration and construction for incorporating Complete Streets elements. For public projects, The Complete Streets review process includes:

- Step 1: Project Planning – define project goals and objectives and how Complete Streets elements can be incorporated into the design.
- Step 2: Complete Streets Checklist – Complete the checklist to include identifying which elements can be considered for implementation. Consider potential impacts to the environment by performing an initial environmental screening of the project. In addition, consideration should be given to any potential right of way impacts.
- Step3: Preliminary Design – Prepare preliminary design plans to include the complete street design elements previously identified for possible inclusion to the project. The preliminary design shall follow the design guidelines and all applicable federal, state, and local laws and regulations. If a project is using federal and/or state funding, all requirements established by the funding agencies shall be followed.
- Step 4: Environmental Review and Compliance – All state and local requirements, including the State Environmental Quality Review regulations shall be followed to include all supporting documentation during the environmental review. All permits and/or approvals will be obtained prior to the start of construction.
- Step 5: Coordination – The Town will coordinate with all involved agencies and the public and obtain their input throughout the design process.
- Step 6: Final Design and Construction: Prepare final design plans, specifications and construction bid documents, obtain formal construction bids, and select the lowest qualified contractor to perform the work. Inspectors will be assigned to the project to confirm that construction complies with the plans and specifications.

For privately sponsored projects, the town staff or a representative of the town is to review the plans and supporting documents and include utilizing the complete streets checklist.

10. Coordination

The Town of Rotterdam looks forward to working with public and private entities to ensure that projects incorporate safe and effective Complete Streets design elements. As part of the coordination, the town will encourage all entities to utilize the design criteria stated herein on all projects. Justification needs to be provided as to why the Complete Streets design features cannot be included or implemented as part of the project. The Town will review the justification and formal approval must be granted before complete streets elements are not implemented.

During project development, the Town will promote interdepartmental coordination between public health, planning, engineering, public works, the Town Board, and Supervisors office to ensure consistent application of this policy and encourage the most responsible and efficient use of resources for activities within the public right-of-way.

TOWN OF ROTTERDAM COMPLETE STREETS CHECKLIST

Project Name, Applicant & Date: _____

Project Location: _____

Project Description: _____

The Town of Rotterdam Complete Streets Policy ("The Policy) encourages the development of a roadway network that creates a more balanced transportation system, accommodates all modes of travel and is consistent with the Town's Comprehensive and ADA Transition Plans. The Policy ensures that new and updated public and private development projects are planned, designed, constructed, and maintained to provide safer and convenient travel for all users, including people with limited physical abilities. This checklist should be completed early in the project development process to provide guidance, feedback, and reach consensus of the proposed improvements during the early stages of design/review.

Instructions: For each box checked, provide a brief description of how the item is addressed, not addressed, or not applicable including supporting documentation. If there is not adequate space for the information, include attachments.

EXISTING CONDITIONS				
Checklist Consideration	YES	NO	N/A	Description
Pedestrian Facilities				
Are sidewalks/walkways provided and if so, are they on one or both sides of the road?				
Does the sidewalk/walkway have adequate lighting?				
Are there marked crosswalks in the project area?				
Does the project area generate pedestrian travel or is there evidence of pedestrian activity?				
Are there pedestrian crossing pushbutton and countdown timers at a signalized intersection and are they ADA Compliant?				
Are linear sidewalks/walkways in the area ADA compliant?				
Are detectable warnings (truncated domes) provided and ADA compliant at the intersections?				
Are all crosswalks within the project limits ADA compliant?				
Are there schools, senior or community centers, town parks and recreation areas within ½ mile of the project area?				
Are there shopping centers and other key destinations within ½ mile that offer opportunities to connect to the project area?				
Bicycle Facilities				
Are there bicycle lanes or sharrows along the road within or adjacent to the project area?				
Are there schools, senior or community centers, town parks and recreation areas within ½ mile of the project area?				
Are there shopping centers and other key destinations within ½ mile that offer opportunities to connect to the project area?				
Is the project within bicycling distance to a trail/path or recreational area?				
Is the project near or part of a bike route?				
Roadway				
Is on street parking available and if so, on one or both sides of the road?				
Is the pavement surface in good condition?				
Does the road have adequate street lighting?				
Are pavement markings provided along the road and can they be seen during day and night?				
What is the width of the roadway, including the travel lanes and shoulders? Is there any ponding of stormwater on road?				

EXISTING CONDITIONS (Continued)				
Checklist Consideration	YES	NO	N/A	Description
Uses				
Is the road primary traveled during all hours of the day?				
Is the road a primary traveled during AM and PM peak periods?				
Does the road connect to one or more primary travel roads?				
Is the road used by large trucks?				
Is the road a primary route for bicyclists?				
Is the road a primary route for all pedestrians?				
Is the road a primary route to school?				
Are there gaps in the pedestrian network in the project area?				
Are there gaps in the bicycling network in the project area?				
ENVIRONMENTAL FACTORS				
Are there existing environmental or historical/cultural resources (wetlands, floodplains, streams, significant trees, historical/cultural resources) in the project area?				
SAFETY				
Is the primary focus of the project to address a safety need?				
Are there any roadway geometry issues that includes inadequate width, poor horizontal and vertical alignments, and inadequate sight distance?				
Is there a high volume of crashes in the project area based upon the review of crash data over a 3-year period?				
Do existing driveways inhibit safe walking along the sidewalk/walkway and do they comply with current standards?				
Is there a perceived safety related to vehicular speeds, pedestrian, and bicycle conflicts with motorists, where traffic calming measures need to be considered, including vehicular speeds excessively over the posted speed limit?				
Do 85% of vehicles travel at or slightly above the posted speed limit? A speed study may be needed to confirm findings.				
Are pedestrians visible at intersection or mid-block crossings?				
At signalized intersections, do pedestrians have enough time to cross the road?				
At unsignalized intersections, do pedestrians have adequate sight distance to cross the road?				
Is the project area a safe place to walk?				
Is the project area a safe place to bike?				
Coordination with Police Department related to safety needs been conducted?				
Transit Facilities				
Is the project area on a transit route?				
Are there bus stops near the project area?				

TOWN OF ROTTERDAM COMPLETE STREETS CHECKLIST

PROPOSED				
Transportation System Needs/Improv.	YES	NO	N/A	Description
Are Roadway Improvements needed/provided?				
Are Bicyclist accommodations needed/provided?				
Are Pedestrian accommodations needed/provided?				
Access and Mobility accommodations needed/provided?				
Transit accommodations needed/provided?				
Streetscape elements included?				
Project consistent with Town Comp. Plan/ADA Transition Plan?				

Bicycle Facilities	YES	NO	N/A
Off-road bike accommodations			
Dedicated bike lanes accommodations			
Shared-use lanes			
Wide Shoulders to accommodate bike/ped.			
Acceptable actuated traffic signal bike detection, including turn lane			
Do signals allow adequate minimum green time for bicyclist to safely cross intersection			
Signage and pavement markings specific to proposed bike facility			
Bicycle safe grates on drainage structures			
Bicycle racks			
Roadways			
Improvements to roadway geometry			
Improvements to stopping and intersection sight distance			
Traffic calming improvements to slow down vehicular speeds			
Acceptable slope and cross-slope for driveway ramps			
Have conflicts been reduced between pedestrian, bicyclists, and motor vehicles			
Improvements to stormwater collection and treatments			
Transit Facilities			
Bus stop shelters			
Standing pads and/or stop signs			

Pedestrian Facilities	YES	NO	N/A
ADA Sidewalks on both sides of the road			
Striped crosswalks			
Pedestrian signage for crossings			
Curb ramps with detectable warning fields at intersections			
Enhanced supplemental pedestrian treatments at uncontrolled marked crossings			
Acceptable consideration/provision for accessible pedestrian traffic signal features			
Overall Connectivity			
Are there proposed connections to other bike paths and or pedestrian facilities			
Are there proposed connections to any key destinations?			
Are there proposed connections to neighborhoods?			
Streetscape Elements			
Are streetscape elements proposed such as landscaping, trees, planters, buffer strips, etc.			
Pedestrian scale lighting			
Need for green infrastructure practices			

Additional Comments

RESOLUTION NO. 152.24

TO NEGOTIATE AND EXECUTE AMENDMENT NO. 1 TO AN EXISTING AGREEMENT WITH LABELLA FOR SEWER DISTRICT NO. 7 AND RELATED EXTENSIONS FOR AN UPDATED MAP PLAN AND REPORT

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 Amendment No. 1 to an existing agreement with Labella, located at 4 British American Blvd, Latham, NY 12110, for professional engineering services for the Sewer District No. 7 and related extensions, for an updated Map, Plan and Report, in an amount not to exceed eight thousand eight hundred seventy five and 00/100 ($8,875.00) dollars, for a new total agreement amount not to exceed thirty eight thousand seven hundred twenty five and 00/100 ($38,725.00) dollars.

SECTION 2. This resolution shall become effective March 27, 2024.

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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

LEGISLATIVE REQUEST FORM

DATE:	March 22, 2024
TO:	Town Board
FROM:	Jack Dodson
TITLE OF REQUEST:	LaBella Agreement – Amendment No. 1 – Update MPR
TOWN BOARD MEETING:	March 27, 2024
Background Information:	LaBella prepared a draft Map, Plan and Report (MPR) for consolidation of Sewer District No. 7 and its established extension.
Evaluation/Analysis:	Subsequent to the completion of the MPR, an opinion was requested regarding the assignment of EDUs. The draft MPR requires an update to reflect the revisions to the EDU assignment.
Recommendation(s):	Retain LaBella to update the MPR for consolidation of Sewer District No. 7 and established extensions.
Attachment/Document(s):	Agreement dated March 5, 2024 and Resolution No. 314.22.
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	N/A
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

LaBella
Powered by partnership.

March 5, 2024

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

RE: **Proposal for Professional Services – Technical Services Change Order #1**
Consolidation of SD#7 and Related Extensions – Updated Version #1
Town of Rotterdam, Schenectady County, New York
LaBella Project # 2230312

Dear Supervisor Collins and Town Board:

LaBella Associates, DPC (LaBella) is pleased to provide this proposal for additional professional services in support of the Town of Rotterdam's (Town) envisioned consolidation of Sewer District #7 and its established extensions, including Extension #1 and Extension #2. Please find our current project understanding, additional scope of services, associated fee schedule and anticipated project schedule:

Project Understanding

LaBella has completed a draft Map, Plan and Report (MPR) for the subject consolidation. A PowerPoint presentation has also been prepared for anticipated public workshops and/or hearings.

Subsequent to the completion at said draft MPR, an opinion was requested regarding assignment of EDUs for Extension #1. As a result of said findings and opinions, adjustments to the MPR were deemed appropriate to address the time dependent application of EDUs within Extension #1 being a function of subdivisions and real estate development (basis of application being assigned as noted in said opinion).

It is understood that this effort will continue to be led by the Town and the Town's Council to ensure conformance with the applicable provisions of the General Municipal Law of the State of New York.

4 British American Blvd | Latham, NY 12110 | p (518) 439-8235
www.labellapc.com

Scope of Services

Task 006 – Updated Map, Plan and Report (Update #1)

LaBella will update the Map, Plan and Report (MPR) for use in administering a consolidation process to increase administrative efficiencies related to SD#7, SD#7Ext#1 and SD#7Ext#2. The Consolidated Sewer District (referred to as Consolidated Sewer District (CSD) #7) will assume jurisdiction over all areas previously served by SD#7, SD#7Ext#1 and SD#7Ext#2 for the stated purpose and in compliance with the applicable provisions of the General Municipal Law of the State of New York.

The Map will be updated based upon current understanding of EDU assignment. We will coordinate with the Town and update the parcel information as reported and provided by the Town and/or Schenectady County (County). The tabulated information that presents tax parcel number, property class, property type, property address, owner name and EDUs related to debt service and O&M will also be updated. No changes of the Plan are contemplated at this time. The tabulated information will be based upon readily available information as provided by the Town and or the County. It is noted that the basis of EDUs per parcel in certain cases, are a function of water use data. Said information has been provided by the Town in the past. Current information provided by the Town will be required as we update the information in support of consolidation, and this version of the MPR, updated version #1.

The Town's benefit assessment methodology will be stated for existing and future debt retirement. The Plan will include a summary of existing debt (to be provided by the Town) and a summary of redistributed debt based upon the provisions developed by the Town. It is understood that current debt has been maintained within each respective district or area via Bond Anticipation Note (BAN) renewed annually and the purpose of the consolidation will allow for unified debt distribution before converting to long term financing or bonding. A bonding period and rate to be utilized in the report shall be provided by the Town.

It is noted that application of EDUs is time dependent. Additional information will be provided to support assessment as of October 15th of the prior year; considering opinions offered regarding assignment.

An updated draft of the report will be prepared and submitted to the Town and Town Council for review and comment. A final report will be provided incorporating any appropriate changes or revisions to address said comments. One round of review and comment is anticipated.

Professional Services Fee

LaBella proposes to complete the above scope of services based upon the following:

Task No.	Task Description	Previously Approved Fees	Additional Fees
		Lump Sum (1)	Lump Sum (1)
001	Map, Plan, and Report	$17,750	
002	SEQR	$3,250	
003	Public Presentations	$3,950	
004	Project Management and Meetings	$3,650	
005	Reimbursable Expenses	$1,250	
006	Updated MPR (Update #1)	-	$8,875
	TOTAL ADDITIONAL LUMP SUM FEE		**$8,875**

(1) Lump Sum tasks will be billed commensurately with the percentage of the task which has been completed.

Professional Services Schedule

LaBella will provide the services as described once authorized. It is envisioned that the process will take several months to complete. It is anticipated that the services would be authorized this year and completed no later than the end of 2024 (December 31, 2024).

Professional Services Authorization and Agreement

As authorization to proceed under the standard terms and conditions of our original agreement, dated November 16, 2022, please sign, date, and return this proposal for additional services.

If you have any comments, questions, or need for additional information, please feel free to contact our office. We look forward to presenting this information in support of funding commitments.

Sincerely,

Joseph M. Lanaro, PE

Vice President, Civil Division, Municipal Discipline Leader

cc: File

Authorization to Proceed

_____ _____

Mollie A. Collins, Supervisor (Date)
Town of Rotterdam

RESOLUTION NO. 314.22

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, November 9, 2022, at 7:00 p.m., the following resolution was duly adopted:

TO ENTER INTO AN AGREEMENT WITH LABELLA ASSOCIATES FOR ENGINEERING SERVICES RELATED TO SEWER DISTRICT 7

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

SECTION 1. The Supervisor of the Town of Rotterdam is hereby authorized to negotiate and execute an agreement with LaBella Associates, located at 4 British American Boulevard Latham, NY 12110, for Professional Engineering Services for Consolidation of SD#7 (Sewer District 7 and its Extensions ("Project") and Related Expenses, for a lump sum not to exceed $29,850.00.

SECTION 2. This resolution shall become effective November 9, 2022.

DATED: November 9, 2022

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on November 9, 2022, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this November 14, 2022.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM Schenectady, County, NY

LaBella
Powered by partnership.

October 14, 2022

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

RE: **Proposal for Professional Services**
Consolidation of SD#7 and Related Extensions
Town of Rotterdam, Schenectady County, New York

Dear Supervisor Collins and Town Board:

LaBella Associates, DPC (LaBella) is pleased to provide this proposal for professional services in support of the Town of Rotterdam's (Town) envisioned consolidation of Sewer District #7 and its established extensions, including Extension #1 and Extension #2. Please find our current project understanding, scope of services, associated fee schedule and anticipated project schedule:

Project Understanding

LaBella understands that the Town wishes to increase administrative efficiencies related to Sanitary Sewer District #7 and its established extensions, including Extension #1 and Extension #2 through a Sanitary Sewer District Consolidation. Administrative efficiencies will focus on debt retirement, operation and maintenance, and related intermunicipal fees associated with wastewater services agreement between the City of Schenectady (City) and the Town.

In particular, the following established service areas will be consolidated:

Sewer District (SD) #7 referred to as the Hamburg Street Sewer District, as described in the Map, Plan and Report entitled, "Hamburg Street Sewer District" prepared by The Chazen Companies, dated last revised December 23, 2015 and adopted January 13, 2016.

Sewer District (SD) #7 Extension (Ext) #1 referred to as the Whispering Pines Senior Living Sewer District, as described in the Map, Plan and Report entitled, "Extension No. 1 Hamburg Street Sewer District" prepared by MJ Engineering and Land Surveying, PC, dated last revised February 4, 2019 and adopted February 27, 2019.

Sewer District (SD) #7 Extension (Ext) #2 referred to as the Carman Road Sewer District, as described in the Map, Plan and Report entitled, "Extension No. 2 Carman Road Sewer District" prepared by The Chazen Companies, dated last revised/updated July 31, 2019 and adopted July 31, 2019.

It is understood that this effort will be led by the Town and the Town's Council to ensure conformance with the applicable provisions of the General Municipal Law of the State of New York.

Scope of Services

Task 001 – Map, Plan and Report

LaBella will prepare a Map, Plan and Report (MPR) for use in administering a consolidation process to increase administrative efficiencies related to SD#7, SD#7Ext#1 and SD#7Ext#2. The Consolidated Sewer District (referred to as Consolidated Sewer District (CSD) #7) will assume jurisdiction over all areas previously served by SD#7, SD#7Ext#1 and SD#7Ext#2 for the stated purpose and in compliance with the applicable provisions of the General Municipal Law of the State of New York.

The Map prepared will consider the areas previously defined in the referenced documents. We will coordinate with the Town and update the parcel information as reported and provided by the Town and/or Schenectady County (County). The Map describing the consolidated district will also include tabulated information that presents tax parcel number, property class, property type, property address, owner name and EDUs related to debt service and O&M. The Plan will include a description of existing infrastructure serving the benefitted parcels, under the ownership of the Town. The tabulated information will be based upon readily available information as provided by the Town and or the County. It is noted that the basis of EDUs per

parcel is a function of water use data. Said information has been provided by the Town in the past. Current information provided by the Town will be required as we update the information in support of consolidation.

The Town's benefit assessment methodology will be stated for existing and future debt retirement. The Plan will include a summary of existing debt (to be provided by the Town) and a summary of redistributed debt based upon the provisions developed by the Town. It is understood that current debt has been maintained within each respective district or area via Bond Anticipation Note (BAN) renewed annually and the purpose of the consolidation will allow for unified debt distribution before converting to long term financing of Bonding. A bonding period and rate to be utilized in the report shall be provided by the Town.

The Report will include an introduction, description of project area, description of existing facilities, description of benefit assessment methodology, a summary of project costs to be consolidated and redistributed and procedures to be implemented as defined by the Town and Town Council. Supporting documents will be included as appendices.

A draft of the report will be prepared and submitted to the Town and Town Council for review and comment. A final report will be provided incorporating any appropriate changes or revisions to address said comments. One round of review and comment is anticipated.

Task 002 – SEQR

LaBella will also prepare SEQR documents to accompany the MPR in support of consolidation. Previous SEQR records will be reviewed in consideration of same. It is anticipated that a short form EAF with supporting attachments will be adequate. It is anticipated that the SEQR record supporting original formation will be adequate and additional studies will not be required.

We will assist the Town with required notices for lead agency status as well as related actions. Final administration of SEQR will be the responsibility of the Town with support from Town Council.

Task 003 – Public Presentations

It is anticipated that one public workshop and one public hearing will be required. LaBella will work in concert with the Town and Town Council and prepare a presentation in power point for use at the workshop as well as the public hearing. An electric copy of the MPR and the presentation will be provided to the Town for use of publication.

Task 004 – Project Management and Meetings

LaBella will support the project through effective project management practices, including quality assurance processes. LaBella will participate in project meetings in addition to the public meetings so noted. It is assumed that two progress meetings will be required and administered in concert with the monthly capital projects meetings.

Task 005 – Reimbursable Expenses

LaBella will include reimbursable expenses, such as mileage and reproduction costs. It is anticipated that the Town will cover the cost of publications, notices, and other required filings.

Professional Services Fee

LaBella proposes to complete the above scope of services based upon the following:

Task No.	Task Description	Fees
		Lump Sum (1)
001	Map, Plan, and Report	$17,750
002	SEQR	$3,250
003	Public Presentations	$3,950
004	Project Management and Meetings	$3,650
005	Reimbursable Expenses	$1,250
	TOTAL LUMP SUM FEE	**$29,850**

(1) Lump Sum tasks will be billed commensurately with the percentage of the task which has been completed.

Professional Services Schedule

LaBella will provide the services as described once authorized. It is envisioned that the process will take several months to complete. It is anticipated that the services would be authorized this year and completed no later than the end of 2023 (December 31, 2023).

Professional Services Authorization and Agreement

As formal authorization to proceed, please sign and date the provided agreement with copy of Town Board resolution authorizing same.

If you have any comments, questions, or need for additional information, please feel free to contact our office. We look forward to presenting this information in support of funding commitments.

Sincerely,

Joseph M. Lanaro, PE

Vice President, Civil Division, Municipal Discipline Leader

cc: File

Professional Services Agreement

Agreement made the 10TH day of NOVEMBER, 2022
between

LaBella Associates, D.P.C.
("LaBella")

and

Town of Rotterdam
("Client")

for services related to the following Project:

Consolidation of SD# and Related Expenses
Sewer District 7 and its Extensions
("Project")

LaBella and Client hereby agree as follows:

Description of Services: LaBella shall perform the services set forth and described in LaBella's proposal, dated **October 14, 2022**, a copy of which is attached as *Exhibit A* (the "Proposal"), in accordance with the terms and conditions of this contract attached as *Exhibit B*.

Compensation for Services: Client shall compensate LaBella for its professional services as set forth in the Proposal. LaBella shall submit invoices for services rendered monthly. Client shall make payment to LaBella no later than thirty (30) days after the date of each invoice.

Term: LaBella shall commence performing its services when Client gives notice to proceed. This Agreement shall terminate when LaBella's services are completed and final payment has been received from Client, or as otherwise provided in this Agreement.

Insurance: LaBella shall maintain, at its own expense, throughout the term of this Agreement and until the expiration of all applicable statutes of limitation, the following insurance coverages:

- Comprehensive general liability insurance with policy limits of not less than $1,000,000 each occurrence and $2,000,000 in the aggregate for bodily injury and property damage;
- Automobile liability insurance covering owned, non-owned, rented and hired vehicles operated by LaBella with policy limits of not less than $1,000,000 combined single limit and aggregate for bodily injury and property damage;
- Umbrella liability insurance with policy limits of not less than $10,000,000 each occurrence and $10,000,000 in the aggregate;
- Worker's compensation insurance at statutory limits and employer's liability insurance with a policy limit of not less than $1,000,000 for all employees engaged in the rendering of professional services under this Agreement; and
- Professional liability insurance with policy limits of not less than $5,000,000 per claim and $7,500,000 in the aggregate.

Client shall be named as an additional insured on a primary and non-contributory basis under the CGL, Automobile and Umbrella insurance policies. LaBella shall provide to the Client certificates of insurance evidencing compliance with the requirements of this Agreement. The certificates of insurance evidencing compliance shall contain a provision that at least thirty (30) days prior written notice shall be given to Client in the event of cancellation, non-renewal, or reduction of the insurance. However, nothing herein shall be construed as permitting LaBella to cancel, non-renew, or reduce insurance, or to allow the cancellation, non-renewal, or reduction of insurance to occur, such that the foregoing required coverages are not continuously maintained during the entire term required by this section.

Indemnification: To the fullest extent permitted by law, LaBella shall indemnify and hold the Client and its officers and employees harmless from and against liabilities, damages, losses and judgments, including reasonable attorneys' fees and expenses recoverable under applicable law, but only to the extent they are caused by the negligent acts, errors or omissions of LaBella, its employees and its consultants in the performance of professional services under this Agreement.

In recognition of the relative risks and benefits of the Project to both Client and LaBella, the risks have been allocated such that the Client agrees, to the fullest extent permitted by law, to limit the liability of LaBella and LaBella's consultants for any and all claims, liabilities, damages, losses, costs, and judgments of any nature whatsoever or claims expenses from any cause or causes, so that the total aggregate liability of LaBella and LaBella's consultants shall not exceed the available proceeds of LaBella's insurance.

LaBella Associates, D.P.C.

By: _____

Name JOSEPH M. LABELLA, PE

Title VICE PRESIDENT

Date: 11/16/2022

Town of Rotterdam

By: Mollie A. Collins

Name Mollie A. Collins

Title Supervisor

Date 11/16/2022

RESOLUTION NO. 153.24

TO NEGOTIATE AND EXECUTE AMENDMENT NO. 1 TO AN EXISTING AGREEMENT WITH LABELLA FOR SEWER DISTRICT NO. 7 EXTENSION NO. 1 BENEFIT ASSESSMENT DETERMINATION

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 Amendment No. 1 to an existing agreement with Labella, located at 4 British American Blvd, Latham, NY 12110, for professional engineering services for the Sewer District No. 7 Extension No.1 for supplemental services related to the Benefit Assessment Determination, in an amount not to exceed three thousand five hundred and 00/100 ($3,500.00) dollars, for a new total agreement amount not to exceed thirteen thousand six hundred sixty and 00/100 ($13,660.00) dollars.

SECTION 2. This resolution shall become effective March 27, 2024.

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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

LEGISLATIVE REQUEST FORM

DATE:	March 22, 2024
TO:	Town Board
FROM:	Jack Dodson
TITLE OF REQUEST:	LaBella Agreement – Amendment TSCO#1 – Benefited Assessment Determination
TOWN BOARD MEETING:	March 27, 2024
Background Information:	LaBella performed a Sewer District No. 7, Extension No. 1 Benefited Assessment Determination pursuant to Resolution 354.23.
Evaluation/Analysis:	A financial analysis of the Benefited Assessment Determination is required for each parcel versus LaBella's findings and related values, per tax parcel, per year for the same years covered in the assessment . A chronological summary of events relating to the SD No. 7 and its extensions is required.
Recommendation(s):	Retain LaBella to provide the financial analysis and chronological summary of events for SD No. 7 and extensions.
Attachment/Document(s):	Agreement dated March 14, 2024 and Resolution No. 354.23.
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	N/A
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

March 14, 2024

Ms. Mollie Collins, Supervisor
Town of Rotterdam
1100 Sunrise Blvd
Rotterdam, New York 12306

RE: Proposal for Additional Professional Services – TSCO #1
Sewer District #7, Extension #1 Benefit Assessment Determination
Town of Rotterdam, Schenectady County, New York
LaBella Project #2231023.03

Dear Supervisor Collins and Town Board:

LaBella Associates is pleased to submit this proposal for additional professional services related to the completed Benefit Assessment Determination for Sewer District 7 Extension 1. Please find our current project understanding, additional scope of services and associated fee schedule below.

Project Understanding

The Town has requested that we supplement our current Benefit Assessment to include assistance with determining the EDUs applied for each parcel versus our findings and related value, per tax parcel per year for the same years covered in the assessment.

Additionally, the Town would like a sequential summary of events related to SD #7 and its extensions, in general terms, describing formations and related conditions as known or understood.

SCOPE OF SERVICES

The following represents the tasks that you have requested, and that we believe are necessary to accomplish your desired objectives. Please refer to Schedule and Fee Summary table near the end of this proposal for the costs and time schedules associated with each task.

Task 03 – Supplemental Services

Scope - A letter report will be provided to include our findings related to the determination of the EDUs applied for each parcel versus our assessment and related value, per tax parcel per year for the same years covered in the assessment.

It is anticipated that the Town will provide requested information including billing and financing related to this assignment.

Scope - A memorandum will be prepared that will describe a sequential summary of events related to SD #7 and its extensions, in general terms, describing formations and related conditions as known or understood.

Professional Services Fee Schedule

LaBella proposes to bill each task as indicated in the following Fee and Time Schedule Summary. Invoices will be issued monthly for all services performed during that month and are payable upon receipt. Lump Sum tasks will be billed according to milestone completions for each deliverable, or commensurately with the percentage of the task which has been completed.

Fee and Time Schedule Summary

Tasks		Fee Estimates		Proposed Schedules
Task No.	Task Description	Lump Sum Fee Bill	Time and Materials Estimate	Projected Start / End Dates (1)
03	Supplemental Services	---	$3,500	2-4 weeks
	Total Estimated Fee:	$3,500		

[1] Projected start and end dates are subject to change and are based on date from authorization to proceed. Because certain aspects of the project are outside of LaBella's control (e.g., review agency schedules, actions, and approvals), LaBella cannot guarantee completion of the project within these proposed schedules.

Professional Services Authorization and Agreement

As formal authorization to proceed with additional services in accordance with the terms and conditions of our original agreement dated December 18, 2023, please sign, date and return this correspondence.

If you have any questions or require additional information, please do not hesitate to contact this office.

Sincerely,

Joseph M. Lanaro, P.E., M.ASCE
Vice President, Principal-In-Charge

Cc: File

Authorization to Proceed
Additional Services

_____ _____

Mollie Collins, Supervisor (Date)
Town of Rotterdam

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. 354.23

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH LABELLA ASSOCIATES FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE SEWER DISTRICT NO. 7, EXTENSION NO. 1 BENEFIT ASSESSMENT DETERMINATION

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 LaBella Associates located at 4 British American Boulevard Latham, NY 12110, for professional engineering services related to the Sewer District #7, Extension #1 Benefit Assessment Determination, in the amount not to exceed ten thousand one hundred sixty and 00/100 ($10,160.00) 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

TOWN OF ROTTERDAM Schenectady County, N.Y.

LaBella
Powered by partnership.

November 20, 2023

Ms. Mollie Collins, Supervisor
Town of Rotterdam
1100 Sunrise Blvd
Rotterdam, New York 12306

RE: Proposal for Professional Services
Sewer District #7, Extension #1 Benefit Assessment Determination
Town of Rotterdam, Schenectady County, New York

Dear Supervisor Collins and Town Board:

LaBella Associates is pleased to submit this professional services proposal for preparing a Benefit Assessment Determination for Sewer District 7 Extension 1. Please find our current project understanding, scope of services and associated fee schedule below.

Project Understanding

LaBella understands the Town of Rotterdam (Town) would like an opinion regarding the Benefit Assessment determination for Sewer District 7 Extension for various years since formation of same.

SCOPE OF SERVICES

The following represents the tasks that you have requested, and that we believe are necessary to accomplish your desired objectives. Please refer to Schedule and Fee Summary table near the end of this proposal for the costs and time schedules associated with each task.

Task 01 – Benefit Assessment and Letter Report

Scope - LaBella will provide professional services associated with establishing a Benefit Assessment for Sewer District 7 Extension 1, relative to its application at various stages of project development and for each year since its formation.

The evaluation will include a review of project records, as related to various stages of approvals, provided by the Town as well as a review of the Town's most current Sewer Use Ordinance.

Additionally, LaBella will assist the Town with the related value of the EDUs for each year reported. We will review the methodology with the Town and review values computed by the Town.

LaBella will provide the Town a Letter Report that will describe the analysis completed, a summary of our findings and benefit assessment for each year since formation. The Letter Report will be submitted as a draft for review and comment. Supporting documents will be included as attachments to the Letter Report. After receiving the Town's comments regarding the draft Letter Report, LaBella will make appropriate revisions (assumed to be minor) and then will provide hard copies of the final Letter Report for the Town's use.

We anticipate providing 10 hard copies and one digital version.

Task 02 – Meetings

Scope - Under this task, LaBella will attend requested meetings for the project associated with the Benefit Assessment Determination. LaBella will also assist with the preparation/coordination of documents required for the meeting. For this task, we have assumed a total of six (6) labor hours. This task will be billed on a time and materials basis.

Professional Services Fee Schedule

LaBella proposes to bill each task as indicated in the following Fee and Time Schedule Summary. Invoices will be issued monthly for all services performed during that month and are payable upon receipt. Lump Sum tasks will be billed according to milestone completions for each deliverable, or commensurately with the percentage of the task which has been completed.

Fee and Time Schedule Summary

Tasks		Fee Estimates		Proposed Schedules
Task No.	Task Description	Lump Sum Fee Bill	Time and Materials Estimate	Projected Start / End Dates [1]
01	Benefit Assessment and Report	—	$7,760	Start: December 2023 End: January 2024
02	Meetings	—	$1,400	Start: December 2023 End: January 2024
RE	Reimbursables	—	$1,000	-
	Total Estimated Fee:	$10,160		

[1] Projected start and end dates are subject to change and are based on date from authorization to proceed. Because certain aspects of the project are outside of LaBella's control (e.g., review agency schedules, actions, and approvals), LaBella cannot guarantee completion of the project within these proposed schedules.

Professional Services Authorization and Agreement

As formal authorization to proceed, please sign and date the provided agreement with copy of Town Board resolution authorizing same.

If you have any questions or require additional information, please do not hesitate to contact this office.

Sincerely,

Joseph M. Lanaro, P.E., M.ASCE
Vice President, Principal-In-Charge

Cc: File

Professional Services Agreement

Agreement made the 20th day of November, 2023
between

LaBella Associates, D.P.C.
("LaBella")

and

Town of Rotterdam
("Client")

for services related to the following Project:

Sewer District #7 Extension #1
Benefit Assessment Determination
("Project")

LaBella and Client hereby agree as follows:

Description of Services: LaBella shall perform the services set forth and described in LaBella's proposal, dated **November 20, 202**, a copy of which is attached as *Exhibit A* (the "Proposal"), in accordance with the terms and conditions of this contract attached as *Exhibit B*.

Compensation for Services: Client shall compensate LaBella for its professional services as set forth in the Proposal. LaBella shall submit invoices for services rendered monthly. Client shall make payment to LaBella no later than thirty (30) days after the date of each invoice.

Term: LaBella shall commence performing its services when Client gives notice to proceed. This Agreement shall terminate when LaBella's services are completed and final payment has been received from Client, or as otherwise provided in this Agreement.

Insurance: LaBella shall maintain, at its own expense, throughout the term of this Agreement and until the expiration of all applicable statutes of limitation, the following insurance coverages:

- Comprehensive general liability insurance with policy limits of not less than $1,000,000 each occurrence and $2,000,000 in the aggregate for bodily injury and property damage;
- Automobile liability insurance covering owned, non-owned, rented and hired vehicles operated by LaBella with policy limits of not less than $1,000,000 combined single limit and aggregate for bodily injury and property damage;
- Umbrella liability insurance with policy limits of not less than $10,000,000 each occurrence and $10,000,000 in the aggregate;
- Worker's compensation insurance at statutory limits and employer's liability insurance with a policy limit of not less than $1,000,000 for all employees engaged in the rendering of professional services under this Agreement; and
- Professional liability insurance with policy limits of not less than $5,000,000 per claim and $7,500,000 in the aggregate.

Client shall be named as an additional insured on a primary and non-contributory basis under the CGL, Automobile and Umbrella insurance policies. LaBella shall provide to the Client certificates of insurance evidencing compliance with the requirements of this Agreement. The certificates of insurance evidencing compliance shall contain a provision that at least thirty (30) days prior written notice shall be given to Client in the event of cancellation, non-renewal, or reduction of the insurance. However, nothing herein shall be construed as permitting LaBella to cancel, non-renew, or reduce insurance, or to allow the cancellation, non-renewal, or reduction of insurance to occur, such that the foregoing required coverages are not continuously maintained during the entire term required by this section.

Indemnification: To the fullest extent permitted by law, LaBella shall indemnify and hold the Client and its officers and employees harmless from and against liabilities, damages, losses and judgments, including reasonable attorneys' fees and expenses recoverable under applicable law, but only to the extent they are caused by the negligent acts, errors or omissions of LaBella, its employees and its consultants in the performance of professional services under this Agreement.

In recognition of the relative risks and benefits of the Project to both Client and LaBella, the risks have been allocated such that the Client agrees, to the fullest extent permitted by law, to limit the liability of LaBella and LaBella's consultants for any and all claims, liabilities, damages, losses, costs, and judgments of any nature whatsoever or claims expenses from any cause or causes, so that the total aggregate liability of LaBella and LaBella's consultants shall not exceed the available proceeds of LaBella's insurance.

LaBella Associates, D.P.C.

By: _____

Name JOSEPH M. LANARO, PE

Title VICE PRESIDENT

Date: 12/18/2023

Town of Rotterdam

By: Mollie A. Collins

Name Mollie A. Collins

Title Supervisor

Date 12/18/2023

RESOLUTION NO. 154.24

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW __ OF 2024; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, TO EXTEND THE EXISTING MAIN STREET/NEIGHBORHOOD CENTER (MS/NC) OVERLAY DISTRICT; DECLARE LEAD AGENCY AND REFERRING SAME TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

WHEREAS, the Town of Rotterdam does not currently adequately address Mixed Use Developments in the Guilderland Avenue Corridor north of Curry Road; and

WHEREAS, it is desired to extend the existing Main Street/Neighborhood Center (MS/NC) overlay district from the intersection of Curry Road and Guilderland Avenue north to the boundary with the City of Schenectady, and will coincide with the existing Retail Business (B-1) zoning.; NOW

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby recognizes the introduction of Introductory Local Law __ of 2024; To amend chapter 270, Zoning, of the Town Code to extend the existing Main Street/Neighborhood Center (MS/NC) overlay district from the intersection of Curry Road and Guilderland Avenue north to the boundary with the City of Schenectady.

SECTION 2. The Town Board of the Town of Rotterdam hereby declares the Town Board as Lead Agency under 6NYCRR Part 617 SEQR (State Environmental Quality Review) in connection to the proposed change of zone to extend the existing Main Street/Neighborhood Center (MS/NC) overlay district from the intersection of Curry Road and Guilderland Avenue north to the boundary with the City of Schenectady, and authorizes the Senior Planner to distribute all documents necessary to comply with 6 NYCRR Part 612.12 (State Environmental Quality Review).

SECTION 3. The Town Board hereby refers this Introductory Local Law of 2024 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

SECTION 4. This resolution shall become effective March 27, 2024.

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

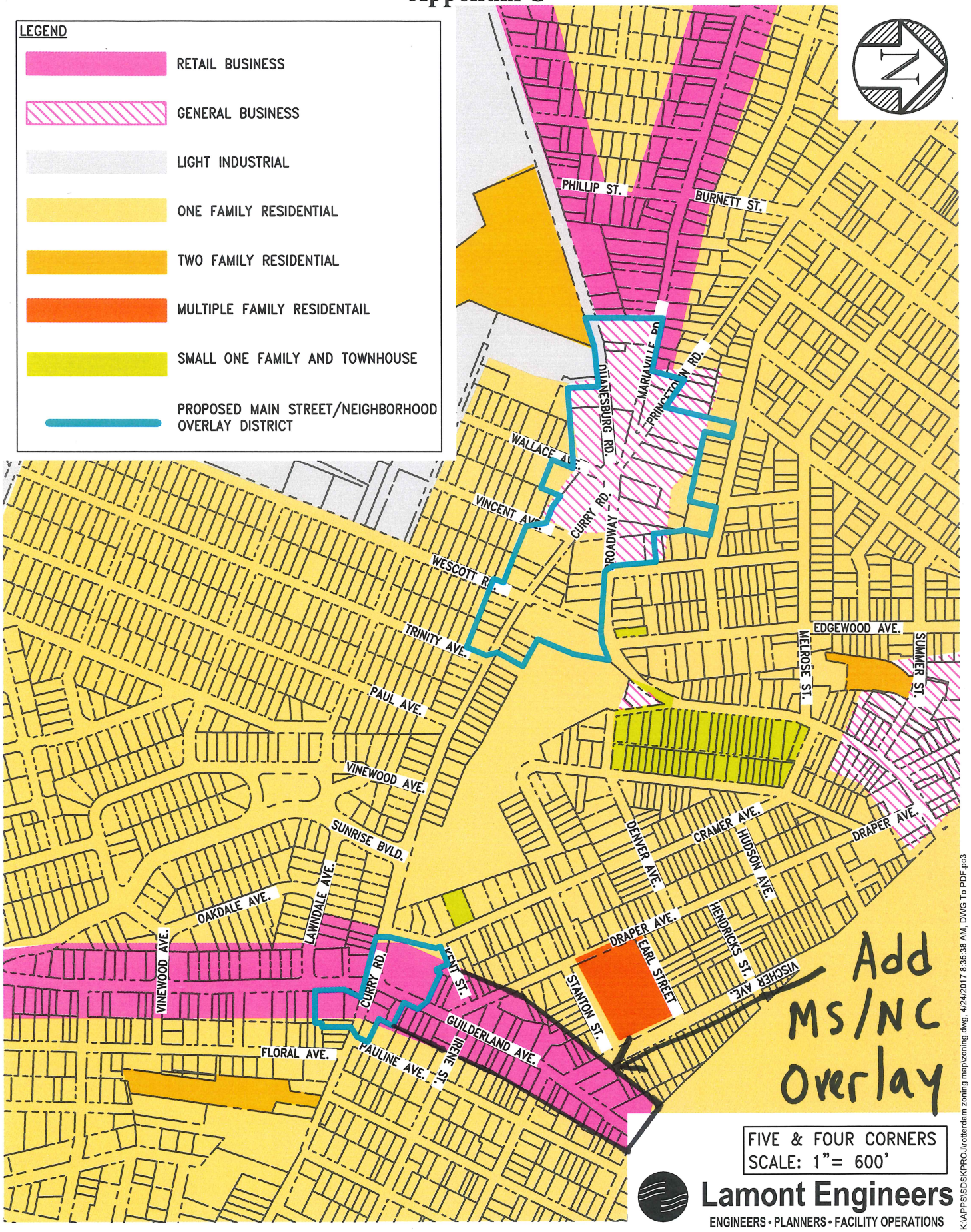
TOWN OF ROTTERDAM

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

LEGISLATI□E RE□UEST FORM

DATE:	March 18, 2024
TO:	Mollie Collins, Town Supervisor
FROM:	Peter Comenzo – Senior Planner PC
TITLE OF REQ□EST:	Declare Lead Agency and Refer to Planning Commission for Report and Recommendation to extend the existing Main Street/Neighborhood Center (MS/NC) overlay district from the intersection of Curry Road and Guilderland Avenue north to the boundary with the City of Schenectady.
TOWN BOARD MEETING:	March 27, 2024
Background Information:	Town of Rotterdam does not currently adequately address Mixed □se Developments in the Guilderland Avenue Corridor north of Curry Road
Evaluation/Analysis:	Mixed □se □oning was developed in 2017 as part of the land use update and created the overlay district in a very limited portion of the four corners area. The existing Retail Business (B-1) zone in the Guilderland Avenue corridor limits redevelopment opportunities. The are several underutilized and vacant properties in this corridor that could benefit from additional flexibility afforded by mixed use zoning.
Recommendation(s):	Refer to Planning Commission for a Report and Recommendation.
Attachment/Document(s):	Map Main Street/ Neighborhood Center Overlay District. Main Street/ Neighborhood Center □oning SEQR Short Environmental Assessment Form
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	□pdates to □oning Code Chapter 270
LEGISLATION WILL BE PREPARED BY:	Supervisor's Office

Appendix C


LEGEND
RETAIL BUSINESS
GENERAL BUSINESS
LIGHT INDUSTRIAL
ONE FAMILY RESIDENTIAL
TWO FAMILY RESIDENTIAL
MULTIPLE FAMILY RESIDENTAIL
SMALL ONE FAMILY AND TOWNHOUSE
PROPOSED MAIN STREET/NEIGHBORHOOD OVERLAY DISTRICT
N
PHILLIP ST.
BURNETT ST.
MARIAVILLE RD.
PRINCETON RD.
OTTANESBURG RD.
CURRY RD.
ROADWAY
WALLACE AV.
VINCENT AVE.
WESCOTT RD.
TRINITY AVE.
PAUL AVE.
VINEWOOD AVE.
SUNRISE BVLD.
LAWNDALE AVE.
OAKDALE AVE.
VINEWOOD AVE.
CURRY RD.
KENT ST.
FLORAL AVE.
PAULINE AVE.
IRENE ST.
GUILDERLAND AVE.
STANTON ST.
EARL STREET
DRAPER AVE.
HENDRICKS ST.
VISCHER AVE.
DENVER AVE.
HUDSON AVE.
CRAMER AVE.
DRAPER AVE.
EDGEWOOD AVE.
MELROSE ST.
SUMMER ST.
Add MS/NC Overlay
FIVE & FOUR CORNERS
SCALE: 1"= 600'
Lamont Engineers
ENGINEERS • PLANNERS • FACILITY OPERATIONS
K:\APPS\SDSKPRO.1\rotterdam zoning map\zoning.dwg, 4/24/2017 8:35:38 AM, DWG To PDF.pc3

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information

Name of Action or Project:

Town of Rotterdam Zoning Code Amendment - Mixed Use Zoning - Main Street Neighborhood Center

Project Location (describe, and attach a location map):

Guilderland Avenue North of Curry Road

Brief Description of Proposed Action:

Mixed Use Zoning was developed in 2017 as part of the land use update and created the overlay district in a very limited portion of the four corners area. The existing Retail Business (B-1) zone in the Guilderland Avenue corridor limits redevelopment opportunities. The are several underutilized and vacant properties in this corridor that could benefit from additional flexibility afforded by mixed use zoning.

Name of Applicant or Sponsor:	Telephone: 518-355-7575 x-338
Town of Rotterdam	E-Mail: pcomenzo@rotterdamny.org

Address:

1100 Sunrise Boulevard

City/PO:	State:	Zip Code:
Rotterdam	New York	12306

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☐	☑
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:	☐	☐

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

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☐

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify: _____	☐	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☐	☐
b. Are public transportation services available at or near the site of the proposed action?	☐	☐
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____ _____	☐	☐

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____ _____	☐	☐

	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☐	☐
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☐

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☐	☐
16. Is the project site located in the 100-year flood plan?	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☐	☐
If Yes,		
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☐
If Yes, briefly describe: _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	☐	☐
If Yes, explain the purpose and size of the impoundment: _____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	☐	☐
If Yes, describe: _____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	☐	☐
If Yes, describe: _____		

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Town of Rotterdam Date: March 15, 2024

Signature: Peter Comenzo Title: Senior Planner

PRINT FORM

ARTICLE VIIIB
MS/NC Main Street/Neighborhood Center Overlay District
[Added 9-27-2017 by L.L. No. 4-2017]

§ 270-53.20. Purpose.

A. The purpose of the Main Street/Neighborhood Center Overlay District (MS/NC) is to:

(1) In certain specified areas, transition existing land uses and site designs that are permitted in underlying existing zoning districts to land uses and site designs that are consistent with the provisions of this article, without adversely affecting existing use and development rights;

(2) Promote a mixture of complementary land uses that includes housing, retail, offices, commercial services, and civic uses, to create economic and social vitality and to encourage the linking of trips.

(3) Develop commercial and mixed-use areas that are safe, comfortable, and attractive to pedestrians.

(4) Provide flexibility in the siting and design of new developments and redevelopment to anticipate changes in the marketplace.

(5) Reinforce streets as public places that encourage pedestrian and bicycle travel.

(6) Provide roadway and pedestrian connections to residential areas.

(7) Encourage efficient land use by facilitating compact, high-density development and minimizing the amount of land that is needed for surface parking.

(8) Facilitate development (land use mix, density, and design) that supports public transit, where applicable.

(9) Maintain mobility along traffic corridors and state highways.

§ 270-53.21. When regulations apply.

A. Applicability of this article. The provisions of this article shall apply to any property within the MS/NC Districts with respect to which an applicant elects to proceed with development or use of such property in accordance with the provisions of this article.

(1) Such election shall be made in writing on a form prescribed by the Planning Board, signed by the owner of the property.

(2) Once such election is made and the property is used or developed in accordance with the provisions of this article, such election shall be irrevocable, and the provisions of this article shall be deemed to have superseded any inconsistent provisions applicable in the underlying zoning district with respect to such property.

B. Inapplicability of this article. Except to the extent a previous election has become irrevocable pursuant to § 270-53.21A(2), above, the provisions of this article shall not apply to any

Downloaded from https://ecode360.com/RO0175 on 2024-03-18

property within the MS/NC Districts with respect to which an applicant does not elect to proceed in accordance with the provisions of this article. In such cases, the provisions of the underlying zoning district shall remain in effect.

§ 270-53.22. Permitted uses.

Where an election has been made to proceed under this article in accordance with § 270-53.21, the following principal uses are permitted as of right in the MS/NC District subject to site plan approval by the Planning Board:

A. Mixed-use developments containing a nonresidential use listed in this section and upper-story residential unit(s).

B. Retail sales and service under 5,000 square feet gross floor area.

C. Sit-down restaurants and taverns.

D. Professional offices.

E. Professional clinics.

F. Indoor theaters, dance studios, assembly halls, game rooms, billiard/pool parlors, bowling alleys and similar establishments.

G. Personal service shops, including but not limited to barbershops, shoeshine shops, beauty parlors, dry-cleaning and laundry pickup, delivery shops, and card shops.

H. Public parks, playgrounds and other municipal recreational uses.

I. Public libraries and museums.

§ 270-53.23. Special uses.

Where an election has been made to proceed under this article in accordance with § 270-53.21, the following special uses may be permitted in the MS/NC District:

A. Public and private schools.

B. Preschools and day-care centers.

C. Retail sales over 5,000 square feet and less than 10,000 square feet gross floor area.

D. Hotels/motels.

E. Private clubs and religious institutions.

F. Operations involving the repair, reconstruction, analysis or inspection of computers, electronic and communications equipment and similar components, provided that no manufacturing is performed and all operations are conducted within a completely enclosed building.

G. Disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area as defined in this chapter.

Downloaded from https://ecode360.com/RO0175 on 2024-03-18

H. Brewpubs, microbreweries, microcideries, microwineries and microdistilleries. Brewpubs, microbreweries, microcideries, microwineries and microdistilleries, however, must comply with the following: **[Added 5-24-2023 by L.L. No. 5-2023]**

(1) Each brewpub, microbrewery, microwinery, or microdistillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.

(2) No outdoor storage shall be permitted.

(3) All malt, vinous or distilled liquor production shall be within completely enclosed structures.

(4) By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.

(5) The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.

(6) Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the special use permit.

(7) Food cart vendors are permitted on-site only by permission of the Planning Board.

(8) Hours of operation shall be addressed during site plan review.

§ 270-53.24. Accessory uses.

Where an election has been made to proceed under this article in accordance with § 270-53.21, accessory uses in the MS/NC District shall be limited to following:

A. Parking and loading.

B. Bus shelters and loading areas.

C. Permitted signs.

D. Storage and buildings accessory to the principal use.

E. Rooftop-mounted solar collectors that constitute small-scale solar energy systems.

§ 270-53.25. Maximum building height.

Where an election has been made to proceed under this article in accordance with § 270-53.21, the maximum building height shall be three stories, not exceeding 45 feet.

§ 270-53.26. Lot area.

Where an election has been made to proceed under this article in accordance with § 270-53.21, the minimum lot area required for each principal use is 15,000 square feet, with a minimum lot width of 100 feet.

Downloaded from https://ecode360.com/RO0175 on 2024-03-18

§ 270-53.27. Lot coverage.

Where an election has been made to proceed under this article in accordance with § 270-53.21, lot coverage shall not exceed 60% for principal and accessory buildings.

§ 270-53.28. Yard requirements.

Where an election has been made to proceed under this article in accordance with § 270-53.21, the following shall apply:

A. Front depth shall be a maximum of 10 feet.

B. Side yard width shall not be less than five feet.

C. Rear yard depth shall not be less than 25 feet.

§ 270-53.29. Parking.

The intent of the MS/NC District is to encourage shared parking, to reduce vehicular trips, and to reduce the impact on the primary road network. Where an election has been made to proceed under this article in accordance with § 270-53.21, the following shall apply:

A. On-street parking where permitted is encouraged.

B. Off-street parking requirements applicable in the MS/NC District are set forth in § 270-149 of this chapter.

C. Parking is prohibited in the front yard.

§ 270-53.30. Landscaping.

Where an election has been made to proceed under this article in accordance with § 270-53.21, street trees shall be planted in sidewalk cutouts where on-street parking is provided and shall be protected by tree grates or granite tree surrounds. Street tree spacing shall be determined through site plan review.

§ 270-53.31. Design guidelines.

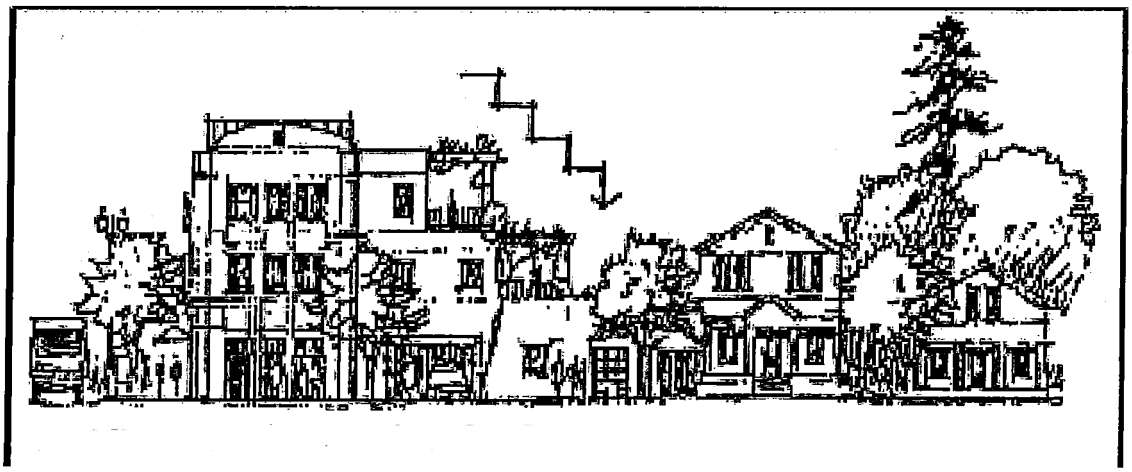
Where an election has been made to proceed under this article in accordance with § 270-53.21, the following design guidelines shall apply;

A. Where applicable, cornices (e.g., building tops or first-story cornices) shall be aligned to generally match the height(s) of those on adjacent buildings.

B. Building height transitions or step-downs shall be provided when adjacent to residential or small-scaled uses, as shown in the figure below.

Downloaded from https://ecode360.com/RO0175 on 2024-03-18

FIGURE 1



BUILDING HEIGHT TRANSITION

C. All building entrances, pathways, and other pedestrian areas shall be lit using pedestrian-scale lighting to two footcandles measured at ground level (e.g., wall-mounted lighting, sidewalk lamps, landscape up-lighting, and similar features).

D. The building(s) shall have at least one primary entrance facing a street.

E. Building entrances shall open directly to the outside; every building shall have at least one entrance that does not require passage through a parking lot or garage to gain public access; corner buildings shall have corner entrances whenever possible.

F. Windows shall be provided along at least 60% of the building's facade.

G. Pedestrian facilities shall connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.

H. Public entrances shall be provided with weather protection (e.g., awnings, canopies, or similar features). During site plan review, consideration shall be given to appropriate pedestrian amenities (e.g., street tree well cutouts, space for outdoor seating, bus waiting areas, trash receptacles, newspaper vending machines, benches, mailboxes, sidewalk displays, public art, and similar features).

I. To the extent practicable, all electric, telephone, cable, and similar utility lines servicing a site shall be located underground.

J. Parking and vehicle drives shall be located away from building entrances to the maximum extent practicable and generally not between a building entrance and the street.

K. Drive-through facilities are prohibited.

L. Surface parking shall be oriented behind or to the side of a building when possible, and parking shall not be located on street corners.

M. Landscape buffering shall be provided between parking lots and all adjacent sidewalks.

Downloaded from https://ecode360.com/RO0175 on 2024-03-18

N. Credit for on-street parking. The amount of required off-street parking shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, subject to Town, county, and NYSDOT standards, except that angled parking may be allowed for some streets, as approved by the Planning Board. The configuration of on-street parking and allowable credit toward off-street parking requirements shall be addressed during site plan review. The Town shall maintain a written record of credits granted for each use.

O. Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility, availability of transit service, likelihood of car pool use, adjacent on-street parking, and potential for shared parking. Shared parking means that multiple uses share one or more parking facilities. Parking demands must peak during different times of the day. The parking study is subject to review and approval or modification by the Planning Board.

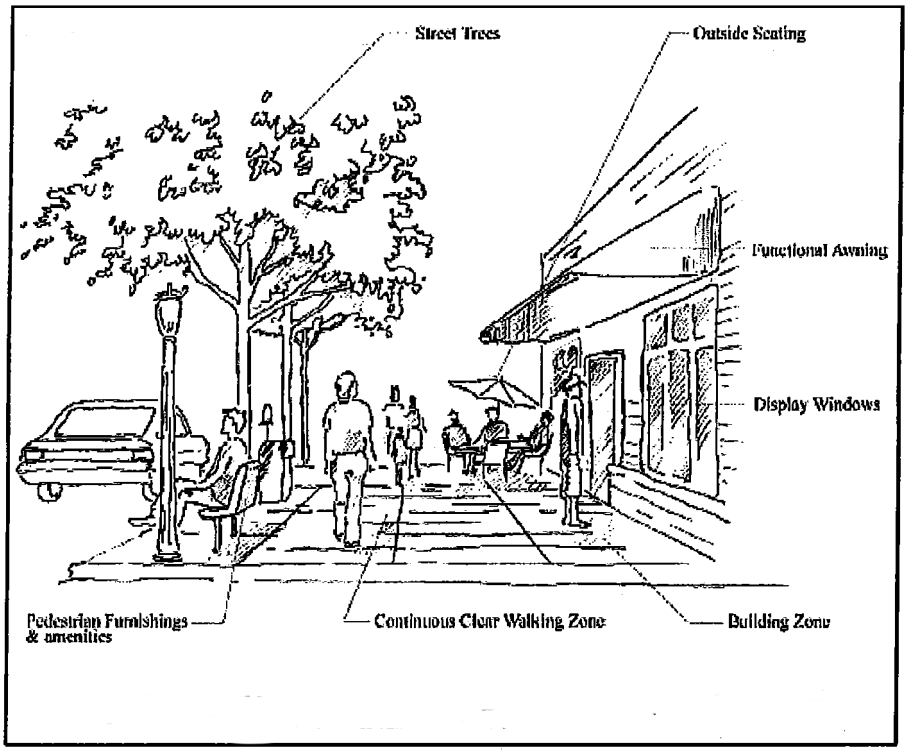
P. Maximum parking ratio. Surface parking shall not exceed 125% of the minimum parking requirement for the subject land use(s). Exemptions to the standard can be approved through site plan review for developments that provide parking structures or shared parking that is intended to be available for public use.

Q. Bicycle parking. Bicycle parking shall be provided in an amount and in location(s) determined by the Planning Board during site plan review.

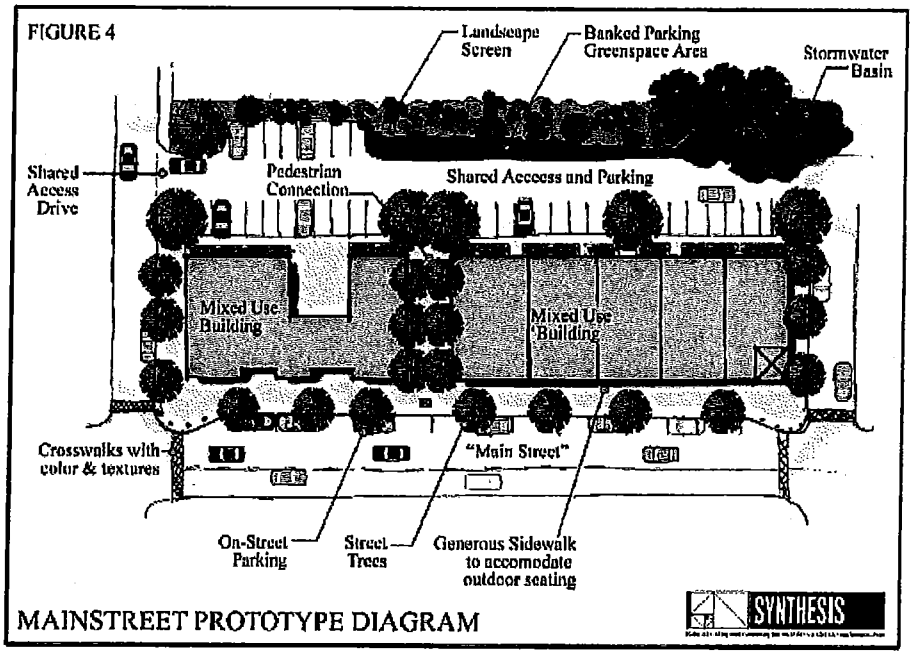
R. The figures below depict a streetscape and neighborhood plan consistent with the aims of the MS/NC District.

Downloaded from https://ecode360.com/RO0175 on 2024-03-18

FIGURE 2



STREETSCAPE WITH BUILDING ENTRIES, WINDOWS, WEATHER PROTECTION, STREET FURNISHINGS AND TREES



Downloaded from https://ecode360.com/RO0175 on 2024-03-18

§ 270-53.32. through § 270-53.39. (Reserved)

Downloaded from https://ecode360.com/RO0175 on 2024-03-18

RESOLUTION NO. 155.24

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH PRIME AE FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO A LEAK DETECTION SURVEY FOR WATER DISTRICT NO. 5

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 Prime AE, located at 100 Great Oaks Boulevard, Suite 114 Albany, New York 12203, for Professional Engineering Services related to a Leak Detection Survey for Water District No. 5, in the amount not to exceed fifty-seven thousand eight hundred fifty and 00/100 ($57,850.00) dollars.

SECTION 4. This resolution shall become effective March 27, 2024.

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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

LEGISLATIVE REQUEST FORM

DATE:	March 22, 2024
TO:	Town Board
FROM:	Jack Dodson
TITLE OF REQUEST:	Prime AE – Leak Detection Survey – WD No. 5
TOWN BOARD MEETING:	March 27, 2024
Background Information:	The Town's NYSDEC water withdrawal permit requires the town perform leak detection surveys for the water system.
Evaluation/Analysis:	Perform a leak detection survey on 40 miles of piping in WD No. 5 including GPS location of water valves and hydrants to provide a shape file to the leak detection contractor.
Recommendation(s):	Retain Prime AE to prepare a leak detection bid package to retain a contractor to perform a leak detection survey for 40 miles of pipe in WD No. 5.
Attachment/Document(s):	Agreement dated March 13, 2024.
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	N/A
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

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

March 13, 2024

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

Re: **Town of Rotterdam**
WD#5 Leak Detection Survey
Proposal for Engineering Services

Dear Mrs. Collins:

KB Group of NY, Inc. dba PRIME AE Group of NY (PRIME AE) is pleased to submit this Proposal to provide Professional Engineering Services related to the Leak Detection Survey of portions of the Town of Rotterdam Water District #5. These portions will include up to 40 miles of pipe. We propose the following scope of engineering services:

A. Base Services

Task 1: Field Survey/Design Phase

1. PRIME AE will discuss the exact location of the proposed 40 miles of pipe to leak detect with Town representatives, review existing mapping in our files, and additional mapping as provided by the Town.
2. PRIME AE will perform a field survey to gather the location and GPS coordinates of existing water valves and existing fire hydrants in up to 40 miles of pipe. This GPS data will be utilized to develop the shape files necessary for the Water Leak Detection Contractor to perform their work accurately and efficiently. We have included 180 hours for a field person to obtain GPS locations of the existing water valves and fire hydrants.
3. PRIME AE will prepare a Bid Package containing plans and specifications for the Leak Detection Survey to be performed by a contractor hired by the Town.

Task 2: Bid Phase

1. PRIME AE will assist the Town with bidding the project and make a recommendation of award.

Task 3: Contract Administration

1. PRIME AE will coordinate the Leak Detection Survey with the Contractor and Town Water Department personnel.
2. PRIME AE will locate, catalogue and evaluate the issues found during the survey. We have included a field person to be on site full time during the investigation and obtain GPS locations of the problem areas.

B. Fee

We propose to provide the above services for a lump sum amount not to exceed **$57,850.00**, to be billed monthly on a percentage complete basis.

C. Exceptions and Limitations: No AutoCAD drawings will be created from the GPS field work, only shape files to be provided to the contractor. PRIME AE will review the selected contractor's schedule with the Town to determine if additional field representative time is warranted above the estimated time in this proposal.

D. Additional Services

Additional projects and services will be the subject of a mutually agreed and separately executed Change Order. In the event that you request additional routine services that substantively relate to the subject of this Proposal and which in our judgement do not rise to the level of a Change Order or require a new proposal, ("Out-of-Scope Services"), our fees for such services will be based on the time required for the work performed at our standard rates, plus expenses. All such services will be subject to the terms of this Proposal, including PRIME AE's Standard Terms and Conditions, attached hereto.

E. Access to Client Facilities.

In providing the Services, PRIME AE may from time to time need to test, access, or use the Client's systems, applications, or hardware (collectively, "Client Network"). Client shall provide PRIME AE in advance of the commencement of the affected Services with a copy of Client's safety, security, and facilities policies which are applicable to the use of, and access to, the Client Network and PRIME AE shall use commercially reasonable efforts to abide by such communicated policies as appropriate under the circumstances. If compliance with such policies will prevent or impair PRIME AE from performing the Services or its obligations under this Agreement, the Parties shall work in good faith to develop reasonable exceptions to such policies. If such exceptions cannot be agreed upon, the applicable Statement(s) of Work will be modified to excuse PRIME AE's performance of the affected Services. If PRIME AE's adherence to Client's policies increases PRIME AE's costs of providing the Services, PRIME AE shall notify Client of the foregoing and Client shall pay PRIME AE for the increased costs associated with adherence to such policies.

F. Terms & Conditions

Our work under this Proposal shall be performed in accordance with PRIME AE's Standard Terms and Conditions, attached hereto and hereby incorporated herein and made a part of this Proposal for all purposes as if fully set forth herein.

If you agree with this Proposal, please return an executed copy of this Proposal. If you have any questions, please feel free to contact me.

Sincerely,

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

Douglas P. Cole, P.E.
Senior Director of Engineering

Enclosure: Standard Terms & Conditions

cc: Charles Jack Dodson

AGREED TO BY TOWN OF ROTTERDAM:	AGREED TO BY KB GROUP OF NY, INC. DBA PRIME AE GROUP OF NY:
Mollie Collins, Supervisor	Douglas P. Cole, P.E. – Senior Director of Engineering
DATE:	DATE: 3/11/2024

1. **General**. These Standard Terms & Conditions ("ST&C"), together with the accompanying proposal, constitute the full and complete Agreement between PRIME AE Group, Inc. (and its affiliates and subsidiaries) ("PRIME AE") and the entity or person to whom the proposal is addressed ("Client") to perform basic or additional services as set forth in the proposal. PRIME AE and Client may be referred to collectively herein as "the parties", and any one of them may be referred to as "a party". The technical and pricing information in the proposal is the confidential and proprietary property of PRIME AE and shall not be disclosed or made available to third parties without the written consent of PRIME AE. Unless otherwise specified in the proposal, the proposal fees and schedule constitute PRIME AE's best estimate of the charges and time required to complete the project. As the project progresses, site conditions, changes in the law, or other unknown facts or events may dictate revisions in scope and fee. PRIME AE will inform Client of such situations so that proposal revisions can be accomplished. The parties agree to negotiate such revisions in good faith.

2. **Performance of Services**. PRIME AE's services will be performed in accordance with generally accepted practices and ordinary skill and care of architects, engineers, scientists and/or technical professionals providing similar services at the same time, in the same locale, and under like circumstances ("Standard of Care"). Client agrees that PRIME AE has been engaged to provide professional services only, and that PRIME AE does not owe a fiduciary duty or responsibility to Client. There are no intended third-party beneficiaries to this Agreement. No other warranty, express or implied, is included or intended by the Agreement. PRIME AE is an independent contractor and nothing in this Agreement shall be construed to create a partnership, joint venture, or create a relationship of employer/employee or principal/agent between PRIME AE and Client or its subcontractors or consultants. PRIME AE does not represent or warrant that any permit or approval will be issued by any governmental body in view of the complexity and the frequent changes in applicable rules and regulations and interpretations by authorities.

3. **Right of Entry**. Client shall be responsible for obtaining all legal right-of-entry, and associated costs, onto properties required by the project.

4. **Modification**. This Agreement may be changed, amended, added to, superseded, or waived only if both parties specifically agree in writing to such amendment of the Agreement. In the event of any inconsistency between these ST&C and any proposal, contract, purchase order, requisition, notice to proceed, or like document, these ST&C shall govern.

5. **Compensation**. Fees are quoted for present calendar year and will be subject to escalation on January 1st each year thereafter as determined by PRIME AE. The Client shall pay PRIME AE pursuant to the rates and charges set forth in the proposal. Invoices terms are net cash, due and payable upon receipt of invoice. Full payment of all invoices will be due before release of final deliverables. The Client shall notify PRIME AE in writing of any disputed amount within seven (7) days from date of the invoice, give reasons for the objection, and promptly pay the undisputed amount. If Client fails to make any payment due to PRIME AE for services and expenses within thirty (30) days after receipt of PRIME AE's statement therefor, the amounts due PRIME AE will be increased at the rate of 1.5% per month from said thirtieth day, and in addition, PRIME AE may, upon written notice to Client, suspend services under this Agreement. In the event of a suspension of services, PRIME AE shall have no responsibility to Client for delay or damage caused Client because of such suspension of services. Upon suspension, Client shall pay all undisputed fees before PRIME AE continues any performance of services or delivery of any deliverables. In the event PRIME AE employs the services of any attorney or collection agency to collect any sums due hereunder or to enforce any terms contained herein, Client agrees to pay reasonable attorney's fees and court costs incurred by PRIME AE to collect outstanding fees.

6. **Insurance**. PRIME AE will maintain workers' compensation insurance as required under the laws of the state in which the services will be performed. PRIME AE agrees to provide at its own expense, Comprehensive General Liability insurance with a combined single limit of $1,000,000 per occurrence and $2,000,000 in the aggregate; Professional Liability insurance in the amount of $1,000,000 per claim and $2,000,000 in the aggregate; Automobile Liability insurance with a combined single of $1,000,000 per occurrence; and will, upon request, furnish insurance

certificates to Client reflecting PRIME AE's standard coverages and providing thirty (30) days prior written notice in the event of cancellation in coverage.

7. **Confidentiality**. PRIME AE will hold confidential all business and technical information obtained from Client or generated in performing services under this Agreement, except to the extent required for: (1) performance of services under this Agreement; (2) compliance with professional standards of conduct; (3) the preservation of the public safety, health, and welfare; (4) compliance with any court order, statute, law, or governmental directive; and/or (5) protection of PRIME AE against claims or liabilities arising from the performance of services under this Agreement. PRIME AE's obligations hereunder shall not apply to information in the public domain or lawfully obtained on a non-confidential basis from others.

8. **Ownership of Documents**. All reports, notes, drawings, specifications, data, intellectual property, inventions, discoveries, processes, calculations, and other documents, including those in electronic form, obtained, created or prepared by PRIME AE in performing services under this Agreement are instruments of PRIME AE's service ("Instruments"), and all rights, copyrights, titles and interests in the Instruments shall remain PRIME AE's property, whether or not the project is completed. Client agrees not to use Instruments for marketing purposes, for projects other than the project for which the documents were prepared by PRIME AE, for future modifications to this project, or for any other purpose than the purpose intended under this Agreement, without first obtaining PRIME AE's express written permission for a written specific use license. Any reuse or distribution of Instruments to third parties, without such express written specific use license will be at Client's sole risk and without liability to PRIME AE or its employees, affiliates, subsidiaries, independent contractors, and subcontractors. Client shall indemnify, defend, and hold harmless PRIME AE and its employees, affiliates, subsidiaries, independent contractors, and subcontractors from all claims, damages, losses, and expenses, including attorney's fees, arising out of or resulting from use without a written special use license. Any such verification or project-specific adaptation shall entitle PRIME AE to additional compensation.

9. **Suspension of Services and Termination**. Either party may, at any time, suspend further services or terminate this Agreement. Suspension or termination shall be by written notice. PRIME AE may terminate this Agreement immediately upon giving Client a written notice of termination upon occurrence of any of the following: (a) an event of Force Majeure has been continuing during more than thirty (30) days or (b) prevented, hindered, or delayed performance due to disease, epidemic, pandemic, quarantine, or acts of government (foreign or domestic). Client agrees to compensate PRIME AE for all services performed and commitments made prior to the suspension or termination, together with reimbursable expenses including those of subcontractors, subconsultants and vendors. Where payment is based on lump sum contract, Client agrees that the final invoice after Client's suspension or termination of services will be based on the percentage of work completed as of the date of suspension or termination, plus reasonable suspension or termination charges including, but not limited to, personnel and equipment rescheduling and all other related costs and charges directly attributable to suspension or termination. In the event of suspension of services or termination by Client, PRIME AE shall have no liability to Client or others. Client agrees to indemnify, defend and hold PRIME AE harmless from any claim or liability resulting from any suspension or termination.

10. **Force Majeure**. Except for Client's obligation to pay for services rendered by PRIME AE, including those of its' subcontractors, subconsultants and vendors, no liability will attach to either party from delay in performance or nonperformance caused by circumstances or events beyond the reasonable control of the party affected, including, but not limited to, acts of God, cyber-attacks, disease, epidemic, pandemic, quarantine, acts of government (foreign or domestic), fire, flood, unanticipated site, building or subsurface conditions, regulatory permitting, terrorism, explosion, war, request or intervention of a government authority (foreign or domestic), court order (whether at law or in equity), labor relations, accidents, delays or inability to obtain materials, equipment, fuel or transportation. Delays within the scope of this article that cumulatively exceed thirty (30) calendar days shall, at the option of either party, make this Agreement subject to termination or renegotiation. Should Client require PRIME AE to maintain its

personnel and equipment available during the delay period, Client agrees to compensate PRIME AE for additional labor, equipment, and any and all other costs associated with PRIME AE in maintaining its personnel during the delay period.

11. **Mutual Waiver of Consequential Damages**. Neither Client nor PRIME AE, nor their affiliates or subsidiaries, nor the officers, directors, agents, employees, or their subcontractors, subconsultants, or vendors, shall be liable to the other, third parties, or shall make any claim for any incidental, indirect, special, collateral, exemplary, punitive or consequential damages arising out of, or connected in any way to the services or this Agreement, whether the action in which recovery of damages is sought is based upon contract, tort, including, to the greatest extent permitted by law, the sole, concurrent or other negligence, whether active or passive, strict liability, breach of contract and breach of warranty. Consequential damages include, but is not limited to, damages related to loss of use, loss of profits, loss of income, loss of reputation, unrealized savings or diminution of property value and shall apply to any cause of action.

12. **Design Services During Construction (DSDC)**. If PRIME AE provides DSDC during the construction phase of the project, it is understood that the purpose of such services, including project site visits, will be to determine, in general, if construction is proceeding in a manner indicating that the completed work of others will generally conform to the contract documents. PRIME AE shall not, during such visits or as a result of observations of construction, supervise, direct, or have control over others' work nor shall PRIME AE have authority over, or responsibility for, the means, methods, sequences or procedures of construction selected by others or safety precautions and programs incidental to the work of others or for any failure of others to comply with laws, rules, regulations, ordinances, codes or orders applicable to others furnishing and performing their work. PRIME AE does not guarantee the performance of the construction work or contract by others and does not assume responsibility for others' failure to furnish and perform their work. If PRIME AE's DSDC includes shop drawing review or requests for information as set forth in PRIME AE's proposal, PRIME AE will review (or take other appropriate action with respect to) shop drawings, samples, and other data which PRIME AE's proposal and scope of services require PRIME AE to review, but only for conformance with PRIME AE's design concept of the project and compliance with the information set forth in contract documents. Such review or other actions shall not extend to means, methods, techniques, sequences, or procedures of manufacture (including the design of manufactured products) or construction, or to safety precautions and programs incident thereto. PRIME AE's review or other actions shall not constitute approval of construction, an assembly or product of which an item is a component, nor shall it relieve others of (a) their obligations regarding review and approval of any such submittals, and (b) their exclusive responsibility for the means, methods, sequences and procedures of constructions, including safety of construction. If DSDC is not included in the proposal, and the Client requests DSDC from PRIME AE, PRIME AE shall be entitled to additional compensation at its standard rates and fees.

13. **Certifications**. PRIME AE shall not be required to sign any documents, no matter by whom requested, including for Client to obtain financing, that would result in PRIME AE's having to provide certification, a guarantee, or a warranty, or agree to terms that are in conflict with these ST&C.

14. **Reliance**. PRIME AE shall be entitled to rely, without limitation or liability, on the accuracy and completeness of any and all information provided by Client, Client's employees, representatives, agents, independent contractors, construction managers, consultants and contractors, and information from public records, without the need for PRIME AE's independent verification. Any opinions rendered by PRIME AE pursuant to this Agreement are for the sole and exclusive use of Client, and are not intended for the use of, or reliance upon, by any third parties without the prior written approval of PRIME AE. Client agrees to indemnify, defend and hold harmless PRIME AE to the fullest extent permitted by law for any claims, losses, or damages allegedly suffered by PRIME AE or others due to PRIME AE's reliance on such information contemplated under this Section 14.

15. **Opinion of Probable Costs**. When required as part of its scope of services outlined in its proposal, PRIME AE will furnish opinions of probable cost, but does not

guarantee the accuracy of such estimates. Opinions of probable cost, financial evaluations, feasibility studies, economic analyses of alternate solutions, and utilitarian considerations of operations and maintenance costs prepared by PRIME AE hereunder will be made on the basis of PRIME AE's experience and qualifications and will represent PRIME AE's judgment in accordance with the Standard of Care. However, users of the probable cost opinions must recognize that PRIME AE does not have control over the cost of labor, material, equipment, or services furnished by others or over market conditions or contractors' methods of determining prices or performing the services.

16. **Limitation of Liability**. Client and PRIME AE have discussed the risks, rewards, and anticipated outcome of the project and an estimated total fee for PRIME AE's scope of services, and agree that to the fullest extent permitted by law, the total liability, in the aggregate, of PRIME AE, its' parent company, officers, directors, employees, agents, and consultants to Client and anyone claiming by, through or under Client, for any and all injuries, claims, losses, expenses, or damages whatsoever arising out of or in any way related to PRIME AE's scope of services, the project or this Agreement, from any cause or causes whatsoever, including but not limited to, negligence, errors, omissions, strict liability or contract, regulatory fines or court judgments shall be limited to an amount of $50,000 or PRIME AE's fee, whichever is greater. PRIME AE's calculation of fees, however set forth in the proposal, is based upon and conditioned on Client's acceptance of and enforcement before a mediator or a court of this limitation of liability. A request by Client to increase this limitation of liability must be made to PRIME AE in writing prior to Client's acceptance of the proposal. PRIME AE may increase the limit of liability in consideration of additional payment by Client. The increased limit of liability will become effective only upon a specific modification to these ST&C by an authorized representative of PRIME AE.

17. **Dispute Resolution**. If a dispute arises out of or relates to this Agreement or breach thereof, the parties will attempt in good faith to resolve the dispute through negotiation. If the dispute is not resolved by these negotiations, prior to the initiation of legal proceedings, Client and PRIME AE agree to submit all claims and disputes arising out of this Agreement to non-binding mediation with a mutually agreed upon mediator. The parties agree that they will participate in the mediation in good faith, that they will share equally in its costs, and that neither party will commence a civil action with respect to the matters submitted to mediation until after the completion of the initial mediation session. This provision shall survive completion or termination of this Agreement; however, neither party shall seek mediation of any claim or dispute arising out of this Agreement beyond the period of time that would bar the initiation of legal proceedings to litigate such claim or dispute under the applicable law.

18. **Precedence**. These ST&C shall take precedence over any inconsistent or contradictory provisions contained in, or referenced by, any proposal, contract, purchase order, requisition, notice to proceed, or similar or like document.

19. **Severability**. If any of these ST&C are finally determined to be invalid or unenforceable in whole or in part, the remaining provisions shall remain in full force and effect and be binding upon the parties. The parties agree to reform these ST&C to replace any such invalid or unenforceable provision with a valid and enforceable provision that comes as close as possible to the intention of the stricken provision.

20. **Survival**. These ST&C shall survive the completion of PRIME AE's services on the project and the suspension or termination of services for any cause.

21. **Governing Law**. The laws of the state in which the project is located shall govern the validity and interpretation of this Agreement. Client agrees that any legal action or proceeding arising out of the provision of services by PRIME AE pursuant to the proposal or any modification thereof may be submitted by PRIME AE to a State Court in the State of Maryland or State of Ohio without regard to the choice of law provision. Client irrevocably consents to jurisdiction of (and waives dispute of venue in) the aforementioned venues.

22. **Assignment**. No assignments by Client of this Agreement or of any monies due or to become due hereunder shall be binding upon PRIME AE until PRIME AE's written consent thereto is obtained. Any assignment by Client to anyone of any right under this Agreement without the written consent of PRIME AE shall be null and void and without effect.

RESOLUTION NO. 156.24

TO NEGOTIATE AND EXECUTE AMENDMENT TWO TO AN EXISTING AGREEMENT WITH PRIME AE FOR THE WATER DISTRICT NO. 3 & NO. 4 WATER SYSTEM IMPROVEMENTS FOR CDS FUNDING ASSISTANCE

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 amendment two, to an existing agreement with Prime AE, located at 100 Great Oaks Boulevard, Suite 114, Albany, NY 12203, for professional engineering services for the Water District No. 3 & No. 4 Water System Improvements for additional services related to assisting the Town with the Congressional Directed Spending (CDS) funding application assistance work, in the amount not to exceed one thousand seven hundred and 00/100 ($1,700.00) dollars, for a new total agreement amount not to exceed ninety eight thousand seven hundred and 00/100 ($98,700.00) dollars.

SECTION 2. This resolution shall become effective March 27, 2024.

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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

LEGISLATIVE REQUEST FORM

DATE:	March 22, 2024
TO:	Town Board
FROM:	Jack Dodson
TITLE OF REQUEST:	Prime AE – Amendment No. 2 – WD Nos. 3&4.
TOWN BOARD MEETING:	March 27, 2024
Background Information:	Prime AE prepared a PER to document water system deficiencies and to recommend water system improvements for WD Nos. 3&4. Funding is required to advance the recommended capital improvements to construction.
Evaluation/Analysis:	Prepared a Congressional Directed Spending (CDS) funding package due April 5, 2024 to secure possible grant funding for water system improvements for WD Nos. 3&4.
Recommendation(s):	Retain Prime AE to prepare the CDS funding package.
Attachment/Document(s):	Agreement dated March 19, 2024, Resolution 132.24 and Resolution 124.23.
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	N/A
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

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

March 19, 2024

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

Re: Rotterdam Junction Water Districts #3 & #4 Water System Improvements
Congressional Directed Spending Funding Application Assistance
Proposed Amendment #2 for Engineering Services
GNY02WD-23351

Dear Supervisor Collins:

KB Group of NY, Inc. dba PRIME AE Group of NY (PRIME AE) is pleased to present this proposed amendment to our professional engineering services related to funding application preparation for the Rotterdam Junction Water Districts #3 & #4 Water System Improvements Project. As you know, PRIME AE recently completed the Preliminary Engineering Report for the above-mentioned project.

A. Base Services

The project is eligible for potential funding through the Congressional Directed Spending (CDS) Program. In order to be ready for the funding application that is due of April 5, 2024, the following items need to be completed as part of the application process:

1. PRIME AE will fill out the required CDS questionnaire online, which includes project proposal, funding sources, contact information, and project abstract.
2. The Town will provide PRIME AE with any existing letters of support to upload to the funding application.

B. Fee

For the services described in this proposal, PRIME AE proposes to complete the work for a lump sum fee total amount of **$1,700.00**, billed monthly on a percent complete basis.

C. Exceptions and Limitations

a. None.

D. Additional Services

Additional projects and services will be the subject of a mutually agreed and separately executed Change Order. In the event that you request additional routine services that substantively relate to the subject of this Proposal and which in our judgement do not rise to the level of a Change Order or require a new proposal, ("Out-of-Scope Services"), our fees for such services will be based on the time required for the work performed at our standard rates, plus expenses. All such services will be subject to the terms of this Proposal, including PRIME AE's Standard Terms and Conditions, attached hereto.

E. Access to Client Facilities.

In providing the Services, PRIME AE may from time to time need to test, access, or use the Client's systems, applications, or hardware (collectively, "Client Network"). Client shall provide PRIME AE in advance of the commencement of the affected Services with a copy of Client's safety, security, and facilities policies which are applicable to the use of, and access to, the Client Network and PRIME AE shall use commercially reasonable efforts to abide by such communicated policies as appropriate under the circumstances. If compliance with such policies will prevent or impair PRIME AE from performing the Services or its obligations under this Agreement, the Parties shall work in good faith to develop reasonable exceptions to such policies. If such exceptions cannot be agreed upon, the applicable Statement(s) of Work will be modified to excuse PRIME AE's performance of the affected Services. If PRIME AE's adherence to Client's policies increases PRIME AE's costs of providing the Services, PRIME AE shall notify Client of the foregoing and Client shall pay PRIME AE for the increased costs associated with adherence to such policies.

F. Terms & Conditions

Our work under this Proposal shall be performed in accordance with PRIME AE's Standard Terms and Conditions, attached hereto and hereby incorporated herein and made a part of this Proposal for all purposes as if fully set forth herein.

If you agree with this Proposal, please return an executed copy of this Proposal & the attached Engineering Amendment #2. If you have any questions, please feel free to contact me.

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

Jeffrey D. Trzeciak, P.E.
Senior Project Manager II

cc: Jack Dodson, Deputy Supervisor

Enclosure: Standard Terms & Conditions
Engineering Amendment #2

AGREED TO BY TOWN OF ROTTERDAM:	AGREED TO BY KB GROUP OF NY, INC. DBA PRIME AE GROUP OF NY:
	Douglas P Cole
Mollie Collins, Town Supervisor	Douglas P. Cole, P.E. – Senior Director of Engineering - NY
DATE:	DATE: 3/19/2024

AGREEMENT MODIFICATION #2
KB GROUP OF NY, INC. and

TOWN OF ROTTERDAM

This Agreement Modification #2 (hereinafter referred to as the "Amendment 2") is made and entered into this 19th day of March 2024, by and between **KB GROUP OF NY, Inc. dba PRIME AE Group of NY** having an address at 100 Great Oaks, Boulevard., Suite 114, Albany, NY 12203 ("KB Group") and **TOWN OF ROTTERDAM**, having an address at 1100 Sunrise Blvd., Rotterdam, NY 12306 collectively referred to as "Parties".

RECITALS

A. WHEREAS, the Parties have entered into an Agreement dated February 22, 2023 (hereinafter referred to as the "Agreement") for KB Group to provide engineering services;

B. WHEREAS KB provided the Town of Rotterdam a proposal dated February 22, 2023 for engineering services for the Rotterdam Junction Water District No. 3 & No. 4 System Evaluation ("Project") for a fee not to exceed $91,200.00;

C. WHEREAS KB provided the Town of Rotterdam a proposed amendment #1 dated March 4, 2024 for engineering services for the Rotterdam Junction Water District No. 3 & No. 4 System Evaluation ("Project") NYSEFC WIIA Grant Application Assistance for a fee not to exceed $5,800.00;

D. WHEREAS, the Parties hereby further agree to amend the said Agreement in accordance with the terms and conditions contained in this Amendment 2.

AMENDMENT

NOW THEREFORE, in consideration of the mutual agreement of the Parties to amend the Agreement and for other good and valuable consideration, which is acknowledged by the Parties, the Parties agree that the Agreement be amended as follows:

1. CLIENT has requested funding application assistance for this Project, and the additional scope of work not included in the original contract agreement, and agrees to increase funds by $1,700.00;
2. KB Group agrees to provide additional services for the Project as follows:
   Additional work related to assisting the Town with the Congressional Directed Spending (CDS) funding application assistance work, and additional scope of work not included in the original contract agreement for an additional $1,700.00.

TERMS & CONDITIONS

The Parties agree that all of the terms and conditions of the Agreement shall remain in full force and effect.

ENTIRE AGREEMENT

The Agreement, as amended by this Amendment 2, contains the entire agreement of the Parties hereto with respect to the subject matter hereof. Any representations, inducements, or agreements, oral or otherwise, between the Parties not contained in this Amendment 2 shall be of any force and effect. This Amendment 2 may not be modified, changed or terminated, in whole or in part, in any manner other than by an agreement in writing signed by duly authorized representatives of the Parties.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be duly executed as of the day and year hereinbefore first written.

KB GROUP OF NY, Inc.

Douglas P Cole

By: Douglas P. Cole, PE

Title: Senior Director of

Engineering

TOWN OF ROTTERDAM

By:

Title:

1. **General**. These Standard Terms & Conditions ("ST&C"), together with the accompanying proposal, constitute the full and complete Agreement between PRIME AE Group, Inc. (and its affiliates and subsidiaries) ("PRIME AE") and the entity or person to whom the proposal is addressed ("Client") to perform basic or additional services as set forth in the proposal. PRIME AE and Client may be referred to collectively herein as "the parties", and any one of them may be referred to as "a party". The technical and pricing information in the proposal is the confidential and proprietary property of PRIME AE and shall not be disclosed or made available to third parties without the written consent of PRIME AE. Unless otherwise specified in the proposal, the proposal fees and schedule constitute PRIME AE's best estimate of the charges and time required to complete the project. As the project progresses, site conditions, changes in the law, or other unknown facts or events may dictate revisions in scope and fee. PRIME AE will inform Client of such situations so that proposal revisions can be accomplished. The parties agree to negotiate such revisions in good faith.

2. **Performance of Services**. PRIME AE's services will be performed in accordance with generally accepted practices and ordinary skill and care of architects, engineers, scientists and/or technical professionals providing similar services at the same time, in the same locale, and under like circumstances ("Standard of Care"). Client agrees that PRIME AE has been engaged to provide professional services only, and that PRIME AE does not owe a fiduciary duty or responsibility to Client. There are no intended third-party beneficiaries to this Agreement. No other warranty, express or implied, is included or intended by the Agreement. PRIME AE is an independent contractor and nothing in this Agreement shall be construed to create a partnership, joint venture, or create a relationship of employer/employee or principal/agent between PRIME AE and Client or its subcontractors or consultants. PRIME AE does not represent or warrant that any permit or approval will be issued by any governmental body in view of the complexity and the frequent changes in applicable rules and regulations and interpretations by authorities.

3. **Right of Entry**. Client shall be responsible for obtaining all legal right-of-entry, and associated costs, onto properties required by the project.

4. **Modification**. This Agreement may be changed, amended, added to, superseded, or waived only if both parties specifically agree in writing to such amendment of the Agreement. In the event of any inconsistency between these ST&C and any proposal, contract, purchase order, requisition, notice to proceed, or like document, these ST&C shall govern.

5. **Compensation**. Fees are quoted for present calendar year and will be subject to escalation on January 1st each year thereafter as determined by PRIME AE. The Client shall pay PRIME AE pursuant to the rates and charges set forth in the proposal. Invoices terms are net cash, due and payable upon receipt of invoice. Full payment of all invoices will be due before release of final deliverables. The Client shall notify PRIME AE in writing of any disputed amount within seven (7) days from date of the invoice, give reasons for the objection, and promptly pay the undisputed amount. If Client fails to make any payment due to PRIME AE for services and expenses within thirty (30) days after receipt of PRIME AE's statement therefor, the amounts due PRIME AE will be increased at the rate of 1.5% per month from said thirtieth day, and in addition, PRIME AE may, upon written notice to Client, suspend services under this Agreement. In the event of a suspension of services, PRIME AE shall have no responsibility to Client for delay or damage caused Client because of such suspension of services. Upon suspension, Client shall pay all undisputed fees before PRIME AE continues any performance of services or delivery of any deliverables. In the event PRIME AE employs the services of any attorney or collection agency to collect any sums due hereunder or to enforce any terms contained herein, Client agrees to pay reasonable attorney's fees and court costs incurred by PRIME AE to collect outstanding fees.

6. **Insurance**. PRIME AE will maintain workers' compensation insurance as required under the laws of the state in which the services will be performed. PRIME AE agrees to provide at its own expense, Comprehensive General Liability insurance with a combined single limit of $1,000,000 per occurrence and $2,000,000 in the aggregate; Professional Liability insurance in the amount of $1,000,000 per claim and $2,000,000 in the aggregate; Automobile Liability insurance with a combined single of $1,000,000 per occurrence; and will, upon request, furnish insurance

certificates to Client reflecting PRIME AE's standard coverages and providing thirty (30) days prior written notice in the event of cancellation in coverage.

7. **Confidentiality**. PRIME AE will hold confidential all business and technical information obtained from Client or generated in performing services under this Agreement, except to the extent required for: (1) performance of services under this Agreement; (2) compliance with professional standards of conduct; (3) the preservation of the public safety, health, and welfare; (4) compliance with any court order, statute, law, or governmental directive; and/or (5) protection of PRIME AE against claims or liabilities arising from the performance of services under this Agreement. PRIME AE's obligations hereunder shall not apply to information in the public domain or lawfully obtained on a non-confidential basis from others.

8. **Ownership of Documents**. All reports, notes, drawings, specifications, data, intellectual property, inventions, discoveries, processes, calculations, and other documents, including those in electronic form, obtained, created or prepared by PRIME AE in performing services under this Agreement are instruments of PRIME AE's service ("Instruments"), and all rights, copyrights, titles and interests in the Instruments shall remain PRIME AE's property, whether or not the project is completed. Client agrees not to use Instruments for marketing purposes, for projects other than the project for which the documents were prepared by PRIME AE, for future modifications to this project, or for any other purpose than the purpose intended under this Agreement, without first obtaining PRIME AE's express written permission for a written specific use license. Any reuse or distribution of Instruments to third parties, without such express written specific use license will be at Client's sole risk and without liability to PRIME AE or its employees, affiliates, subsidiaries, independent contractors, and subcontractors. Client shall indemnify, defend, and hold harmless PRIME AE and its employees, affiliates, subsidiaries, independent contractors, and subcontractors from all claims, damages, losses, and expenses, including attorney's fees, arising out of or resulting from use without a written special use license. Any such verification or project-specific adaptation shall entitle PRIME AE to additional compensation.

9. **Suspension of Services and Termination**. Either party may, at any time, suspend further services or terminate this Agreement. Suspension or termination shall be by written notice. PRIME AE may terminate this Agreement immediately upon giving Client a written notice of termination upon occurrence of any of the following: (a) an event of Force Majeure has been continuing during more than thirty (30) days or (b) prevented, hindered, or delayed performance due to disease, epidemic, pandemic, quarantine, or acts of government (foreign or domestic). Client agrees to compensate PRIME AE for all services performed and commitments made prior to the suspension or termination, together with reimbursable expenses including those of subcontractors, subconsultants and vendors. Where payment is based on lump sum contract, Client agrees that the final invoice after Client's suspension or termination of services will be based on the percentage of work completed as of the date of suspension or termination, plus reasonable suspension or termination charges including, but not limited to, personnel and equipment rescheduling and all other related costs and charges directly attributable to suspension or termination. In the event of suspension of services or termination by Client, PRIME AE shall have no liability to Client or others. Client agrees to indemnify, defend and hold PRIME AE harmless from any claim or liability resulting from any suspension or termination.

10. **Force Majeure**. Except for Client's obligation to pay for services rendered by PRIME AE, including those of its' subcontractors, subconsultants and vendors, no liability will attach to either party from delay in performance or nonperformance caused by circumstances or events beyond the reasonable control of the party affected, including, but not limited to, acts of God, cyber-attacks, disease, epidemic, pandemic, quarantine, acts of government (foreign or domestic), fire, flood, unanticipated site, building or subsurface conditions, regulatory permitting, terrorism, explosion, war, request or intervention of a government authority (foreign or domestic), court order (whether at law or in equity), labor relations, accidents, delays or inability to obtain materials, equipment, fuel or transportation. Delays within the scope of this article that cumulatively exceed thirty (30) calendar days shall, at the option of either party, make this Agreement subject to termination or renegotiation. Should Client require PRIME AE to maintain its

personnel and equipment available during the delay period, Client agrees to compensate PRIME AE for additional labor, equipment, and any and all other costs associated with PRIME AE in maintaining its personnel during the delay period.

11. **Mutual Waiver of Consequential Damages**. Neither Client nor PRIME AE, nor their affiliates or subsidiaries, nor the officers, directors, agents, employees, or their subcontractors, subconsultants, or vendors, shall be liable to the other, third parties, or shall make any claim for any incidental, indirect, special, collateral, exemplary, punitive or consequential damages arising out of, or connected in any way to the services or this Agreement, whether the action in which recovery of damages is sought is based upon contract, tort, including, to the greatest extent permitted by law, the sole, concurrent or other negligence, whether active or passive, strict liability, breach of contract and breach of warranty. Consequential damages include, but is not limited to, damages related to loss of use, loss of profits, loss of income, loss of reputation, unrealized savings or diminution of property value and shall apply to any cause of action.

12. **Design Services During Construction (DSDC)**. If PRIME AE provides DSDC during the construction phase of the project, it is understood that the purpose of such services, including project site visits, will be to determine, in general, if construction is proceeding in a manner indicating that the completed work of others will generally conform to the contract documents. PRIME AE shall not, during such visits or as a result of observations of construction, supervise, direct, or have control over others' work nor shall PRIME AE have authority over, or responsibility for, the means, methods, sequences or procedures of construction selected by others or safety precautions and programs incidental to the work of others or for any failure of others to comply with laws, rules, regulations, ordinances, codes or orders applicable to others furnishing and performing their work. PRIME AE does not guarantee the performance of the construction work or contract by others and does not assume responsibility for others' failure to furnish and perform their work. If PRIME AE's DSDC includes shop drawing review or requests for information as set forth in PRIME AE's proposal, PRIME AE will review (or take other appropriate action with respect to) shop drawings, samples, and other data which PRIME AE's proposal and scope of services require PRIME AE to review, but only for conformance with PRIME AE's design concept of the project and compliance with the information set forth in contract documents. Such review or other actions shall not extend to means, methods, techniques, sequences, or procedures of manufacture (including the design of manufactured products) or construction, or to safety precautions and programs incident thereto. PRIME AE's review or other actions shall not constitute approval of construction, an assembly or product of which an item is a component, nor shall it relieve others of (a) their obligations regarding review and approval of any such submittals, and (b) their exclusive responsibility for the means, methods, sequences and procedures of constructions, including safety of construction. If DSDC is not included in the proposal, and the Client requests DSDC from PRIME AE, PRIME AE shall be entitled to additional compensation at its standard rates and fees.

13. **Certifications**. PRIME AE shall not be required to sign any documents, no matter by whom requested, including for Client to obtain financing, that would result in PRIME AE's having to provide certification, a guarantee, or a warranty, or agree to terms that are in conflict with these ST&C.

14. **Reliance**. PRIME AE shall be entitled to rely, without limitation or liability, on the accuracy and completeness of any and all information provided by Client, Client's employees, representatives, agents, independent contractors, construction managers, consultants and contractors, and information from public records, without the need for PRIME AE's independent verification. Any opinions rendered by PRIME AE pursuant to this Agreement are for the sole and exclusive use of Client, and are not intended for the use of, or reliance upon, by any third parties without the prior written approval of PRIME AE. Client agrees to indemnify, defend and hold harmless PRIME AE to the fullest extent permitted by law for any claims, losses, or damages allegedly suffered by PRIME AE or others due to PRIME AE's reliance on such information contemplated under this Section 14.

15. **Opinion of Probable Costs**. When required as part of its scope of services outlined in its proposal, PRIME AE will furnish opinions of probable cost, but does not

guarantee the accuracy of such estimates. Opinions of probable cost, financial evaluations, feasibility studies, economic analyses of alternate solutions, and utilitarian considerations of operations and maintenance costs prepared by PRIME AE hereunder will be made on the basis of PRIME AE's experience and qualifications and will represent PRIME AE's judgment in accordance with the Standard of Care. However, users of the probable cost opinions must recognize that PRIME AE does not have control over the cost of labor, material, equipment, or services furnished by others or over market conditions or contractors' methods of determining prices or performing the services.

16. **Limitation of Liability**. Client and PRIME AE have discussed the risks, rewards, and anticipated outcome of the project and an estimated total fee for PRIME AE's scope of services, and agree that to the fullest extent permitted by law, the total liability, in the aggregate, of PRIME AE, its' parent company, officers, directors, employees, agents, and consultants to Client and anyone claiming by, through or under Client, for any and all injuries, claims, losses, expenses, or damages whatsoever arising out of or in any way related to PRIME AE's scope of services, the project or this Agreement, from any cause or causes whatsoever, including but not limited to, negligence, errors, omissions, strict liability or contract, regulatory fines or court judgments shall be limited to an amount of $50,000 or PRIME AE's fee, whichever is greater. PRIME AE's calculation of fees, however set forth in the proposal, is based upon and conditioned on Client's acceptance of and enforcement before a mediator or a court of this limitation of liability. A request by Client to increase this limitation of liability must be made to PRIME AE in writing prior to Client's acceptance of the proposal. PRIME AE may increase the limit of liability in consideration of additional payment by Client. The increased limit of liability will become effective only upon a specific modification to these ST&C by an authorized representative of PRIME AE.

17. **Dispute Resolution**. If a dispute arises out of or relates to this Agreement or breach thereof, the parties will attempt in good faith to resolve the dispute through negotiation. If the dispute is not resolved by these negotiations, prior to the initiation of legal proceedings, Client and PRIME AE agree to submit all claims and disputes arising out of this Agreement to non-binding mediation with a mutually agreed upon mediator. The parties agree that they will participate in the mediation in good faith, that they will share equally in its costs, and that neither party will commence a civil action with respect to the matters submitted to mediation until after the completion of the initial mediation session. This provision shall survive completion or termination of this Agreement; however, neither party shall seek mediation of any claim or dispute arising out of this Agreement beyond the period of time that would bar the initiation of legal proceedings to litigate such claim or dispute under the applicable law.

18. **Precedence**. These ST&C shall take precedence over any inconsistent or contradictory provisions contained in, or referenced by, any proposal, contract, purchase order, requisition, notice to proceed, or similar or like document.

19. **Severability**. If any of these ST&C are finally determined to be invalid or unenforceable in whole or in part, the remaining provisions shall remain in full force and effect and be binding upon the parties. The parties agree to reform these ST&C to replace any such invalid or unenforceable provision with a valid and enforceable provision that comes as close as possible to the intention of the stricken provision.

20. **Survival**. These ST&C shall survive the completion of PRIME AE's services on the project and the suspension or termination of services for any cause.

21. **Governing Law**. The laws of the state in which the project is located shall govern the validity and interpretation of this Agreement. Client agrees that any legal action or proceeding arising out of the provision of services by PRIME AE pursuant to the proposal or any modification thereof may be submitted by PRIME AE to a State Court in the State of Maryland or State of Ohio without regard to the choice of law provision. Client irrevocably consents to jurisdiction of (and waives dispute of venue in) the aforementioned venues.

22. **Assignment**. No assignments by Client of this Agreement or of any monies due or to become due hereunder shall be binding upon PRIME AE until PRIME AE's written consent thereto is obtained. Any assignment by Client to anyone of any right under this Agreement without the written consent of PRIME AE shall be null and void and without effect.

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the ROTTERDAM SENIOR CITIZENS CENTER 2369 HAMBURG STREET, ROTTERDAM, NY 12303 on Wednesday, March 13, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 132.24

TO NEGOTIATE AND EXECUTE AMENDMENT ONE TO AN EXISTING AGREEMENT WITH PRIME AE FOR THE WATER DISTRICT NO. 3 & NO. 4 WATER SYSTEM IMPROVEMENTS

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute amendment one to an existing agreement with Prime AE, located at 100 Great Oaks Boulevard, Suite 114, Albany, NY 12203, for professional engineering services for the Water District No. 3 & No. 4 Water System Improvements, for funding application assistance through the DWSRF & Water Infrastructure Initiative Act (WIIA) Programs, in an amount not to exceed five thousand eight hundred and 00/100 ($5,800.00) dollars, for a new total agreement amount not to exceed ninety seven thousand and 00/100 ($97,000.00) dollars.

SECTION 2. This resolution shall become effective March 13, 2024.

DATED: March 13, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on March 13, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this March 15, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

PRIME AE

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

March 4, 2024

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

Re: Water District #3 & #4 Water System Improvements
Amendment #1 - Funding Application Assistance
Proposal for Engineering Services
GNY02WD-23351

Dear Supervisor Collins:

KB Group of NY, Inc. dba PRIME AE Group of NY (PRIME AE) is pleased to present this proposed amendment to our professional engineering services related to funding application preparation for the Water District #3 & #4 Water System Improvements Project. As you know, PRIME AE recently completed the Preliminary Engineering Report for the above-mentioned project.

A. Base Services

The project is eligible for potential funding through the DWSRF & Water Infrastructure Initiative Act (WIIA) Programs. In order to be ready for the WIIA Grant Application that is due of June 14, 2024, the following items need to be completed as part of the application process:

1. PRIME AE will fill out the required forms to get the project listed on the Drinking Water State Revolving Fund (DWSRF) Intended Use Plan (IUP) Annual List.
2. PRIME AE will prepare the SRF financing full application (15 pages) and the NYS WIIA application (11 pages). The Town will have to adopt a resolution authorizing the Town Supervisor to sign the funding application.
3. As part of the funding application, it will be necessary for the Town to complete and submit the SEQRA review of the project. Required elements include Lead Agency Resolution, Full Environmental Assessment Form Parts 1, 2 & 3, Negative Declaration Resolution, Negative Declaration Statement, NYSDEC Environmental Notice Bulletin (ENB) Proof of Publication, SEQRA package submitted to involved agencies, and all SEQRA response letters (including State Historic Preservation Office (SHPO) letter). PRIME AE will assist the Town in completing these items, however, the Town Board will need to adopt the resolutions and provide certified copies within the required timelines.

4. The Town Board will need to adopt a bonding resolution based on the total project cost and provide a certified copy, along with the Estoppel Notice and proof of publication. Please note that the adoption of the bond resolution does not commit the Town to actually borrowing or spending any money.
5. PRIME AE will prepare all draft resolutions required as part of the funding application, except the Bond Resolution that needs to be prepared by the Bond Counsel.

Prior rounds of the funding program provided up to a 60% grant and required a 40% local match or EFC loan for eligible applicants. **The next round of EFC WIIA grant funding is due June 14, 2024, and there is not much time to complete the above scope of work prior to the submission deadline.** Therefore, it is imperative to begin the application process as soon as possible as the State is looking to fund projects that meet their "readiness" criteria.

B. Fee

For the services described in this proposal, PRIME AE proposes to complete the work for a lump sum fee total amount of **$5,800.00**, billed monthly on a percent complete basis.

C. Exceptions and Limitations

a. The Town will need to retain bond counsel for resolution preparation.

D. Additional Services

Additional projects and services will be the subject of a mutually agreed and separately executed Change Order. In the event that you request additional routine services that substantively relate to the subject of this Proposal and which in our judgement do not rise to the level of a Change Order or require a new proposal, ("Out-of-Scope Services"), our fees for such services will be based on the time required for the work performed at our standard rates, plus expenses. All such services will be subject to the terms of this Proposal, including PRIME AE's Standard Terms and Conditions, attached hereto.

E. Access to Client Facilities.

In providing the Services, PRIME AE may from time to time need to test, access, or use the Client's systems, applications, or hardware (collectively, "Client Network"). Client shall provide PRIME AE in advance of the commencement of the affected Services with a copy of Client's safety, security, and facilities policies which are applicable to the use of, and access to, the Client Network and PRIME AE shall use commercially reasonable efforts to abide by such communicated policies as appropriate under the circumstances. If compliance with such policies will prevent or impair PRIME AE from performing the Services or its obligations under this Agreement, the Parties shall work in good faith to develop reasonable exceptions to such policies. If such exceptions cannot be agreed upon, the applicable Statement(s) of Work will be modified to excuse PRIME AE's performance of the affected Services. If PRIME AE's adherence to Client's policies increases PRIME AE's costs of providing the Services, PRIME AE shall notify Client of the foregoing and Client shall pay PRIME AE for the increased costs associated with adherence to such policies.

F. Terms & Conditions

Our work under this Proposal shall be performed in accordance with PRIME AE's Standard Terms and Conditions, attached hereto and hereby incorporated herein and made a part of this Proposal for all purposes as if fully set forth herein.

If you agree with this Proposal, please return an executed copy of this Proposal & the attached Engineering Amendment #1. If you have any questions, please feel free to contact me.

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

Douglas P. Cole, P.E.
Senior Director of Engineering

cc: Jack Dodson, Deputy Supervisor

Enclosure: Standard Terms & Conditions
Engineering Amendment #1

AGREED TO BY TOWN OF ROTTERDAM:

Mollie A. Collins
Mollie Collins, Town Supervisor

DATE: 3/13/2024

AGREED TO BY KB GROUP OF NY, INC. DBA PRIME AE GROUP OF NY:

Douglas P. Cole, P.E. – Senior Director of Engineering - NY

DATE: 3/4/2024

AGREEMENT MODIFICATION #1
KB GROUP OF NY, INC. and

TOWN OF ROTTERDAM

This Agreement Modification #1 (hereinafter referred to as the "Amendment 1") is made and entered into this 4th day of March 2024, by and between **KB GROUP OF NY, Inc. dba PRIME AE Group of NY** having an address at 100 Great Oaks, Boulevard., Suite 114, Albany, NY 12203 ("KB Group") and **TOWN OF ROTTERDAM**, having an address at 1100 Sunrise Blvd., Rotterdam, NY 12306 collectively referred to as "Parties".

RECITALS

A. WHEREAS, the Parties have entered into an Agreement dated February 22, 2023 (hereinafter referred to as the "Agreement") for KB Group to provide engineering services;

B. WHEREAS KB provided the Town of Rotterdam a proposal dated February 22, 2023 for engineering services for the Rotterdam Junction Water District No. 3 & No. 4 System Evaluation ("Project") for a fee not to exceed $91,200.00;

C. WHEREAS, the Parties hereby further agree to amend the said Agreement in accordance with the terms and conditions contained in this Amendment 1.

AMENDMENT

NOW THEREFORE, in consideration of the mutual agreement of the Parties to amend the Agreement and for other good and valuable consideration, which is acknowledged by the Parties, the Parties agree that the Agreement be amended as follows:

1. CLIENT has requested funding application assistance for this Project, and the additional scope of work not included in the original contract agreement, and agrees to increase funds by $5,800.00;
2. KB Group agrees to provide additional services for the Project as follows:
   Additional work related to assisting the Town with funding application assistance work, and additional scope of work not included in the original contract agreement for an additional $5,800.00.

TERMS & CONDITIONS

The Parties agree that all of the terms and conditions of the Agreement shall remain in full force and effect.

ENTIRE AGREEMENT

The Agreement, as amended by this Amendment 1, contains the entire agreement of the Parties hereto with respect to the subject matter hereof. Any representations, inducements, or agreements, oral or otherwise, between the Parties not contained in this Amendment 1 shall be of any force and effect. This Amendment 1 may not be modified, changed or terminated, in whole or in part, in any manner other than by an agreement in writing signed by duly authorized representatives of the Parties.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be duly executed as of the day and year hereinbefore first written.

KB GROUP OF NY, Inc.

_____

By: Douglas P. Cole, PE

Title: Senior Director of

Engineering

TOWN OF ROTTERDAM

Mollie A. Collins

By:

Title: Supervisor

RESOLUTION NO. 124.23

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

AUTHORIZE AN AGREEMENT WITH PRIME AE FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO A WATER SYSTEM EVALUATION FOR THE ROTTERDAM JUNCTION WATER DISTRICTS NO. 3 & 4

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with Prime AE, located at 100 Great Oaks Boulevard, Suite 114 Albany, New York 12203, for Professional Engineering Services related to a Water System Evaluation for the Rotterdam Junction Water Districts No. 3 & 4, for a lump sum fee not to exceed ninety-one thousand two hundred and 00/100 ($91,200.00) dollars.

SECTION 2. This resolution shall become effective March 8, 2023.

DATED: March 8, 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 March 8, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office

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

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

TOWN OF ROTTERDAM Schenectady County, NY

Diane M. Marco

Diane M. Marco, Town Clerk

Albany Office
100 Great Oaks Boulevard | Suite 114 | Albany, New York 12203
P: 518.382.1774

February 22, 2023

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

Re: **Town of Rotterdam**
Rotterdam Junction WD3&4 System Evaluation
Proposal for Engineering Services – Revision 1

Dear Mrs. Collins:

KB Group of NY, Inc. dba PRIME AE Group of NY (PRIME AE) is pleased to submit this revised Proposal to provide Professional Engineering Services related to a Water System Evaluation of the Rotterdam Junction Water Districts 3 & 4. We propose the following scope of engineering services:

A. Base Services

Task 1: Information Gathering & Watermain Evaluation

1. Attend a scoping meeting with Town representatives.
2. Review existing mapping in our files and additional mapping as provided by the Town.
3. Evaluate watermain improvements, including replacing pipes with larger sizes on side streets (8" minimum), consideration for elimination of dead ends, and redundant pipes on Main Street.

Task 2: Valve Inventory

1. Develop an isolation valve inventory spreadsheet with size, location, GPS coordinate, operability (with Town personnel assistance), open/close direction. PRIME AE will perform the initial inspection of valve boxes while obtaining GPS locations and advise the Town of any access issues for operation of the valves (full of dirt, water or under pavement). Based upon our knowledge of the system there may be approximately 140 valves of varying sizes from 2" through 10".

Task 3: Lead Service Line Inventory

1. Create a lead service line inventory (related Town records to be provided) of approximately 400 water services per the Town's Annual Water System Report. We will utilize the EPA Service Line Inventory Template for this task. This also incorporates development of a targeted questionnaire to selected customers to assess the magnitude of lead services. We have also included 80 hours of field representative time to confirm assumptions.

Task 4: Hydrant Assessment

1. Perform a hydrant assessment with a deliverable consisting of a spreadsheet with ID number, location, GPS coordinate, make, model, size nozzles, Storz Nozzle (yes/no), age, operability (with Town personnel assistance), isolation valve (yes/no and GPS coordinate); color, any other notable comments. Based upon our knowledge of the system there may be approximately 65 hydrants.

287 March 8, 2023

230 March 13, 2024

169 March 27, 2024

Task 5: Preliminary Engineering Report

1. Prepare a water distribution system map (scale to be determined, utilizing State Coordinate Plane) using County and Google maps as the base mapping and depicting water system facilities with GPS location of valves and hydrants.
2. Develop options for water source redundancy (1 groundwater source and connection to District #5); pros and cons of consolidation with WD#5 (high level overview); regulatory and environmental considerations; funding options; cost assessment; and affordability determination.
3. Assemble the above information in a Preliminary Engineering Report whose format complies with funding agency guidelines for content.

B. Fee

We propose to provide the above services for a lump sum amount not to exceed **$91,200.00**, to be billed monthly on a percentage complete basis. The following table provides a breakdown of the fee for each task.

Task	Lump Sum Fee
1: Info Gathering & Main Eval.	$9,390.00
2: Valve Inventory	$21,659.00
3: LSL Inventory	$23,966.00
4: Hydrant Assessment	$11,726.00
5: Preliminary Engineering Report	$24,458.00
Total	$91,200.00

C. Exceptions and Limitations

- PRIME AE will observe as Town Water Department personnel operate valves and hydrants.
- Town is responsible for bagging non-functioning hydrants.
- Town is responsible for dirt and debris removal from valve boxes. If valves are buried under pavement, access shall be provided by the Town.
- Computer hydraulic modeling of the distribution system is not included.

D. Additional Services

Additional projects and services will be the subject of a mutually agreed and separately executed Change Order. In the event that you request additional routine services that substantively relate to the subject of this Proposal and which in our judgement do not rise to the level of a Change Order or require a new proposal, ("Out-of-Scope Services"), our fees for such services will be based on the time required for the work performed at our standard rates, plus expenses. All such services will be subject to the terms of this Proposal, including PRIME AE's Standard Terms and Conditions, attached hereto.

288 March 8, 2023
231 March 13, 2024
170 March 27, 2024

E. Access to Client Facilities.

In providing the Services, PRIME AE may from time to time need to test, access, or use the Client's systems, applications, or hardware (collectively, "Client Network"). Client shall provide PRIME AE in advance of the commencement of the affected Services with a copy of Client's safety, security, and facilities policies which are applicable to the use of, and access to, the Client Network and PRIME AE shall use commercially reasonable efforts to abide by such communicated policies as appropriate under the circumstances. If compliance with such policies will prevent or impair PRIME AE from performing the Services or its obligations under this Agreement, the Parties shall work in good faith to develop reasonable exceptions to such policies. If such exceptions cannot be agreed upon, the applicable Statement(s) of Work will be modified to excuse PRIME AE's performance of the affected Services. If PRIME AE's adherence to Client's policies increases PRIME AE's costs of providing the Services, PRIME AE shall notify Client of the foregoing and Client shall pay PRIME AE for the increased costs associated with adherence to such policies.

G. Terms & Conditions

Our work under this Proposal shall be performed in accordance with PRIME AE's Standard Terms and Conditions, attached hereto and hereby incorporated herein and made a part of this Proposal for all purposes as if fully set forth herein.

If you agree with this Proposal, please return an executed copy of this Proposal. If you have any questions, please feel free to contact me.

Sincerely,

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

Douglas P. Cole

Douglas P. Cole, P.E.
Senior Director of Engineering

Enclosure: Standard Terms & Conditions

cc: Charles Jack Dodson

AGREED TO BY TOWN OF ROTTERDAM:

Mollie A. Collins

Mollie Collins, Supervisor

DATE: 3/9/2023

AGREED TO BY KB GROUP OF NY, INC. DBA PRIME AE GROUP OF NY:

Bhaumik Hotha

Bhaumik Hotha, P.E. – Senior Vice President

DATE: 2/22/2023

RESOLUTION NO. 157.24

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 Corporation 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 the 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 March 27, 2024.

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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

LEGISLATIVE REQUEST FORM

DATE:	March 22, 2024
TO:	Town Board
FROM:	Jack Dodson
TITLE OF REQUEST:	Authorization to submit WIIA Application – WD Nos. 3&4.
TOWN BOARD MEETING:	March 27, 2024
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.
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.
Attachment/Document(s):	WIIA Application Resolution.
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	N/A
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

SIGNATURE FOR GRANT APPLICATION

CERTIFICATION: On behalf of the Applicant, and in accordance with the board resolution by

(Governing Body of Municipal Applicant)

authorizing me to do so, I apply for a WIIA grant and/or IMG grant for the project described in this application. By signing this application, I certify and agree on behalf of the Applicant and its governing body that all of the information contained in this application, in other statements and exhibits attached hereto or referenced herein, and in all statements, data and supporting documents which have been made or furnished for the purpose of receiving a WIIA grant or IMG grant for the project(s) described herein, are true, correct and complete to the best of my knowledge and belief.

I further agree on behalf of the Applicant that:

- If CWSRF assistance is provided for the project described in this application, the Applicant shall comply with all applicable provisions of the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 et. seq. Chapter 565 of the Laws of New York of 1989, 6 NYCRR Part 649 and 21 NYCRR Part 2602, as amended, regarding CWSRF assistance.
- If DWSRF assistance is provided for the project described in this application, the Applicant shall comply with all applicable provisions of the federal Safe Drinking Water Act, 42 U.S.C. §§ 300f, et seq., and applicable provisions of state law, codified under Chapter 413 of the Laws of New York of 1996, 10 NYCRR Part 53, and 21 NYCRR Part 2604, as amended, regarding DWSRF assistance.

I further agree that the Applicant will comply with the provisions of the Minority and Women's Business Enterprise – Equal Employment Opportunity requirements of Article 15-A of the New York State Executive Law, and will maintain such records and take such actions necessary to demonstrate such compliance throughout the construction of the project.

Further, I acknowledge that offering a written instrument knowing that the written instrument contains a false statement or false information, with the intent to defraud the State or any political subdivision, public authority or public benefit corporation of the State, with the knowledge or belief that it will be filed with or recorded by the State or any political subdivision, public authority or public benefit corporation of the State, constitutes a crime under New York State Law.

(Signature of Authorized Representative)

March 27, 2024

(Date)

(Name and Title)

(Municipal Applicant)

RESOLUTION NO. 158.24

A RESOLUTION IN CONNECTION WITH THE TOWN OF ROTTERDAM ACCEPTING LEAD AGENCY STATUS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) REGULATIONS 6NYCRR PART 617 FOR THE ROTTERDAM JUNCTION WATER DISTRICT NO. 3 & NO. 4 WATER SYSTEM IMPROVEMENTS PROJECT

WHEREAS, the Town of Rotterdam has determined that a need exists to make improvements to the existing water system in Rotterdam Junction Water District No. 3 & No. 4; and

WHEREAS, the Town of Rotterdam is in the planning stages for various water system improvements as documented in a preliminary engineering report entitled "Rotterdam Junction Water District No. 3 & No. 4 Water System Evaluation Report" dated January 2024 prepared by PRIME AE Group of New York; and

WHEREAS, the preliminary engineering report prepared by PRIME AE Group of New York recommended water source and distribution improvements with a total estimated cost of $8,577,000; and

WHEREAS, the Town of Rotterdam will apply for funding opportunities from various agencies for this project including but not limited to New York State Environmental Facilities Corporation Drinking Water State Revolving Fund and Water Infrastructure Improvements Act and the Congressional Directed Spending Fund and

WHEREAS, as part of the approval process, the Town of Rotterdam Town Board must comply with regulations required under the State Environmental Quality Review Act (SEQRA); 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 accepts Lead Agency Status pursuant to SEQRA Regulations 6NYCRR Part 617 and authorizes PRIME AE Group of New York to assist with the coordinated review of this project, and other matters related to SEQRA.

SECTION 2. This resolution shall become effective March 27, 2024.

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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

LEGISLATIVE REQUEST FORM

DATE:	March 22, 2024
TO:	Town Board
FROM:	Jack Dodson
TITLE OF REQUEST:	Lead Agency Resolution -SEQRA – WD Nos. 3&4 – Water System Improvements.
TOWN BOARD MEETING:	March 27, 2024
Background Information:	Funding applications and bonding are required to advance WD Nos. 3&4 water system improvements project to construction.
Evaluation/Analysis:	Compliance with the State Environment Quality Review Act (SEQRA) is required.
Recommendation(s):	Approve a resolution to designate the Town of Rotterdam Town Board as lead agency for the WD Nos. 3&4 – Water System Improvement Project.
Attachment/Document(s):	Resolution 158.24.
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	SEQRA – 6NYCRR Part 617
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

RESOLUTION NO. 159.24

TO AUTHORIZE AN AGREEMENT WITH MOHAWK VALLEY SOCIETY LOCAL 85-133 FOR LIVE MUSIC AT THE 2024 SUMMER CONCERT SERIES

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 Mohawk Valley Society for Live Music, Local 85-133, located at 32 Paul Street, East Greenbush, New York, 12061, to provide music for the 2024 Summer Concert Series held at the Rotterdam Senior Center, 2639 Hamburg Street, Schenectady, New York 12303, on Monday evenings, beginning June 3, 2024 and ending August 12, 2024, in an amount not to exceed six thousand and 00/100 dollars ($6,000.00) dollars.

SECTION 2. This resolution shall become effective March 27, 2024.

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM
Rotterdam Senior Center 2638 Hamburg Street Rotterdam, NY 12303 (518)356-1561
Website: www.rotterdamny.org

LEGISLATIVE REQUEST FORM

DATE: March 18, 2024

TO: Mollie Collins, Supervisor

FROM: Linda Testa, Project Coordinator, Office of the Aging

TITLE OF LEGISLATIVE REQUEST: Contract with the Mohawk Valley Society for Live Music for the 2024 Summer Concerts Series at the Rotterdam Senior Center.

TO BE PLACED ON TOWN BOARD AGENDA OF: March 27, 2024 Town Board Meeting.

TO BE PLACED ON TOWN BOARD MEETING OF: March 27, 2024 Town Board Meeting.

Background Information: The Mohawk Valley Society for Live Music works with the Town of Rotterdam to provide professional bands for our Summer Concerts Series. This year they are providing eight (8) professional bands. The first concert will be held on Monday June 3, 2024.

Evaluation/Analysis: This program is a joint venture between the Town and the Schenectady-Amsterdam Musical Union. Together we provide a concert series that is well received in the community and introduces live music to younger generations who have not been exposed to the experience. It is an extension of our programs in that it provides socialization to our senior population, and it encourages a sense of community between all residents, no matter their age.

Recommendation(s): It is recommended that the Town Board authorize the Supervisor to sign the contract with the Mohawk Valley Society for Live Music to fund the Summer Concert Series.

Attachment/Documents(s): Mohawk Valley Society for Live Music.

Compliance with Purchasing Policy: N/A

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

LEGISLATION WAS PREPARED BY: Supervisors office.

AMERICAN FEDERATION OF MUSICIANS OF THE UNITED STATES AND CANADA

(HEREIN CALLED "FEDERATION")

CONTRACT

(Form L-2)
FOR LOCAL ENGAGEMENTS ONLY
(NOT FOR USE IN CANADA)

Whenever the term "The Local Union" is used in this contract, it shall mean Local Union No. 85-133 of the Federation.

THIS CONTRACT for the personal services of musicians on the engagement described below is made this 5th day of March, 20 24, between the undersigned purchaser of music (herein called "Purchaser") and the undersigned musician or musicians.

1. Name and Address of Place of Engagement: Town of Rotterdam Senior Center, 2639 Hamburg St., Rotterdam, NY 12303

   Name of Band or Group: Mohawk Valley Society for Live Music (specific dates & bands listed below)

   Number of Musicians: _____ Number of Vocalists: _____

2. Date(s) of Engagement; daily or weekly schedule and daily clock hours:
   Monday evenings, 6:30-8:00pm; June 3, June 10, June 17, July 1, July 8, July 22, August 5, August 12, 2024

3. Type of Engagement (specify whether dance, stage show, banquet, etc.): Outdoor Summer Concert Series (moved indoors if conditions warrant)

4. Compensation Agreed Upon: $ $6,000.00 made payable to the "Mohawk Valley Society for Live Music"
   (Amount and Terms)

5. Purchaser Will Make Payments As Follows: $3,000.00 on/before June 1st, 2024
   (Specify when payments are to be made)
   $3,000.00 on/before July 1st, 2024

(Continued on reverse side)

IN WITNESS WHEREOF, the parties hereto have hereunto set their names and seals on the day and year first above written.

Print Purchaser's Full and Correct Name (If Purchaser is Corporation, Full and Correct Corporate Name)	Michael Blostein, Union representative — Print Name of Signatory Musician; 85-133 — Home Local Union No.
X _____ Signature of Purchaser (or Agent thereof)	X Michael D. Blostein — Signature of Signatory Musician (Digitally signed by Michael D. Blostein Date: 2020.04.29 08:21:44 -04'00')
Street Address	32 Paul Street — Musician's Home Address
City / State / Zip Code	East Greenbush, New York 12061 — City / State / Zip Code
Telephone	518-727-8216; afm85.133@gmail.com — Telephone
Booking Agent / Agreement No.	blosteinm@gmail.com — Address

Names of All Musicians	Local Union No.	U.S. Social Security Nos.	Direct Pay
6/3/2024 - Mike Purcell & Company			$
6/10/2024-- Hardage and Chirignan Duo			
6/17/2024 - Old Time Dance Band			
7/1/2024 - Peter Van Keuren and the Once Over			
7/8/2024- The Next Chapter			
7/22/2024 - Kaitlyn Fay and the Most Jazzy Fellas			
8/5/2024 - Terry Gordon Quintet			
8/12/2024- Grudecki, Hearn & Shoudy			

6. No performance or rehearsal shall be recorded, reproduced or transmitted from the place of performance, in any manner or by any means whatsoever, in the absence of a specific written agreement with or approved in writing by the American Federation of Musicians ("Federation") relating to and permitting such recording, reproduction or transmission. This prohibition shall not be subject to any procedure of arbitration and the American Federation of Musicians ("Federation") may enforce this prohibition in any court of competent jurisdiction.

7. This contract, and the terms and conditions contained herein, may be enforced by the Purchaser, and its agents, and by each musician who is a party to this contract or whose name appears on the contract or who has, in fact, performed the engagement contracted for (herein called "participating musicians(s)"), and by the agent or agent(s) of each participating musician, including the Local Union. It is expressly understood by the Purchaser and the musician(s) who are parties to this contract that neither the Federation nor the Local Union are parties to this contract in any capacity except as expressly provided in 7 above and, therefore, that neither the Federation nor the Local Union shall be liable for the performance or breach of any provision hereof.

8. A representative of the Local Union shall have access to the place of engagement covered by this contract for purposes of communicating with the musician(s) performing the engagement and the Purchaser.

9. The agreement of the musicians to perform is subject to proven detention by sickness, accidents, riots, strikes, epidemics, acts of God, or any other legitimate conditions beyond their control.

10. ADDITIONAL PROVISIONS: _____

Names of All Musicians	Local Union No.	U.S. Social Security Nos.	Direct Pay
			$

(IF ADDITIONAL SPACE IS NEEDED, ADD SEPARATE SHEET(S).)

RESOLUTION NO. 160.24

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (ESRI) FOR GIS ANNUAL LICENSING SUBSCRIPTION 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 agreement with Environmental Systems Research Institute, Inc. (esri), located at 380 New York Street, Redlands, CA 92373, to provide Geographic Information System (GIS) mapping software for an annual licensing subscription with esri, in the amount not to exceed six thousand two hundred seventy nine 00/100 ($6,279.08) dollars.

SECTION 2. This resolution shall become effective on March 27, 2024.

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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

LEGISLATIVE REQUEST FORM

DATE:	March 20, 2024
TO:	Mollie Collins, Town Supervisor
FROM:	Dan Marsello, GIS/Stormwater Officer
TITLE OF REQUEST:	GIS Annual Licensing Agreement - ESRI
TOWN BOARD MEETING:	March 27, 2024
Background Information:	To support the DPW mapping and Geographic Information System (GIS) project, the Town needs to purchase an annual licensing subscription with ESRI.
Evaluation/Analysis:	After consultation with Schenectady County and our consultant LaBella Engineering, it was recommended that an annual licensing subscription with ESRI was critical to implementing the DPW mapping project.
Recommendation(s):	Authorize the Supervisor to execute an agreement with ESRI for a GIS annual licensing agreement.
Attachment/Document(s):	Quotation from ESRI
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	N/A
LEGISLATION WILL BE PREPARED BY:	Supervisor's Office

Quotation # Q-516202

Date: February 23, 2024

Customer # **Contract # 305303**

Environmental Systems Research Institute, Inc.
380 New York St
Redlands, CA 92373-8100
Phone: (909) 793-2853
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

Town of Rotterdam
Public Work
1100 Sunrise Boulevard
Schenectady, NY 12306

ATTENTION: Peter Comenzo
PHONE: (518) 355-7575 x338
EMAIL: pcomenzo@rotterdamny.org

To expedite your order, please attach a copy of this quotation to your purchase order.
Quote is valid from: 2/23/2024 To: 5/23/2024

Material	Qty		Unit Price	Total
165536	1		$2,978.17	$2,978.17
ArcGIS Online GIS Professional Standard User Type Annual Subscription				
165535	1		$753.61	$753.61
ArcGIS Online GIS Professional Basic User Type Annual Subscription				
153148	1		$542.04	$542.04
ArcGIS Online Creator Annual Subscription				
165533	1		$379.83	$379.83
ArcGIS Online Mobile Worker Annual Subscription				
165531	1		$216.61	$216.61
ArcGIS Online Editor Annual Subscription				
153147	1		$108.81	$108.81
ArcGIS Online Viewer Annual Subscription				
174382	1		$901.71	$901.71
Esri Training Pass per Day				

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

For questions contact:	**Email:**	**Phone:**
Christopher Bast	cbast@esri.com	(909) 793-2853 x6605

The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at https://go.esri.com/MAPS apply to your purchase of that item. If any item is quoted with a multi-year payment schedule, then unless otherwise stated in this quotation, Customer is required to make all payments without right of cancellation. Third-party data sets included in a quotation as separately licensed items will only be provided and invoiced if Esri is able to provide such data and will be subject to the applicable third-party's terms and conditions. If Esri is unable to provide any such data set, Customer will not be responsible for any further payments for the data set. US Federal government entities and US government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at https://www.esri.com/en-us/legal/terms/state-supplemental apply to some US state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin for customers located in the USA.

BASTC **This offer is limited to the terms and conditions incorporated and attached herein.**

Quotation # Q-516202

Date: February 23, 2024

Environmental Systems Research Institute, Inc.
380 New York St
Redlands, CA 92373-8100
Phone: (909) 793-2853
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

To expedite your order, please attach a copy of this quotation to your purchase order.
Quote is valid from: 2/23/2024 To: 5/23/2024

Customer # **Contract # 305303**

Town of Rotterdam
Public Work
1100 Sunrise Boulevard
Schenectady, NY 12306

ATTENTION: Peter Comenzo
PHONE: (518) 355-7575 x338
EMAIL: pcomenzo@rotterdamny.org

Subtotal:	$5,880.78
Sales Tax:	$398.30
Estimated Shipping and Handling (2 Day Delivery):	$0.00
Contract Price Adjust:	$0.00
Total:	$6,279.08

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

For questions contact:	**Email:**	**Phone:**
Christopher Bast	cbast@esri.com	(909) 793-2853 x6605

The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at https://go.esri.com/MAPS apply to your purchase of that item. If any item is quoted with a multi-year payment schedule, then unless otherwise stated in this quotation, Customer is required to make all payments without right of cancellation. Third-party data sets included in a quotation as separately licensed items will only be provided and invoiced if Esri is able to provide such data and will be subject to the applicable third-party's terms and conditions. If Esri is unable to provide any such data set, Customer will not be responsible for any further payments for the data set. US Federal government entities and US government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at https://www.esri.com/en-us/legal/terms/state-supplemental apply to some US state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin for customers located in the USA.

BASTC **This offer is limited to the terms and conditions incorporated and attached herein.**

Quotation # Q-516202

Date: February 23, 2024

Environmental Systems Research Institute, Inc.
380 New York St
Redlands, CA 92373-8100
Phone: (909) 793-2853
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

Customer # Contract # 305303

Town of Rotterdam
Public Work
1100 Sunrise Boulevard
Schenectady, NY 12306

ATTENTION: Peter Comenzo
PHONE: (518) 355-7575 x338
EMAIL: pcomenzo@rotterdamny.org

To expedite your order, please attach a copy of this quotation to your purchase order.
Quote is valid from: 2/23/2024 To: 5/23/2024

If you have made ANY alterations to the line items included in this quote and have chosen to sign the quote to indicate your acceptance, you must fax Esri the signed quote in its entirety in order for the quote to be accepted. You will be contacted by your Customer Service Representative if additional information is required to complete your request.

If your organization is a US Federal, state, or local government agency; an educational facility; or a company that will not pay an invoice without having issued a formal purchase order, a signed quotation will not be accepted unless it is accompanied by your purchase order.

In order to expedite processing, please reference the quotation number and any/all applicable Esri contract number(s) (e.g. MPA, ELA, SmartBuy, GSA, BPA) on your ordering document.

BY SIGNING BELOW, YOU CONFIRM THAT YOU ARE AUTHORIZED TO OBLIGATE FUNDS FOR YOUR ORGANIZATION, AND YOU ARE AUTHORIZING ESRI TO ISSUE AN INVOICE FOR THE ITEMS INCLUDED IN THE ABOVE QUOTE IN THE AMOUNT OF $_____, PLUS SALES TAXES IF APPLICABLE. DO NOT USE THIS FORM IF YOUR ORGANIZATION WILL NOT HONOR AND PAY ESRI'S INVOICE WITHOUT ADDITIONAL AUTHORIZING PAPERWORK.

Please check one of the following:

___ I agree to pay any applicable sales tax.

___ I am tax exempt, please contact me if exempt information is not currently on file with Esri.

_____ _____
Signature of Authorized Representative **Date**

_____
Name (Please Print)

_____
Title

The quotation information is proprietary and may not be copied or released other than for the express purpose of system selection and purchase/license. This information may not be given to outside parties or used for any other purpose without consent from Environmental Systems Research Institute, Inc. (Esri).

Any estimated sales and/or use tax reflected on this quote has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. Esri reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state tax directly, then prior to invoicing, your organization must provide Esri with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

For questions contact:	**Email:**	**Phone:**
Christopher Bast	cbast@esri.com	(909) 793-2853 x6605

The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at https://go.esri.com/MAPS apply to your purchase of that item. If any item is quoted with a multi-year payment schedule, then unless otherwise stated in this quotation, Customer is required to make all payments without right of cancellation. Third-party data sets included in a quotation as separately licensed items will only be provided and invoiced if Esri is able to provide such data and will be subject to the applicable third-party's terms and conditions. If Esri is unable to provide any such data set, Customer will not be responsible for any further payments for the data set. US Federal government entities and US government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at https://www.esri.com/en-us/legal/terms/state-supplemental apply to some US state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin for customers located in the USA.

RESOLUTION NO. 161.24

TO AUTHORIZE CHANGE ORDERS NO. 5 WITH BUNKOFF GENERAL CONTRACTORS INC. FOR THE ROTTERDAM TOWN HALL RENOVATIONS

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 Change Orders No. 5 with Bunkoff General Contractors Inc, located at 790 Watervliet Shaker Road, Latham, NY 12110, for the Rotterdam Town Hall Renovations, Contract 1 – General Construction, for a cost increase of $4,584.00 for the removal of existing exterior sheathing and installation of new exterior sheathing, for a new contract sum totaling one million, one hundred fifty three thousand, two hundred sixty one and 00/100 ($1,153,261.00) dollars.

SECTION 2. This resolution shall become effective March 27, 2024.

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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

LEGISLATIVE REQUEST FORM

DATE:	March 22, 2024
TO:	Mollie Collins, Town Supervisor
FROM:	Charles Jack Dodson, Deputy Supervisor
TITLE OF REQUEST:	Change Orders #5, Bunkoff General Contractors, Inc.
TOWN BOARD MEETING:	March 27, 2024
Background Information:	Bunkoff General Contractors Inc. is the General Contractor for the Rotterdam Town Hall Renovations.
Evaluation/Analysis:	Barton & Loguidice has submitted a change order for Bunkoff General Contractors, Inc. for the Rotterdam Town Hall Renovations. Change order #5 is for the removal of existing exterior sheathing and installation of new exterior sheathing.
Recommendation(s):	Authorize the Supervisor to enter into an agreement with Bunkoff General Contractors, Inc. in amount not to exceed $4,584.00.
Attachment/Document(s):	Barton & Loguidice Change Order dated March 22, 2024.
Compliance with Purchasing Policy:	
Effect(s) on Existing Law(s):	
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

AIA® Document G701® – 2017

Change Order

PROJECT: *(Name and address)*
Town of Rotterdam
Rotterdam Town Hall Renovations
1100 Sunrise Boulevard
Rotterdam, NY 12306
B&L Project Number: 904.055.001

CONTRACT INFORMATION:
Contract For: Contract No. 1 - General Construction

Date: 11/28/2023

CHANGE ORDER INFORMATION:
Change Order Number: GC CO 005

Date: 03/22/2024

OWNER: *(Name and address)*
Town of Rotterdam
1100 Sunrise Boulevard
Rotterdam, NY 12306

ARCHITECT: *(Name and address)*
Barton & Loguidice
10 Airline Drive, Suite 200
Albany, NY 12205

CONTRACTOR: *(Name and address)*
Bunkoff General Contractors, Inc.
790 Watervliet Shaker Rd.
Latham, NY 12110

THE CONTRACT IS CHANGED AS FOLLOWS:
(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)
This Change Order is for the removal of existing exterior sheathing and installation of new exterior sheathing, see attached documentation.

The original Contract Sum was	$	1,128,000.00
The net change by previously authorized Change Orders	$	20,677.00
The Contract Sum prior to this Change Order was	$	1,148,677.00
The Contract Sum will be increased by this Change Order in the amount of	$	4584.00
The new Contract Sum including this Change Order will be	$	1,153,261.00

The Contract Time will be increased by Zero (0) days.
The new date of Substantial Completion will be 10/28/2024

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Barton & Loguidice	Bunkoff General Contractors, Inc.	Town of Rotterdam
ARCHITECT *(Firm name)*	**CONTRACTOR** *(Firm name)*	**OWNER** *(Firm name)*
SIGNATURE	**SIGNATURE**	**SIGNATURE**
Josh Conley - Project Architect	Nathan Bunkoff, President	
PRINTED NAME AND TITLE	**PRINTED NAME AND TITLE**	**PRINTED NAME AND TITLE**
03/22/2024	March 22, 2024	
DATE	**DATE**	**DATE**

AIA Document G701 – 2017. Copyright © 1979, 1987, 2000 , 2001 and 2017. All rights reserved. "The American Institute of Architects," "American Institute of Architects," "AIA," the AIA Logo, and "AIA Contract Documents" are trademarks of The American Institute of Architects. This document was produced at 11:44:52 ET on 03/22/2024 under Order No.3104239308 which expires on 08/21/2024, is not for resale, is licensed for one-time use only, and may only be used in accordance with the AIA Contract Documents® Terms of Service. To report copyright violations, e-mail docinfo@aiacontracts.com.
User Notes: (3B9ADA42)

RESOLUTION NO. 162.24

TO RECOGNIZE THE INTRODUCTION OF LOCAL LAW NO. __ OF 2024; TO EXTEND LOCAL LAW NO. 8 OF 2023 AND SCHEDULE A PUBLIC HEARING THEREON

WHEREAS, the Town of Rotterdam desires to review the Town's Zoning Code and land use regulations and to recommend modifications to the local law regarding the installation of Battery Energy Storage Systems within the Town of Rotterdam; and

WHEREAS, changes to said law would permit an enhanced and easily understood code, to achieve the objectives of the Comprehensive Plan and encourage consistent and fair application of laws pertaining to such operations; and

WHEREAS, the Town of Rotterdam Energy Advisory Committee has been working diligently at creating a Town Battery Energy Storage System Code within the Town of Rotterdam; and

WHEREAS, The Town Board finds that it is necessary to extend the Battery Energy Storage System Installation prohibition for another six (6) months; NOW

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

seconded by Councilmember _____**,**

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board recognizes the introduction of Introductory Local Law No. __ of 2024; To establish a six (6) month extension to Local Law 8 of 2023 which established a six (6) month moratorium prohibiting Battery Energy Storage System installations with in the Town of Rotterdam.

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

TOWN OF ROTTERDAM
NOTICE OF HEARING

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a public hearing at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 at 7:00 p.m. on the 10th day of April, 2024 for the following purpose:

> For the enactment of Introductory Local Law No. __ of 2024; To establish a six (6) month extension to Local Law 8 of 2023 which established a six (6) month moratorium prohibiting Battery Energy Storage System installations with in the Town of Rotterdam.

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

DATED: March 27, 2024
Daily Gazette: Please publish once on March 29, 2024
Town Clerk
Post

SECTION 3. This resolution shall become effective March 27, 2024.

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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

LEGISLATIVE REQUEST FORM

DATE:	March 21, 2024
TO:	Mollie Collins, Town Supervisor
FROM:	Patty Matelitz-Energy Advisory Committee Chairperson
TITLE OF REQUEST:	Establish an amendment to Local Law No. 8 of 2023 to prohibit the creation or siting of large-scale battery energy storage system installations within the Town for a period of up to twelve (12) months, pending the review and implementations of the recommendations of the NYS Fire Safety Working Group.
TOWN BOARD MEETING:	March 27, 2024
Background Information:	See attached proposed Resolution
Evaluation/Analysis:	See attached proposed Resolution
Recommendation(s):	See attached proposed Resolution
Attachment/Document(s):	Proposed Resolution
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	Extends Battery Energy Storage System Moratorium
LEGISLATION WILL BE PREPARED BY:	Supervisor's Office/Town Attorney

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
HTTPS://DOS.NY.GOV

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

September 29, 2023

Diane M Marco
Rotterdam Town Clerk
John F Kirvin Government Center
1100 Sunrise Boulevard
Rotterdam NY 12306

RE: Town of Rotterdam, Local Law 8 2023, filed on September 21 2023

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492

RECEIVED
OCT 16 2023
Town of Rotterdam
TOWN CLERK'S OFFICE

Local Law No.	Adoption Date	Subject	Disposition	Supp. No.
6-2021	9-8-2021	Records, Public Access to Amendment	Ch. 225	58
7-2021	10-13-2021	Zoning Map Amendment	NCM	58
1-2022	2-23-2022	Moratorium	NCM	59
2-2022	2-23-2022	Residency Requirements Amendment	Ch. 60	59
3-2022	2-23-2022	Vehicles and Traffic Amendment	Ch. 266	59
4-2022	2-23-2022	Vehicles and Traffic Amendment	Ch. 266	59
5-2022	3-23-2022	Vehicles and Traffic Amendment	Ch. 266	59
6-2022	9-14-2022	Noise Amendment	Ch. 188	60
7-2022	10-26-2022	Vehicles and Traffic Amendment	Ch. 266	60
8-2022	11-9-2022	Zoning Amendment	Ch. 270	60
9-2022	12-14-2022	Moratorium on Solar Farms and Solar Power Plants	NCM	60
1-2023	12-27-2022	Zoning Amendment	Ch. 270	61
2-2023	1-12-2023	Residency Requirements Amendment	Ch. 60	61
3-2023	2-22-2023	Building Code Administration and Code Enforcement Program	Ch. 89	61
4-2023	3-8-2023	Taxation Amendment	Ch. 255	61
5-2023	5-24-2023	Zoning Amendment	Ch. 270	61
6-2023	5-24-2023	Water Amendment	Ch. 267	61
7-2023	8-9-2023	Hawking, Peddling and Soliciting Amendment	Ch. 150	62
8-2023	9-13-2023	Moratorium	NCM	62
9-2023	9-13-2023	Moratorium	NCM	62
10-2023	9-13-2023	Vehicles and Traffic Amendment	Ch. 266	62

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 13, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 267.23

TO ENACT INTRODUCTORY LOCAL LAW NO. 8 OF 2023; ESTABLISH A SIX (6) MONTH MORATORIUM PROHIBITING BATTERY ENERGY STORAGE SYSTEM INSTALLATIONS

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 8 of 2023.

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

SECTION 3. This resolution shall become effective September 13, 2023.

DATED: September 13, 2023

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolutions were approved by the Town Board of the Town of Rotterdam on September 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 September 15, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

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

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

Local Law Filing

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

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

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

of Rotterdam

Local Law No. 8 **of the year 20**23

A local law enacting a six month battery energy storage system moratorium in the Town of Rotterdam
(Insert Title)

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

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

of Rotterdam **as follows:**

See Attached

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

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

1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. 8 of 2023 of the (~~County~~)(~~City~~)(Town)(~~Village~~) of Rotterdam was duly passed by the Town Board on September 13 2023, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

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

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

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

Diane M. Marw
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 9-18-2023

LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM PROHIBITING BATTERY ENERGY STORAGE SYSTEM INSTALLATIONS WITHIN THE TOWN OF ROTTERDAM.

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

SECTION 1. TITLE

This Local Law shall be known as the "Moratorium and Prohibition of Battery Energy Storage System Installations within the Town of Rotterdam."

SECTION 2. STATUTORY AUTHORITY PURPOSE AND INTENT.

This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Town Board of the Town of Rotterdam under the New York State Constitution, and the Laws of the State of New York including but not limited to the following authorities: New York State Constitution Article IX, Section 2 (c) (ii)(6)m (10)l Municipal Home Rule Law § 10(2); Municipal Home Rule Law §10(3); Municipal Home Rule Law §10(4)(a), and (b) and (15); Town Law §135; Town Law Article 16 (Zoning & Planning) inclusive; Environmental Conservation Law §3-0301 (1)(b), 3-0301(2)(m) and 8-0113 and 6 NYCRR Part 61, also known as the State Environmental Quality Review Act as it pertains to applications that are neither excluded nor exempt from this local law.

This Local Law is land use regulation. This Local Law is intended and is hereby declared to address matters of local concern, and it is declared that it is not the intention of the Town to address matters of statewide concern. This Local Law is intended to act as and is hereby declared to exercise the permissive "incidental control" of a zoning law and land use law that is concerned with the broad area of land use planning and the physical use of land and property within the Town, including the physical externalities associated with certain land uses, such as potential negative impacts of such uses on a community.

This Local Law shall supersede and suspend those provisions of the Code of the Town of Rotterdam and New York state law which require the Planning Board and/or the Town Code Enforcement officer to accept, process, and approve land use applications within certain statutory time periods.

This Local Law is intended to temporarily prohibit the creation or siting of battery energy storage system installations (as herein later defined) within the Town of Rotterdam for a period of up to six (6) months, pending the development and adoption of local laws and/or ordinances designed to regulate and govern such installations.

The Town Board recognizes and acknowledges that the Town needs to study and analyze many considerations that affect the preparation of local legislation to regulate the future creation and siting of battery energy storage system installations. The Town Board has formally requested the Building and Zoning Department and the Planning Board and the Energy Committee of the Town of Rotterdam to identify and review local laws from other jurisdictions, and related information and source materials, in order to assist in developing the parameters of a local law to regulate battery energy storage system installations. The Town Board has directed the Town Attorney to assist in this endeavor.

The Town Board also recognized the need to review and examine its existing ordinance, local laws and Zoning Code provisions insofar as they may be affected by adoption of such local law(s) regulating the creation and/or siting of battery energy storage system installations. It is deemed necessary to enact this moratorium in order to permit the Town adequate time in which to draft suitable legislation for this

purpose. During the term of the moratorium the Town of Rotterdam shall work to prepare and eventually adopt new land use regulations to incorporate into the Town's existing Zoning Code.

Currently, there is one pending applications for the location, development or site plan approval of battery energy storage system installation. The BlueWave Battery Site application has made significant progress through the planning process for the proposed Battery Storage Facility located at 635 Mariaville Road in the Town of Rotterdam. That application shall be exempt from this Moratorium.

During the pendency of the moratorium, the Town Board will consider how best to permit such installations so as to harmoniously integrate such installations with the existing agricultural community and landscape and to mitigate potential undesirable environmental impacts that may be associated with such use. At present, the Zoning Code of the Town of Rotterdam may not adequately regulate such land use. If the community allows such development during that time the goals of the Town could be undermined or damaged. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Town Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to develop and adopt necessary zoning and land use changes to the Zoning Code of the Town of Rotterdam, thus protecting and furthering the public interest, health and safety.

SECTION 3. DEFINITIONS.

For purposes of this Local Law, the following terms shall have the meanings respectively set forth below:

Battery Energy Storage System Installation(s) – Any installation of a rechargeable energy storage system, consisting of electrochemical storage batteries or similar technology, battery charges, controls, power condition systems, inverters, transformers, switchgears and associated electrical equipment designed to store electoral power received from a generating or transmission source and periodically discharging power from the battery energy storage system into the power grid. Systems typically used to provide standby or emergency power and/or an uninterruptable power supply, load shedding, load sharing, or similar capabilities relating to the energy consumed by a residence, farm operation or business on site shall not be considered a "Battery Energy Storage System Installation" for purposes of the Moratorium.

SECTION 4. TEMPORARY MORATORIUM and PROHIBITION.

A. Unless permitted pursuant to Section 5 hereafter, from and after the date of this Local Law, no application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official or agent of the Town of Rotterdam, for the construction establishment or use or operation of any land, body of water, building, or other structure located within the Town of Rotterdam, for any Battery Energy Storage System Installation, as defined above, except for the projects specifically exempted by this moratorium.

B. Unless permitted pursuant to Section 5 hereafter, from the after the date of this Local Law, no person, entity or business shall use, cause, or permit to be used, any land, body of water, building, or other

structure located within the Town of Rotterdam for any Battery Energy Storage System Installation, as defined above.

C. The prohibitions set forth above in Clauses A. and B. of this Section 4. Are not intended, and shall not be construed, to prevent or prohibit the use and development of battery energy storage systems that are typically used to provide standby or emergency power and/or an uninterruptable power supply, load shedding, load sharing, or similar capabilities and that are for personal or individual use on or about any residence or place of business, or any farm operation.

D. This moratorium and prohibition shall be in effect beginning on the effective date of this Local Law and shall expire on the earlier of (i) that date which is six (6) months after said effective date; or (ii) the effective date of a Town Board resolution affirmatively stating the Town Board has determined that the need for this moratorium and prohibition no longer exists.

E. This moratorium and prohibition shall apply to all real property within the Town of Rotterdam, and all land use applications for the siting or creation of Battery Energy Storage System Installation within the Town of Rotterdam.

F. Under no circumstances shall the failure of the Town Board of the Town of Rotterdam, the Zoning Board of Appeals of the Town of Rotterdam, the Planning Board of the Town of Rotterdam, or the Code Enforcement Officer for the Town of Rotterdam to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or any other Town level approval related to Battery Energy Storage System Installation constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

SECTION 5. HARDSHIP VARIANCE RELIEF FROM APPLICABILITY OF MORATORIUM.

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this Local Law following a noticed public hearing before the Town Board. It is specifically intended that this moratorium shall supersede New York State law which would otherwise confer exclusive variance authority to the Zoning Board of Appeals. Following a written request for hardship variance relief, within sixty (60) days of receipt of such request, a noticed public hearing shall be held, at which hearing the Town Board may, but is not limited to consider:

A. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other areas of environmental concern.

B. The impact of the proposed application on the applicant's premises and upon the surrounding area.

C. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.

D. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Rotterdam.

E. The written opinion of the Town of Rotterdam Planning Board and the Town of Rotterdam Code Enforcement Officer that such application may be jeopardized or made impractical by waiting until the moratorium is expired.

F. Evidence specifying in detail the nature and level of any alleged hardship imposed on the property owner(s) as result of this moratorium.

G. Such other considerations and issues as may be raised by the Town Board.

In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be helpful with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner (or if there are multiple property owners, a determination that each such owner shall suffer an unreasonable hardship) which is unique to the property owner(s), a finding that there are sufficient existing regulations to adequately govern the application for which a hardship waiver is being requested, and a finding that the grant or an exemption will be in harmony with, and will be consistent with an existing Town of Rotterdam Zoning Ordinance and the recommendation of the Comprehensive Plan as such may exist.

An application for relief from the prohibitions of the moratorium shall be accompanied by fee a $500, together with the applicant's written undertaking in a form to be approved by the Attorney for the Town, to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to evaluate and consider the merits of such application, including but not limited to any fees incurred by the Town of services provided by the Attorney of the Town.

SECTION 6. PENALTIES.

A. Failure to comply with any of the provisions of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Five Hundred Dollars ($1,500) or imprisonment for not more than 10 days, or both for the first offense. Any subsequent offense within a three-month period shall be punishable by a fine of not more than Two Thousand Five Hundred Dollars ($2,500) or imprisonment for a period of not more than 30 days, or both. For purposes of this Clause:

A. each day that a violation of this Local Law exists shall constitute a separate and distinct offense.

B. Compliance with this Local Law may also be compelled and violations restrained by order or by injection of a court of competent jurisdiction, in an action brought on behalf of the Town by the Town Board.

C. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the Town relative thereto, including attorney's fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the propert(ies) within the Town on which the violation occurred, by including such expense in the next

annual Town tax levy against such property, and such expense shall be lien upon such property until paid.

SECTION 7. CONFLICTS.

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation for Zoning Ordinance provision.

SECTION 8. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgement or declaration shall be continued in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgement or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary, as to such person or circumstances such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

SECTION 9. EFFECTIVE DATE.

The effective date of this Local Law shall be immediately upon its filing with the Secretary of State.

RESOLUTION NO. 163.24

TO RECOGNIZE THE INTRODUCTION OF LOCAL LAW NO. __ OF 2024; TO EXTEND LOCAL LAW NO. 9 OF 2023 AND SCHEDULE A PUBLIC HEARING THEREON

WHEREAS, the Town of Rotterdam desires to review the Town's Zoning Code and land use regulations and to recommend modifications to the local law regarding the installation of Wind Generation Systems within the Town of Rotterdam; and

WHEREAS, changes to said law would permit an enhanced and easily understood code, to achieve the objectives of the Comprehensive Plan and encourage consistent and fair application of laws pertaining to such operations; and

WHEREAS, the Town of Rotterdam Energy Advisory Committee has been working diligently to create a Wind Generation System installations Code within the Town of Rotterdam; and

WHEREAS, the Town Board finds it necessary to extend the temporary moratorium on Wind Generation System installations for a further period of six (6) months; NOW

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board recognizes the introduction of Introductory Local Law No. __ of 2024; To establish a six (6) month extension to Local Law 9 of 2023 which established a six (6) month moratorium prohibiting Wind Generation System installations with in the Town of Rotterdam.

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

TOWN OF ROTTERDAM
NOTICE OF HEARING

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a public hearing at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 at 7:00 p.m. on the 10th day of April, 2024 for the following purpose:

> For the enactment of Introductory Local Law No. __ of 2024; To establish a six (6) month extension to Local Law 9 of 2023 which established a six (6) month moratorium prohibiting wind generation system installations with in the Town of Rotterdam.

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

DATED: March 27, 2024
Daily Gazette: Please publish once on March 29, 2024
Town Clerk
Post

SECTION 3. This resolution shall become effective March 27, 2024.

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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

LEGISLATIVE REQUEST FORM

DATE:	March 21, 2024
TO:	Mollie Collins, Town Supervisor
FROM:	Patty Matelitz-Energy Advisory Committee Chairperson
TITLE OF REQUEST:	Amendment to Local Law No. 9 of 2023 to prohibit the creation or siting of large-scale wind generation system installations within the Town for a period of up to twelve (12) months
TOWN BOARD MEETING:	March 27, 2024
Background Information:	See attached proposed Resolution
Evaluation/Analysis:	See attached proposed Resolution
Recommendation(s):	See attached proposed Resolution
Attachment/Document(s):	Proposed Resolution
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	Extends Wind Generation System Installation Moratorium
LEGISLATION WILL BE PREPARED BY:	Supervisor's Office/Town Attorney

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

September 18, 2023

New York State Department of State
Bureau of State Records and Law
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001

RE: Filing of Town of Rotterdam Local Law 9-2023 Moratorium Prohibiting wind generation system installations

To Whom It May Concern:

Enclosed are forms required to file Local Law 9-2023, adopted by the Town Board of the Town of Rotterdam meeting held on September 13, 2023.

If you are in need of anything else please feel free to call my office.

Sincerely,

Diane M. Marco
Town Clerk

Enclosure

Local Law No.	Adoption Date	Subject	Disposition	Supp. No.
6-2021	9-8-2021	Records, Public Access to Amendment	Ch. 225	58
7-2021	10-13-2021	Zoning Map Amendment	NCM	58
1-2022	2-23-2022	Moratorium	NCM	59
2-2022	2-23-2022	Residency Requirements Amendment	Ch. 60	59
3-2022	2-23-2022	Vehicles and Traffic Amendment	Ch. 266	59
4-2022	2-23-2022	Vehicles and Traffic Amendment	Ch. 266	59
5-2022	3-23-2022	Vehicles and Traffic Amendment	Ch. 266	59
6-2022	9-14-2022	Noise Amendment	Ch. 188	60
7-2022	10-26-2022	Vehicles and Traffic Amendment	Ch. 266	60
8-2022	11-9-2022	Zoning Amendment	Ch. 270	60
9-2022	12-14-2022	Moratorium on Solar Farms and Solar Power Plants	NCM	60
1-2023	12-27-2022	Zoning Amendment	Ch. 270	61
2-2023	1-12-2023	Residency Requirements Amendment	Ch. 60	61
3-2023	2-22-2023	Building Code Administration and Code Enforcement Program	Ch. 89	61
4-2023	3-8-2023	Taxation Amendment	Ch. 255	61
5-2023	5-24-2023	Zoning Amendment	Ch. 270	61
6-2023	5-24-2023	Water Amendment	Ch. 267	61
7-2023	8-9-2023	Hawking, Peddling and Soliciting Amendment	Ch. 150	62
8-2023	9-13-2023	Moratorium	NCM	62
9-2023	9-13-2023	Moratorium	NCM	62
10-2023	9-13-2023	Vehicles and Traffic Amendment	Ch. 266	62

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 13, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 268.23

TO ENACT INTRODUCTORY LOCAL LAW NO. 9 OF 2023; ESTABLISH A SIX (6) MONTH MORATORIUM PROHIBITING WIND GENERATION SYSTEM INSTALLATIONS

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 9 of 2023.

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

SECTION 3. This resolution shall become effective September 13, 2023.

DATED: September 13, 2023

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolutions were approved by the Town Board of the Town of Rotterdam on September 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 September 15, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM PROHIBITING WIND GENERATION SYSTEM INSTALLATIONS WITHIN THE TOWN OF ROTTERDAM.

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

SECTION 1. TITLE

This Local Law shall be known as the "Moratorium and Prohibition of Wind Generation System Installations within the Town of Rotterdam."

SECTION 2. STATUTORY AUTHORITY PURPOSE AND INTENT.

This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Town Board of the Town of Rotterdam under the New York State Constitution, and the Laws of the State of New York including but not limited to the following authorities: New York State Constitution Article IX, Section 2 (c) (ii)(6)m (10)l Municipal Home Rule Law § 10(2); Municipal Home Rule Law §10(3); Municipal Home Rule Law §10(4)(a), and (b) and (15); Town Law §135; Town Law Article 16 (Zoning & Planning) inclusive; Environmental Conservation Law §3-0301 (1)(b), 3-0301(2)(m) and 8-0113 and 6 NYCRR Part 61, also known as the State Environmental Quality Review Act as it pertains to applications that are neither excluded nor exempt from this local law.

This Local Law is land use regulation. This Local Law is intended and is hereby declared to address matters of local concern, and it is declared that it is not the intention of the Town to address matters of statewide concern. This Local Law is intended to act as and is hereby declared to exercise the permissive "incidental control" of a zoning law and land use law that is concerned with the broad area of land use planning and the physical use of land and property within the Town, including the physical externalities associated with certain land uses, such as potential negative impacts of such uses on a community.

This Local Law shall supersede and suspend those provisions of the Code of the Town of Rotterdam and New York state law which require the Planning Board and/or the Town Code Enforcement officer to accept, process, and approve land use applications within certain statutory time periods.

This Local Law is intended to temporarily prohibit the creation or siting of wind generation system installations (as herein later defined) within the Town of Rotterdam for a period of up to six (6) months, pending the development and adoption of local laws and/or ordinances designed to regulate and govern such installations.

The Town Board recognizes and acknowledges that the Town needs to study and analyze many considerations that affect the preparation of local legislation to regulate the future creation and siting of wind generation system installations. The Town Board has formally requested the Building and Zoning Department and the Planning Board and the Energy Committee of the Town of Rotterdam to identify and review local laws from other jurisdictions, and related information and source materials, in order to assist in developing the parameters of a local law to regulate wind generation system installations. The Town Board has directed the Town Attorney to assist in this endeavor.

The Town Board also recognized the need to review and examine its existing ordinance, local laws and Zoning Code provisions insofar as they may be affected by adoption of such local law(s) regulating the creation and/or siting of wind generation system installations. It is deemed necessary to enact this moratorium in order to permit the Town adequate time in which to draft suitable legislation for this

purpose. During the term of the moratorium the Town of Rotterdam shall work to prepare and eventually adopt new land use regulations to incorporate into the Town's existing Zoning Code.

Currently, there are no pending applications for the location, development or site plan approval of a wind generation system.

During the pendency of the moratorium, the Town Board will consider how best to permit such installations so as to harmoniously integrate such installations with the existing agricultural community and landscape and to mitigate potential undesirable environmental impacts that may be associated with such use. At present, the Zoning Code of the Town of Rotterdam may not adequately regulate such land use. If the community allows such development during that time the goals of the Town could be undermined or damaged. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Town Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to develop and adopt necessary zoning and land use changes to the Zoning Code of the Town of Rotterdam, thus protecting and furthering the public interest, health and safety.

SECTION 3. DEFINITIONS.

For purposes of this Local Law, the following terms shall have the meanings respectively set forth below:

Wind Generation System Installation- Any installation that converts the kinetic energy available in the wind to mechanical energy that can be used to operate an electrical generator. wind generation systems specifically do not include any system utilized for the on-site consumption of a business or residence that does not generate more than 5 kWh of electrical power in total.

SECTION 4. TEMPORARY MORATORIUM and PROHIBITION.

A. Unless permitted pursuant to Section 5 hereafter, from and after the date of this Local Law, no application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official or agent of the Town of Rotterdam, for the construction establishment or use or operation of any land, body of water, building, or other structure located within the Town of Rotterdam, for any wind generation system Installation, as defined above, except for the projects specifically exempted by this moratorium.

B. Unless permitted pursuant to Section 5 hereafter, from the after the date of this Local Law, no person, entity or business shall use, cause, or permit to be used, any land, body of water, building, or other structure located within the Town of Rotterdam for any wind generation system installation, as defined above.

C. The prohibitions set forth above in Clauses A. and B. of this Section 4. Are not intended, and shall not be construed, to prevent or prohibit the use and development of wind generation systems that are typically used to provide standby or emergency power and/or an uninterruptable power supply, load shedding, load sharing, or similar capabilities and that are for personal or individual use on or about any residence or place of business, or any farm operation.

D. This moratorium and prohibition shall be in effect beginning on the effective date of this Local Law and shall expire on the earlier of (i) that date which is six (6) months after said effective date; or (ii) the effective date of a Town Board resolution affirmatively stating the Town Board has determined that the need for this moratorium and prohibition no longer exists.

E. This moratorium and prohibition shall apply to all real property within the Town of Rotterdam, and all land use applications for the siting or creation of wind generation system installation within the Town of Rotterdam.

F. Under no circumstances shall the failure of the Town Board of the Town of Rotterdam, the Zoning Board of Appeals of the Town of Rotterdam, the Planning Board of the Town of Rotterdam, or the Code Enforcement Officer for the Town of Rotterdam to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or any other Town level approval related to wind generation system installation constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

SECTION 5. HARDSHIP VARIANCE RELIEF FROM APPLICABILITY OF MORATORIUM.

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this Local Law following a noticed public hearing before the Town Board. It is specifically intended that this moratorium shall supersede New York State law which would otherwise confer exclusive variance authority to the Zoning Board of Appeals. Following a written request for hardship variance relief, within sixty (60) days of receipt of such request, a noticed public hearing shall be held, at which hearing the Town Board may, but is not limited to consider:

A. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other areas of environmental concern.

B. The impact of the proposed application on the applicant's premises and upon the surrounding area.

C. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.

D. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Rotterdam.

E. The written opinion of the Town of Rotterdam Planning Board and the Town of Rotterdam Code Enforcement Officer that such application may be jeopardized or made impractical by waiting until the moratorium is expired.

F. Evidence specifying in detail the nature and level of any alleged hardship imposed on the property owner(s) as result of this moratorium.

G. Such other considerations and issues as may be raised by the Town Board.

In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be helpful with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner (or if there are multiple property owners, a determination that each such owner shall suffer an unreasonable hardship) which is unique to the property owner(s), a finding that there are sufficient existing regulations to adequately govern the application for which a hardship waiver is being requested, and a finding that the grant or an exemption will be in harmony with, and will be consistent with an existing Town of Rotterdam Zoning Ordinance and the recommendation of the Comprehensive Plan as such may exist.

An application for relief from the prohibitions of the moratorium shall be accompanied by fee a $500, together with the applicant's written undertaking in a form to be approved by the Attorney for the Town, to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to evaluate and consider the merits of such application, including but not limited to any fees incurred by the Town of services provided by the Attorney of the Town.

SECTION 6. PENALTIES.

A. Failure to comply with any of the provisions of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Five Hundred Dollars ($1,500) or imprisonment for not more than 10 days, or both for the first offense. Any subsequent offense within a three-month period shall be punishable by a fine of not more than Two Thousand Five Hundred Dollars ($2,500) or imprisonment for a period of not more than 30 days, or both. For purposes of this Clause:

A. each day that a violation of this Local Law exists shall constitute a separate and distinct offense.

B. Compliance with this Local Law may also be compelled and violations restrained by order or by injection of a court of competent jurisdiction, in an action brought on behalf of the Town by the Town Board.

C. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the Town relative thereto, including attorney's fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the propert(ies) within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be lien upon such property until paid.

SECTION 7. CONFLICTS.

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation for Zoning Ordinance provision.

SECTION 8. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgement or declaration shall be continued in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgement or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary, as to such person or circumstances such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

SECTION 9. EFFECTIVE DATE.

The effective date of this Local Law shall be immediately upon its filing with the Secretary of State.

Local Law Filing

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

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

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

of Rotterdam

Local Law No. 9 **of the year 20**23

A local law enacting a six month wind energy moratorium in the Town of Rotterdam
(Insert Title)

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

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

of Rotterdam **as follows:**

See Attached

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

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

1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. 9 of 2023 of the (~~County~~)(~~City~~)(Town)(~~Village~~) of Rotterdam was duly passed by the Town Board on September 13 2023, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

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

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

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

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

(Seal)

Date: 9-18-2023