

# **MEETING OF THE ROTTERDAM TOWN BOARD**

October 11, 2023

7:00 PM

*Agenda Review 6:30 PM*

## **CALL TO ORDER**

## **ROLL CALL**

## **PLEDGE OF ALLEGIANCE**

**SUPERVISOR'S REMARKS:** Supervisor Mollie A. Collins

## **EXECUTIVE SESSION**

- Discussion regarding the Rotterdam Police Chief's Association
- Personnel matter relating to Employee No. 10112023

## **PROCLAMATIONS/PRESENTATIONS**

## **PUBLIC HEARING**

- For receipt of comment on the proposed Introductory Local Law No. \_\_ of 2023; to amend chapter 270, Zoning, of the Town Code of the Town of Rotterdam for a change of zone from Two Family Residential (R-2) to Multiple Family (R-3), to convert a three (3) unit building to a four (4) unit.

## **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**

- 310.23** To accept Town Board meeting minutes of September 27, 2023.
- 311.23** To accept revenue for Town Clerk's office for September 2023.
- 312.23** To negotiate and execute an agreement with Greenman-Pedersen, Inc. (GPI) for professional survey services on the Sartoli Avenue and Rome Avenue drainage improvements project.
- 313.23** To declare Parks Department vehicles/mower obsolete.
- 314.23** Authorize deduct Change Order No. 3 with B&D Industries for the Sewer District No. 7 Extension No. 2 project.
- 315.23** To negotiate and execute an agreement with Labella Associates for professional engineering services related to the GIS Mapping Program.
- 316.23** To enact Introductory Local Law No. 12 of 2023; To amend chapter 270, Zoning, of the Town Code of the Town of Rotterdam for a change of zone from two family residential (R-2) to multiple family (R-3), to convert a three (3) unit building to a four (4) unit.
- 317.23** To authorize the Supervisor to execute and sign a memorandum of agreement with the Rotterdam Police Chief's Association.
- 318.23** To authorize the Town Supervisor to execute a settlement agreement with respect to employee number 10112023.

### **MISCELLANEOUS**

### **EXECUTIVE SESSION**

### **ADJOURNMENT**

**Mollie A. Collins, Supervisor**

10/11/2023

PUBLIC HEARING:

For receipt of comment on the proposed Introductory Local Law No. \_\_ of 2023; to amend chapter 270, Zoning, of the Town Code of the Town of Rotterdam for a change of zone from Two Family Residential (R-2) to Multiple Family (R-3), to convert a three (3) unit building to a four (4) unit.

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, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 300.23**

**TO CALL FOR A PUBLIC HEARING ON THE PROPOSED INTRODUCTORY LOCAL LAW \_\_\_ OF 2023; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, RELATING TO A CHANGE OF ZONE FROM TWO FAMILY RESIDENTIAL (R-2) TO MULTIPLE FAMILY (R-3)**

**WHEREAS**, the Town Board passed Resolution No. 281.23 to recognize the introduction of Introductory Local Law \_\_\_ of 2023; to amend chapter 270, Zoning, of the town code, relating to a change of zone from Two Family Residential (R-2) to Multiple Family (R-3) and referring the same to the Planning Commission for report and recommendation; and

**WHEREAS**, the Planning Commission, on September 19, 2023 issued a positive recommendation on the change of zone requested by BD Construction with the next step to call for a public hearing; NOW

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

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

**TOWN OF ROTTERDAM  
NOTICE OF HEARING**

**PLEASE TAKE NOTICE:** That the Town Board of the Town of Rotterdam will hold a public hearing at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306, at 7:00 p.m. on the 11<sup>th</sup> day of October 2023 for the following purpose:

For receipt of comment on the proposed Introductory Local Law No. \_\_\_ of 2023; to amend chapter 270, Zoning, of the Town Code of the Town of Rotterdam for a change of zone from Two Family Residential (R-2) to Multiple Family (R-3), to convert a three (3) unit building to a four (4) unit.

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



**DATED:** September 27, 2023

**Daily Gazette:** Please publish once on September 29, 2023

**Town Clerk**

**Post**

**SECTION 2.** This resolution shall become effective September 27, 2023.

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk





*Town of Rotterdam*  
*Office of the Planning Commission*

Thomas P. Yuille, Chairman  
Peter J. Comenzo, Senior Planner

Telephone (518) 355-7575  
Facsimile (518) 355-2725

**Resolution Number PC29-2023**

Moved by Mr. Collins seconded by Mr. Miglucci

Applicant: BD Upstate Construction, Inc.

**Resolution Adopting a Report and Recommendation on  
the Change of Zone Request by BD UPSTATE CONSTRUCTION, INC.**

**WHEREAS**, the Town Board of the Town of Rotterdam ("Town Board") has received an application from BD Upstate Construction, Inc. ("Owner") for a Change of Zone from Two-Family Residential (R-2) to Multiple-Family (R-3) to convert a three (3) unit building into a four (4) unit. Currently the parcel is known as 1696 Crane Street, Tax Map No. 59.6-2-2; and,

**WHEREAS**, the Town Board referred the Change of Zone application to the Planning Commission on September 13, 2023 for a report and recommendation thereon; and

**WHEREAS**, the Applicant, through its representative, Christopher Longo, with Empire Engineering, presented the Change of Zone application to the Planning Commission at its regularly scheduled meeting held on September 19, 2023; and

**WHEREAS**, the Planning Commission reviewed the proposed Change of Zone at its regularly scheduled meetings held on September 19, 2023; and

**WHEREAS**, the Planning Commission has deliberated on the proposed Change of Zone;

**NOW, THEREFORE**, upon motion of Member Collins, seconded by Member Miglucci,

**BE IT RESOLVED**, by the Planning Commission of the Town of Rotterdam as follows:

1. The Planning Commission hereby adopts the following as its report on the proposed Change of Zone:

The Change of Zone request concerns a parcel known as 1696 Crane Street, Tax Map No. 59.6-2-2. The building was previously in disrepair and originally contained three (3) residential units and plus one (1) office space previously utilized by a real estate agency. During reconstruction efforts by the current owner, it was determined that the existing stone foundation was compromised, the structure was unstable, and demolition was necessary. When the building was reconstructed, it was determined by the Town of Rotterdam Building and Code Enforcement personnel that the applicant could replace the preexisting non-conforming structure with three (3) residential units. The applicant comes before the Planning Commission seeking a report and recommendation to the Town Board to allow for an existing 714 s.f. storage space to be converted into a fourth (4<sup>th</sup>) residential unit. Numerous parcels surrounding the property contain multi-family dwelling units despite the R-2 and B-2 zoning. For example, the property known as 1704 Crane Street has five (5)

residential units and 1691 Crane Street has four (4) residential units. The property directly adjacent to the applicant's parcel has at least two (2) residential units. The property is served by public water and an on-site septic system. There is sufficient land area to upgrade the existing septic system, if necessary to accommodate the fourth residential unit.

Rezoning the parcel would change the allowable uses to include, the following:

- Multiple-family dwellings;
- Two-family dwellings;
- Churches or similar places of worship, parish houses, convents and community houses;
- Public and private schools;
- Firehouses;
- Public parks, playgrounds and other municipal recreational uses;
- Public libraries and museums;
- Child and infant day-care centers;
- Disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area as defined in this chapter (special use permit);

There would be a change in the required lot area and lot frontage; the current zoning requires not less than 15,000 square feet, with a lot width of not less than 100 feet. The proposed R-3 zoning district would require a minimum lot area of 15,000 square feet, with a minimum lot area of 20,000 square feet, except that buildings or structures with more than four bedrooms shall increase the total lot area by a minimum of 3,000 square feet for each additional bedroom over four.

There would be a change in the yard requirements; the current zoning requires the side yard width to be not less than 10 feet. The proposed R-3 zoning district would require the side yard depth to be not less than 20 feet.

2. Subject to the considerations set forth below in Paragraph 3, the Planning Commission hereby adopts a **positive recommendation** on the BD Upstate Construction, Inc. Change of Zone request for the following reasons:

- The proposed Change of Zone would permit the use of the existing 714 square foot storage space as a fourth residential unit.
- In large part, the surrounding neighborhood is zoned General Business (B-2), and Two-Family Residential (R-2) however, most of the area is developed with multi-family residential properties.
- The proposed Change of Zone would be consistent with the neighborhood and existing land use development in the area.
- The property has retained its character, the new building occupies the previous footprint after reconstruction, and the property is in keeping with the character of the surrounding properties.

3. This recommendation is subject to the following considerations:

**Resolution Number PC29-2023**

BD Upstate Construction, Inc.

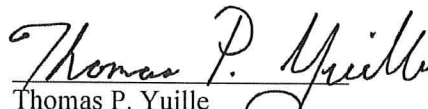
September 19, 2023

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- a. Neither a positive recommendation by the Planning Commission, nor any rezoning action taken by the Town Board, should be construed as an approval or other favorable position concerning any proposed conceptual development plan. Any proposed development shall remain subject to full review by the Planning Commission and, as necessary, by the Zoning Board of Appeals.

| <u>Member</u>     | <u>Aye</u> | <u>Nay</u> |
|-------------------|------------|------------|
| Thomas Yuille     | X          |            |
| Mark D'Alessandro | X          |            |
| Wayne Calder      |            |            |
| Clark Collins     | X          |            |
| Joseph Miglucci   | X          |            |
| Lynn Flansburg    | X          |            |
| Joseph Signore    | X          |            |

  
Peter J. Comenzo  
Senior Planner

  
Thomas P. Yuille  
Planning Commission Chairman

1. **BD Upstate Construction, Inc. – 1696 Crane Street. Report and Recommendation to the Town Board on a Change of zone on ±71,003 square feet from Two Family Residential (R-2) to Multi-Family Residential (R-3). Applicant is proposing to convert an existing ±3,074 square foot three-unit residential building to a four (4) unit residential building. Engineer: Empire Engineering.**

**Chairman Yuille:** Can you give us an update and where we are going from here with this?

**Mr. Longo:** Thank you. Christopher Longo, here from Empire Engineering and also with me tonight is the owner, Byron Diaz from BD Upstate.

The application in front of you is for, I guess I will back up a little bit, the history of this is. Byron purchased the property several years ago and intended renovate the existing structure that had multiple units in it and complications throughout that process with foundation walls, first floor walls, so, through coordination with Code Enforcement and the Town, they rebuilt the structure in the same foundation footprint. So, that is what you see now which if you have driven past here you see a nice freshly redone building. I think it looks really good there along Crane Street.

And the reason that Byron is here in front of this Board but really the Town Board is because of the zoning criteria, the existing zoning district is R-2. This is the zoning map. The yellow is the R-2, two family residential. You see the red and white dashing and that is actually B-2, general business even though it's mainly that residential subdivision to the east.

Here on this site, there were three (3) units in the existing building plus a small retail. So, through code enforcement it was determined that they could rebuild and have three (3) residential units in this structure. There is a fourth area in this building that could be used as a residential multi-family unit, I supposed it could be a retail, I'm not really sure who would, it doesn't really fit for a retail use but it could be but that was in the original building. It was three (3) 1-bedroom apartments and a small real estate office. It was American Realty in the past.

What the application is for is to the Town Board to allow a change of zone to multi-family which would be in keeping with the neighborhood even though you have existing zoning districts of R-2 and general business. Byron had submitted an attachment with his application, there are numerous units adjoining this parcel that are multi-family existing. So, there is several non-conforming structures around the area. This fourth unit would still be in keeping with that character of the neighborhood, however, in order to occupy that fourth unit, Byron would need a change of zone to R-3, multi-family.

As I mentioned, the building has been reconstructed. There has been a parking lot reconstructed and there is plenty parking available for that unit as well. I will entertain any questions you may have.

**Chairman Yuille:** I'm not sure what the history of the building is but it probably started out as a one family house and then got added onto and not with any change of zone or anything it went to somebody bought it and put a couple of apartments up and then the unit downstairs, not the current owner, but previous owners. The only thing that I would recommend is if you are going to do because I know there was a discussion about wanting to put another building in there, we talked about a sewer line and that type of thing, if you come back with that, the Codes have changed now. We have stricter codes where if you start to do something without a building permit there is some pretty hefty fines that go along with that and doubling of permits. So, you want to make sure you come through the building department and refer it to the Planning Commission for whatever you are going to do.

Let me open it up and we will see where we are going from here.

Mr. Miglucci, anything?

**Mr. Miglucci:** It looks pretty cut and dry to me it is just a change of zone. It looks pretty simple to me. I really don't have any questions.

**Chairman Yuille:** Are you saying yes on that?

Mr. Signore?

**Mr. Signore:** I'm good.

**Chairman Yuille:** Do you have a reason why you are good with it? It would be helpful to have a reason.

**Mr. Signore:** It is within the character of what is there already.

**Chairman Yuille:** Mrs. Flansburg?

**Mrs. Flansburg:** It took me a minute about who you were. My grandfather actually owned Marco Crane Company so I am really familiar with this building because it was next door growing up and it was always in disrepair. It looks amazing right now and if you have ever been anywhere across the street in the white building, there is like 6 or 8 apartments in there. There are apartments everywhere. I think it definitely fits with the character of the what is around it and I think Marco Crane or the shop that is there now, if it's not industrial it should be. I have no issue with it. I think he has done a great job with what he has done so far. Obviously follow all of the building codes and rules are and getting the proper permitting, but I think he's done an excellent job so far and I think it would fit with there if he was looking to put in a fourth unit.

**Chairman Yuille:** Mr. Collins?

**Mr. Collins:** I think it's a good fit for there. Like you stated, there are apartments across the street and next door there is a five unit. The building does look exceptionally nice and better than it was. I am very pleased with it. Like Mr. Yuille stated, in the future if you decide to do something, go through the proper channels and it will be easier on everybody. I am good with it.

**Chairman Yuille:** Mr. D'Alessandro?

**Mr. D'Alessandro:** I'm fine with it. I have to say you did a really nice job redoing everything and it looks great. That is all that I have.

**Chairman Yuille:** The building looks great. I don't have a problem with it going to four (4) units because obviously if you look at it you would say it's a four (4) unit building and the other one just had a lower wing sticking out on the side and I understand because I was talking to the building inspector today about when it was started to take it down, it started to fall apart. You took everything down. They took the foundation and everything out.

**Mr. Longo:** Correct. The foundation was laid up stone, I believe. So, the ruling or the determination was that it could go in the same footprint of the foundation but everything is new build.

**Chairman Yuille:** It looks good. The only thing is the current septic system is behind the building.

**Mr. Longo:** Yes.

**Chairman Yuille:** If they did put another building, they would have to put it up in front or we did have a meeting about running a sewer line, but you never got back to us on it so, I assumed that it was not cost effective.



**Mr. Longo:** Correct. A sewer is definitely cost prohibitive here for whatever additional yield that this property could have. Again, it's not the application, any application there this Board would certainly have to see depending on the zone, but that, there is a slew of things that could happen in the future, but yes, this structure here is supported by the septic just one more small building probably still doesn't bring a sewer project over the hill. Unless there was a serious thing going on with the neighborhood where there were some failures and such, I don't see that the sewer would happen here.

**Chairman Yuille:** I don't either. I agree with you.

Anybody in the audience that has a question or comment about the project? It's not a public hearing, but I thought I would give you an opportunity.

Ms. Heinel, do you have anything to add?

**Ms. Heinel:** Do you know how many of the properties around you have multi-family structures in them?

**Mr. Longo:** There is 1704 Crane has 5 units, 1691 has 4, 1696 and then 1690 is the auto repair. At least two (2) directly adjacent and then other parcels on the street adjoining have four (4) and five (5) unit dwellings as well.

**Mr. Collins:** There is also an apartment house right on Crane Street to the right that has like six (6) units and you have the carport in the back. There is quite a few over there.

**Ms. Heinel:** What type of tenants are you looking to rent to? Are you going to do any restrictions on who can lease/rent or otherwise or for ages or anything like that?

**Mr. Diaz:** No restrictions.

**Mr. Longo:** Market grade if you will.

**Ms. Heinel:** Do you know what you are looking for the rent cost to be for those apartments?

**Mr. Diaz:** Around \$1,400.

**Ms. Heinel:** You have septic. Do you have public water?

**Mr. Longo:** Public water and septic.

**Ms. Heinel:** Those are all my questions.

**Chairman Yuille:** Mr. Comenzo?

**Mr. Comenzo:** No comments, Mr. Chairman.

**Chairman Yuille:** At this point, I would entertain a motion for positive recommendation.

**Mr. Collins:** I will make that motion, Mr. Chairman.

**Chairman Yuille:** Mr. Collins made the motion. Do I have a second?

**Mr. Miglucci:** I'll second.

**BD Upstate Construction, Inc.**

**Chairman Yuille:** Mr. Miglucci seconds the motion. Are there any questions? Please call the vote.

**Marlo Carter:** Mr. Collins?

**Mr. Collins:** Yes.

**Marlo Carter:** Mrs. Flansburg?

**Mrs. Flansburg:** Yes.

**Marlo Carter:** Mr. D'Alessandro?

**Mr. D'Alessandro:** Yes.

**Marlo Carter:** Mr. Signore?

**Mr. Signore:** Yes.

**Marlo Carter:** Mr. Miglucci?

**Mr. Miglucci:** Yes.

**Marlo Carter:** Chairman Yuille?

**Chairman Yuille:** Yes.

Motion carried.

Meeting adjourned at 7:57 p.m.

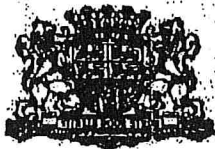
Motion to adjourn the meeting was made by Mr. Collins and Mr. D'Alessandro seconded the motion.

Next meeting scheduled for October 3, 2023

Respectfully Submitted,

Marlo L. Carter  
Planning Commission Secretary





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**TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION**

Application Fee \$1,000

Existing Zone Classification: R-2

Proposed Zone Classification: R-3

**PART II  
GENERAL INFORMATION**

Legal Owner's Name: BD UPSTATE Construction Inc - Byron Diaz  
Mailing Address: 3561 Guilderland  
City: Schenectady State: New York Zip: 12306  
Daytime Phone: 845-309-5223 E-mail: upstateconstruction@aol.com

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

Owner's Designated Contact: Byron Diaz

Mailing Address: 3561 Guilderland Avenue  
City: Schenectady State: NY Zip: 12306  
Daytime Phone: 845-309-5223 E-mail: upstateconstruction@aol.com  
Project/Proposal Site Area: (Acres or sq. ft.) 1.63  
Assessor Tax Parcel No.(s) of Site: 59.06-2-2  
Adjacent Parcels Owned or Controlled and Tax Map Parcel No: (Acres or sq. ft.) \_\_\_\_\_

Street Address of Proposed Site (if any): 1696 Crane St.

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

Site had 3 units: 1 office in building  
The original building was built in the  
1850's - 1 garage on site  
See Attachment #1

School District: Schenectady

Fire District: District 2

Water Supply: Public

#### LEGAL INFORMATION

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

The site is approximately 1500 to 2000  
feet from Altamont Avenue  
See attached map of area

Name of Public Road(s) Providing Access: Crane Street

Width of Property Fronting on the Existing Public Road in Linear Feet: 220'

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

Name(s) of Arterial Road(s): \_\_\_\_\_

A legal description of the proposed site must be attached: (X) Yes ( ) No

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

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

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

If you do not hold title to property, what is your interest in it? \_\_\_\_\_

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

Please see Attachment #1

Does any City officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? YES \_\_\_\_\_ NO \_\_\_\_\_. If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

#### UTILITIES

Proposed Source of Water:

☐ Individual Wells ☒ Public System ☐ Private Community System  
☐ Other, please describe \_\_\_\_\_

Proposed Means of Sewage Disposal:

☐ Public Sewer ☐ Dry Sewer ☐ Community System ☐  
☒ Septic Tank & Leachfield ☐ Other, please describe \_\_\_\_\_

#### PART III

##### SURVEYOR/ARCHITECT/ENGINEER VERIFICATION

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

Signed: Christopher Longo Christopher Longo, PE Date: 8/7/23  
Address: 1000 Duaneburg Road Phone: 510-280-1371  
Duaneburg, NY 12058 Zip: 12058

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: Byron Diaz  
Address: 3561 Guilderland Avenue  
Schdu NY 12306

Date: 09/07/23  
Phone: 845-309-5223  
Zip: 12306

[Signature]  
Signature of applicant or representative

09/07/23  
Date

**NOTARY**

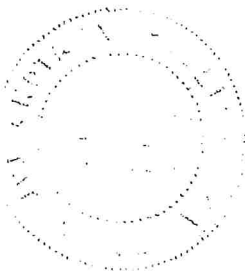
STATE OF NEW YORK) ss:  
COUNTY OF Schenectady

SUBSCRIBED AND SWORN to before me this 7 day of September, 2023

NOTARY SEAL

Frances Nan Lawyer  
Notary Signature

Notary Public in and for the State of New York  
Residing at: 1109 Outer Drive  
My appointment expires: 10/31/25



PLEASE AFFIX NOTARY SEAL HERE

FRANCES NAN LAWYER  
Notary Public, State of New York  
Qualified in Schenectady County  
4605144  
My Commission Expires: Oct 31, \_\_\_\_\_

# 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

## **LETTER FROM PROPERTY OWNER GRANTING AUTHORIZATION TO ACT**

**A COPY OF THIS LETTER MUST BE SUBMITTED FOR EACH PROPERTY OWNER  
INVOLVED**

I, Byron Diaz, being duly sworn declare that I am the

(PROPERTY OWNER)

owner of the property involved in a proposed Rezoning application request before the  
Town of Rotterdam for property known as parcel number (s):

Tax Parcel Number(s): \_\_\_\_\_

I hereby grant Chris Longo and/or their agent(s) to act on my behalf.

I further declare that all statements, answers, and information herein submitted is in all respects true and  
correct to the best of my knowledge and belief.

Signature (Authorized Representative): \_\_\_\_\_

Date: 09/07/23

NOTARY

STATE OF NEW YORK) ss:

COUNTY OF Schenectady

SUBSCRIBED AND SWORN to before me this 7 day of September, 2023

NOTARY SEAL

Frances Nan Lawyer  
Notary Signature

Notary Public in and for the State of New York

Residing at: 1109 Outer Drive

My appointment expires: 10/31/25

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Rotterdam Change of Zone Application  
2 23 23

FRANCES NAN LAWYER  
Notary Public, State of New York  
Qualified In Schenectady County  
4605144  
My Commission Expires: Oct 31, \_\_\_\_\_

## **Attachment #1**

### **Timeline of Town Submittals:**

- August 3, 2022, Request for Town approval R2 To R3 Zoning Change.
- August 10, 2022, Town of Rotterdam Department of Public Works response letter citing Local Law No. 1 of year 2022, Apartment Moratorium, returning the application.
- August 22, 2022, Re-submittal of R2 to R3 zoning change request based on requirements of the "Waiver" exception process as defined in Section 5 of Local Law No. 1 of the year 2022. (No Town action taken on this request).

### **Discussion:**

The current zoning for this 1.6-acre parcel is R2. The original dwelling consisted of 3 (1) bedroom apartments along with a small Real Estate office (American Realty) and had a property type of 230 - 3 Family according to the towns assessment database . To correct the non-conforming state of the building an R3 zoning is required to allow a 4-unit dwelling. This section of Crane Street and this parcel is the second to the last parcel (on the left) in the Town of Rotterdam within the City of Schenectady School district.

This section of Crane street is comprised of several non-conforming dwellings. The parcel to the left 1704 consists of 5 units (see mail boxes) , 1691 consists of 4 units and several other parcels on the street consist of 4–5-unit dwellings. The parcel to the right of 1696 Crane, 1690 Crane is an auto repair business (formally Marco Crane) service. The parcel at 1671 Crane (formally Knickerbocker Furniture) is currently used as an auto repair business and auto salvage yard, and an eye sore.

This entire stretch of Crane Street in the town of Rotterdam currently consists of the following zoning types: R1, R2, B2 and I1. The only vacant land parcel is zoned R1 and the remaining parcels are all R2, B2 and I1 zoned according to the town's assessment database.

By approving this request for R3 zoning it will allow the parcel to come in compliance with its previous use as a 3 unit+ building and potentially allow completion of construction of fourth and final unit in the existing newly constructed building. Approval of R3 zoning will not adversely affect the health, safety, and general welfare of the immediate neighborhood, Town of Rotterdam, or the Mohonasen School District.

The previous building was an eyesore and could not be remodeled to meet current building codes and had to be removed and a new building constructed. This was determined by the orderly de-construction of the top floor and determination that the first-floor wall structure could not support the new 2x6 construction of the second floor and roof trusses. Once the first-floor walls were exposed it showed that there was not consistent 16" on center framing wall structure. An engineering review of the basement walls consisted of (stacked stones) and could not meet current standards for total reconstruction of the building. At this point and with consultation with the Town of Rotterdam building department the decision was made to remove the building.

The new building is completed minus the completion of the now un-finished 4<sup>th</sup> unit. A "CO" has been received from the town for the existing 3 units. This request for approval from R2 to R3 will allow completion of the 4<sup>th</sup> unit.

The existing new building will more than double the assessed value of the previously assessed building and provide an incentive for other property owners to improve their properties. The Town comprehensive plan modifications should consider a rezoning to R3 of this upper section of Crane street to bring non-conforming parcels into compliance, allow future construction of new dwellings and "clean-up" the parcels in this section of Crane street. This will help to increase the tax base for the town and provide an incentive for other property owners to better maintain their properties.



RTR

Meridian Location Office  
12 Cornell Rd  
Latham, NY 12110

Doc No. 2021-6063  
21-6805

### TRUSTEE'S DEED

**THIS INDENTURE** made the 17<sup>th</sup> day of December, Two Thousand and Twenty-One between Howard J. Spink, as Trustee of the Crane St. Associates Trust dated September 1, 2002 with an address of 2488 W Old State Road, Schenectady, NY 12306,

and

BD Upstate Construction, Inc., a New York Corporation with offices at 3561 Guilderland Avenue, Schenectady, NY 12306,

party of the second part,

**WITNESSETH** that the Trustees, in consideration of ONE HUNDRED AND THIRTY THOUSAND and no/100 Dollars (\$130,000.00) lawful money of the United States, and other good and valuable consideration paid by the party of the second part, do hereby grant and release unto the party of the second part, its heirs and assigns all of the Trustees right, title and interest, if any, in and to:

**ALL THAT CERTAIN PIECE OR PARCEL OF LAND**, with the buildings thereon, bounded and described as follows:

**BEGINNING** at a point in the Town of Rotterdam, County of Schenectady and State of New York, in the Westerly line of Crane Street at a distance of 827.43 feet from the Northerly line of Altamont Avenue, and proceeding thence N 84 degrees - 29' W and along the Northerly line of lands of the Town of Rotterdam a distance of 323.5 feet to a point; thence N 60 degrees 09' E and along the Southerly line of lands of Marco and Dominick a distance of 380.0 feet to a point; thence S 85 degrees - 48' E and continuing along the lands of Marco and Dominick a distance of 33.5 feet to a point; thence S 10 degrees - 34' W and along the Westerly line of Crane Street a distance of 220.0 feet to the point of beginning.

**SUBJECT** to any enforceable covenants, conditions, restrictions and easements of record.

**BEING THE SAME PREMISES** conveyed in a deed from Howard Spink to the Crane St. Associates Trust dated September 1, 2002, Howard J. Spink as Trustee, dated December 4, 2012 and recorded December 7, 2012 in the Schenectady County Clerk's Office in Book 1866 of Deeds at Page 422.

**TOGETHER** with the appurtenances and also all the estate and rights of the said Trustees in and to said premises.

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, its survivors, heirs and assigns of such survivors forever.

**AND** said party of the first part covenant that they have not done or suffered anything whereby the

said premises have been encumbered in any way whatsoever.

**SUBJECT** to the provisions of Section 13 of the Lien Law of the State of New York.

**IN WITNESS WHEREOF**, the party of the first part have hereunto set their hands and seals the day and year first above written.

**IN PRESENCE OF**

**CRANE ST. ASSOCIATES TRUST**

By: Howard J. Spink  
**Howard J. Spink, Trustee**

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

On the 21 day of December in the year 2021, before me, personally appeared, Howard J. Spink, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Tracy T. Brundege  
Notary Public

**TRACY T. BRUNDEGE**  
Notary Republic State of New York  
01BR6114265  
Qualified in Schenectady County  
My Commission Expires 8-09-2024



PRIOR TO ANY FURTHER  
 DISTURBANCE THE CONTRACTOR  
 SHALL CALL IN A TEXT TO  
 THE SAFE MT AND OBTAIN A  
 CLEAR TO DISC

IT IS A VIOLATION OF SECTION 7208 OF THE NYS EDUCATION LAW FOR ANY PERSON TO AUTHOR ANY ITEM ON THIS PLAN IN ANY TEST UNLESS HE/SHE IS ACTING UNDER THE DIRECT SUPERVISION OF A PROFESSIONAL ENGINEER.

CHRYSLER CREDIT CORPORATION  
100 WALL STREET / NEW YORK, NY 10038

**EE**  
EMPMC CORPORATION, P.L.C.  
1800 CLARESBURG ROAD  
CLARESBURG, NY 12044  
PH: (518) 838-1117  
FAX: (518) 838-0141

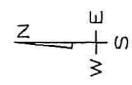
**PROJECT**  
BD UPSTATE CONS.  
1500 CRANE STREET  
ROTTERDAM, NY

|                                                      |      |
|------------------------------------------------------|------|
| EXISTING SITE PLAN<br>08/15/2023<br>1"=20'<br>230071 | C101 |
|                                                      |      |



|         |     |      |
|---------|-----|------|
| 5/20/23 | 20" | 3001 |
|---------|-----|------|

101



**RESOLUTION 310.23**

**TO ACCEPT TOWN BOARD MEETING MINUTES OF SEPTEMBER 27, 2023**

**THEREFORE, UPON MOTION OF** Councilmember \_\_\_\_\_,

seconded by Councilmember \_\_\_\_\_,

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

**SECTION 1.** The Town Board of the Town of Rotterdam hereby adopts the minutes of the September 27, 2023 town board meeting as attached.

**SECTION 2.** This resolution shall become effective October 11, 2023.

**DATED:** October 11, 2023

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

# TOWN OF ROTTERDAM

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



## LEGISLATIVE REQUEST FORM

DATE: October 4, 2023

TO: Mollie A. Collins, Supervisor

FROM: Diane M. Marco, Town Clerk

TITLE OF LEGISLATIVE REQUEST: To adopt meeting minutes from the September 27, 2023 Town Board Meeting.

TO BE PLACED ON TOWN BOARD AGENDA OF: October 11, 2023.

TO BE PLACED ON TOWN BOARD MEETING OF: October 11, 2023.

Background Information: Attached. To adopt the meeting minutes from the September 27, 2023 Town Board Meeting.

Evaluation/Analysis: N/A

Recommendation(s): To place on Town Board agenda and Town Board meeting of October 11, 2023.

Attachment/Document(s): Attached

Compliance with Purchasing Policy: N/A

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

LEGISLATION WAS PREPARED BY: Town Clerk Diane M. Marco



# TOWN OF ROTTERDAM

DIANE M. MARCO  
Town Clerk

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

September 29, 2023

Certified Resolutions: #284.23-#305.23 for the year 2023 was duly adopted at the Town Board Meeting held at the John F. Kirvin Government Center 1100 Vinewood Avenue Rotterdam, New York 12306 on Wednesday, September 27, 2023 at 7:00 p.m. Motion #27.23 was made by Councilmember Mastroianni and seconded by Councilmember Dodson. Motion #28.23 was made by Councilmember Dodson and seconded by Councilmember Miller-Herrera. The Town Board Agenda review meeting began approximately 6:30 p.m. Agenda review was adjourned at approximately 6:47 p.m. All agreed to adjourn agenda review. The Town Board Meeting started at approximately 7:00 p.m. The Town Board Meeting was adjourned at approximately 8:08 p.m. by Councilmember Dodson and seconded by Councilmember Christou. All agreed to adjourn the Town Board Meeting.

All Councilmembers were present

*Diane M. Marco*

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Diane M. Marco, Town Clerk

# **MEETING OF THE ROTTERDAM TOWN BOARD**

September 27, 2023

7:00 PM

*Agenda Review 6:30 PM*

## **CALL TO ORDER**

## **ROLL CALL**

## **PLEDGE OF ALLEGIANCE**

**SUPERVISOR'S REMARKS:** Supervisor Mollie A. Collins

## **EXECUTIVE SESSION**

## **PROCLAMATIONS/PRESENTATIONS**

## **PUBLIC HEARING**

## **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:**

**27.23** To add resolution 304.23 to the agenda.

**28.23** To add resolution 305.23 to the agenda.

### **RESOLUTIONS**

**284.23** To accept Town Board meeting minutes of September 13, 2023.

**285.23** To appoint Maria Rampersad to the position of Payroll Audit Clerk.

**286.23** To appoint Tauyyib Abzal to the position of Water & Sewer Maintenance Worker.

**287.23** To approve budget transfers to the 2023 budget.

**288.23** Establishing water/sewer rents and contract assessments for the year 2023 for the water/sewer districts.

**289.23** To declare Senior Center equipment obsolete.

**290.23** To negotiate and execute an agreement with Boght Veterinary Clinic.

**291.23** To authorize the purchase of one pickup truck for the Parks and Recreation Department.

**292.23** Authorize Change Order No. 3 with Wm. J. Keller & Sons for the Sewer District No. 7 Extension No. 2 project.

**293.23** To negotiate and execute an agreement with Barton and Logudice for asbestos monitoring and construction support services of the Babe Ruth building.

**294.23** Requesting bids for the Babe Ruth building asbestos abatement and demolition.

**295.23** To amend Resolution 296.21 relating to the use of ARPA funds.

**296.23** To authorize the purchase of one pickup truck for the Wastewater Treatment Plant.

**297.23** To declare lead agency for SEQR review for the change of zone from Agricultural (A-1) to General Business (B-2) on tax parcel #57-3-7.112 and 57.7-1-1.2 known as 900 and 880 Duanesburg Road.

**298.23** To accept and award bid for Rotterdam Town Hall building renovations.

**299.23** To declare Lead Agency For SEQR review for the change of zone from Two-Family Residential (R-2) to Multiple-Family (R-3) On Tax Parcel #59.6-2-2 known as 1696 Crane Street.

**300.23** To call for a public hearing on the proposed Introductory Local Law \_\_ of 2023; To amend chapter 270, Zoning, of the Town Code, relating to a change of zone from Two Family Residential (R-2) to Multiple Family (R-3).



- 301.23** To negotiate and execute an agreement with Barton and Logudice for design services for the installation of a new garage door and opening inside the water district number 5 generator building.
- 302.23** To authorize change order 4a for Contract 1 of the Salt Storage & Yard Waste Processing Facility Project.
- 303.23** To negotiate and execute an agreement with Barton and Logudice for professional services for the Water System Improvements Project.
- 304.23** To authorize the purchase of equipment and parts for the Wastewater Treatment Plant Truck.
- 305.23** To schedule a special meeting of the Town Board.

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

**Mollie A. Collins, Supervisor**

**MOTION 27.23**

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the J.F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, NY 12306 on Wednesday, September 27, 2023, at 7:00 p.m., the following motion passed:

**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 304.23 to the agenda.

**SECTION 2.** This motion shall become effective September 27, 2023.

**DATED:** September 27, 2023

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion passed by the Town Board of the Town of Rotterdam on September 27, 2023, and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this September 29, 2023.

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



**MOTION 28.23**

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the J.F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, NY 12306 on Wednesday, September 27, 2023, at 7:00 p.m., the following motion passed:

**THEREFORE, UPON MOTION OF** Councilmember **DODSON**, seconded by Councilmember **MILLER-HERRERA**,

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

**SECTION 1.** I make a motion to add resolution 305.23 to the agenda.

**SECTION 2.** This motion shall become effective September 27, 2023.

**DATED:** September 27, 2023

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion passed by the Town Board of the Town of Rotterdam on September 27, 2023, and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this September 29, 2023.

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



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 284.23**

**TO ACCEPT TOWN BOARD MEETING MINUTES OF SEPTEMBER 13, 2023**

**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 September 13, 2023 Town Board meeting as attached.

**SECTION 2.** This resolution shall become effective September 27, 2023.

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 285.23**

**TO APPOINT MARIA RAMPERSAD TO THE POSITION OF PAYROLL AUDIT CLERK**

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

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

**SECTION 1.** Maria Rampersad, of Schenectady, New York 12308, is hereby appointed to the position of Payroll Audit Clerk, full time, provisionally, with full employee benefits, and subject to pre-employment background checks, at an annual salary of forty-eight thousand thirty and 53/100 (\$48,030.53) dollars, commencing October 2, 2023.

**SECTION 2.** This resolution shall become effective September 27, 2023.

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 286.23**

**TO APPOINT TAUYYIB ABZAL TO THE POSITION OF WATER & SEWER  
MAINTENANCE WORKER**

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

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

**SECTION 1.** Tauyyib Abzal, of Schenectady, New York 12306, is hereby appointed to the position of Water & Sewer Maintenance Worker, full time, probationary, with full employee benefits, and subject to pre-employment background checks, at an annual salary of forty-nine thousand one hundred fifty-six and 95/100 (\$49,156.95) dollars, commencing October 2, 2023.

**SECTION 2.** This resolution shall become effective September 27, 2023.

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 287.23**

**TO APPROVE BUDGET TRANSFERS TO THE 2023 BUDGET**

**THEREFORE, UPON MOTION OF** Councilmember **CHRISTOU**, 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:

| <i><b>Fund</b></i> | <i><b>Account No.</b></i> | <i><b>Title</b></i>            | <i><b>Amount</b></i> |
|--------------------|---------------------------|--------------------------------|----------------------|
| General            | A1990-4172                | FROM: Contingent Account       | -20,000.00           |
| General            | A1670-4702                | INTO: Printing Code            | +20,000.00           |
| General            | W58340 4889               | FROM: Backfill/Pavement Repair | -5,000.00            |
| General            | W58340 4305               | INTO: Auto Equip Supply        | +5,000.00            |
| General            | A7110 4153                | FROM: Parks Improvements       | -30,000.00           |
| General            | A7110 2000                | INTO: Equipment/Facilities     | +30,000.00           |

**SECTION 2.** This resolution shall become effective September 27, 2023.

**DATED:** September 27, 2023

| <b>NAME</b>    | <b>AYES</b> | <b>NOES</b> | <b>ABSTAIN</b> |
|----------------|-------------|-------------|----------------|
| Christou       | <b>X</b>    |             |                |
| Miller-Herrera | <b>X</b>    |             |                |
| Dodson         | <b>X</b>    |             |                |
| Mastroianni    | <b>X</b>    |             |                |
| Collins        | <b>X</b>    |             |                |

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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 288.23**

**ESTABLISHING WATER/SEWER RENTS AND CONTRACT ASSESSMENTS FOR THE  
YEAR 2023 FOR THE WATER/SEWER DISTRICTS**

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

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

**SECTION 1.** That water/sewer rents and contract assessments for the year 2023 for the water/sewer districts of the Town of Rotterdam hereinafter set forth, be and they hereby are established and that the Receiver of Taxes and Assessments, is hereby directed to receive and collect from the several persons named on the water rent roll, the several sums mentioned in the last column thereof opposite their respective name on or after June 1 through July 31, 2023. All charges unpaid by July 31, 2023 will be placed on Town Tax Rolls with additional penalties and collected in the same manner as other Town taxes:

| <b>District:</b>    | <b>Charge per unit:</b> | <b>Total Collected:</b> |
|---------------------|-------------------------|-------------------------|
| Water 3& 4          | \$650.71                | \$255,729.03            |
| Water 5             | \$97.18                 | \$1,105,743.81          |
| Sewer 2             | \$306.47                | \$985,960.63            |
| Sewer 3             | \$251.37                | \$38,459.61             |
| Sewer 4             | \$544.44                | \$3,266.64              |
| Sewer 6             | \$1,565.22              | \$6,010.44              |
| Sewer 7             | \$97.07                 | \$18,443.30             |
| <b>Grand Total:</b> |                         | <b>\$2,413,613.46</b>   |

**SECTION 2.** This resolution shall become effective September 27, 2023.



**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 289.23**

**TO DECLARE SENIOR CENTER EQUIPMENT OBSOLETE**

**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, 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:

Triple Sink-No faucets or legs  
Triple Sink-w/faucets, double work space  
Single Sink  
Dishwasher  
Refrigerator-No Doors

**SECTION 2.** This resolution shall become effective September 27, 2023.

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 290.23**

**TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH BOGHT VETERINARY CLINIC**

**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 Boght Veterinary Clinic, located at 1165 Loudon Rd, Cohoes, New York 12047, to provide supplemental sheltering and veterinary services for dogs, in accordance to the fee schedule provided in the agreement.

**SECTION 2.** This resolution shall be effective September 27, 2023.

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 291.23**

**TO AUTHORIZE THE PURCHASE OF ONE PICKUP TRUCK FOR THE PARKS AND RECREATION DEPARTMENT**

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

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

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the purchase of one 2023 Dodge Ram pickup truck for the Parks and Recreation Department, from: Joe Ceconni's Chrysler Complex located at 2380 Military Rd, Niagara Falls, NY 14304, with compliance under NYS contract, in the amount not to exceed fifty-two thousand forty-six and 00/100 (\$52,046.00) dollars.

**SECTION 2.** This resolution shall become effective September 27, 2023.

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 292.23**

**AUTHORIZE CHANGE ORDER NO. 3 WITH WM. J. KELLER & SONS FOR THE SEWER DISTRICT NO. 7 EXTENSION NO. 2 PROJECT**

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

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

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute Deduct Change Order No. 3 with WM. J. Keller & Sons, located at 1435 Route 9, Castleton, New York 12033, for the remaining allowance for the Sewer District No. 7, Extension No. 2 Carman Road project, for a deduction in the amount of eighty nine thousand seventy seven and 50/100 (\$89,077.50) dollars, for a new total contract amount not to exceed two million eight hundred twenty four thousand nine hundred forty nine and 50/100 (\$2,824,949.50) dollars.

**SECTION 2.** This resolution shall become effective September 27, 2023.

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 293.23**

**TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH BARTON AND LOGUDICE FOR ASBESTOS MONITORING AND CONSTRUCTION SUPPORT SERVICES OF THE BABE RUTH BUILDING**

**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 Barton & Loguidice (B&L), located at 10 Airline Drive, Albany, NY 12205, to provide asbestos monitoring and construction support services as needed for the demolition of the Babe Ruth Building, located at 912 Poutre Avenue, in the amount not to exceed seven thousand eight hundred and 00/100 (\$7,800.00) dollars.

**SECTION 2.** This resolution shall become effective on September 27, 2023.

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 294.23**

**REQUESTING BIDS FOR THE BABE RUTH BUILDING ASBESTOS ABATEMENT AND DEMOLITION**

**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 the Babe Ruth building asbestos abatement and demolition.

**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 18<sup>th</sup> day of October 2023, at 2:00 P.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:

**BABE RUTH BUILDING ASBESTOS ABATEMENT AND DEMOLITION**

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



**ALL BID PROPOSALS MUST BE SUBMITTED PRIOR TO  
2:00 P.M., WEDNESDAY, OCTOBER 18, 2023**

**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:** September 27, 2023

**BidNet:** Please publish on September 29, 2023

**Daily Gazette:** Please publish once on September 29, 2023

**Town Clerk Post**

**SECTION 3.** This resolution shall become effective September 27, 2023

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk





At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 295.23**

**TO AMEND RESOLUTION 296.21 RELATING TO THE USE OF ARPA FUNDS**

**WHEREAS**, by Resolution No. 261.23 adopted on August 9, 2023, the Town Board voted in favor of amending Section 1 of Resolution 296.21 to read in its entirety as follows:

"SECTION 1. The Town Board of the Town of Rotterdam, upon recommendation from the Director of Finance, does hereby accept the American Rescue Plan Act (ARPA) funds (into line A 4989 4989 00 (Fed Aid)) for use in support of 2021 expenses outside the initial budget with expenditures designated toward the purchase of 210 Phillips Road (\$260,000.00) and 212 Phillips Road (\$215,000.00) for the future use as Town parkland (total of \$475,000.00 paid from line A7110 4153 (Parks Improvements), and to fund the improvements to Sewer District 7 Extension 2 (\$415,000.00 paid from Capital Project - H131 (Carmen Rd Sewer SD7 Ext 2), and to fund the leak detection work, valve/hydrant(s) assessment, lead service/pipe inventory, redundant source evaluation, and consolidation review for Water Districts 3 and 4 paid from line W38310 4850 (Water District 3, Engineering Consultant), and to fund the replacement of the asbestos concrete water main on Rt. 5S, paid from the fund line H132 Route 5S Safety Improvements (\$1,200,000.00).

And;

**WHEREAS**, the Town Board of the Town of Rotterdam desires to authorize designation of \$59,954.15 of funds received pursuant to the American Rescue Plan Act (ARPA) to purchase one 2022 Ford F-250 Pickup Truck for the Wastewater Treatment Plant; and

**WHEREAS**, the Town is in the process of redistributing used vehicles in the vehicle fleet to other departments and this will be the first step in the process of establishing a town-wide vehicle replacement program; **NOW**

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

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

**SECTION 1.** Section 1 of Resolution 296.21 is hereby amended to read in its entirety as follows:

"SECTION 1. The Town Board of the Town of Rotterdam, upon recommendation from the Director of Finance, does hereby accept the American Rescue Plan Act (ARPA) funds (into line A 4989 4989 00 (Fed Aid)) for use in support of 2021 expenses outside the initial budget with expenditures designated toward the purchase of 210 Phillips Road (\$260,000.00) and 212 Phillips Road (\$215,000.00) for the future use as Town parkland (total of \$475,000.00 paid from line A7110 4153 (Parks Improvements), and to fund the improvements to Sewer District 7 Extension 2 (\$415,000.00 paid from Capital Project - H131 (Carmen Rd Sewer SD7 Ext 2), and to fund the leak detection work, valve/hydrant(s) assessment, lead service/pipe inventory, redundant source evaluation, and consolidation review for Water Districts 3 and 4 paid from line W38310 4850 (Water District 3, Engineering Consultant), and to fund the replacement of the asbestos concrete water main on Rt. 5S, paid from the fund line H132 Route 5S Safety Improvements (\$1,200,000.00), and to fund the purchase of one Ford F-250 Pickup Truck for the Wastewater Treatment Plant (\$59,954.15) paid from lines S28130 2000(\$44,965.61) and S28120 2000(\$14,988.54).

**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 2023 are hereby audited and approved:

| <b>Fund</b> | <b>Account No.</b> | <b>Title</b>       | <b>Amount</b> |
|-------------|--------------------|--------------------|---------------|
| General     | A 909              | FROM: Fund Balance | -\$59,954.15  |
| S2          | S28130 2000        | INTO: S2 Equipment | +\$44,965.61  |
| S2          | S28120 2000        | INTO: S2 Equipment | +\$14,988.54  |

**SECTION 3.** This resolution shall become effective September 27, 2023.

**DATED:** September 27, 2023

| <b>NAME</b>    | <b>AYES</b> | <b>NOES</b> | <b>ABSTAIN</b> |
|----------------|-------------|-------------|----------------|
| Christou       | <b>X</b>    |             |                |
| Miller-Herrera |             |             | <b>X</b>       |
| Dodson         | <b>X</b>    |             |                |
| Mastroianni    | <b>X</b>    |             |                |
| Collins        | <b>X</b>    |             |                |

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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 296.23**

**TO AUTHORIZE THE PURCHASE OF ONE PICKUP TRUCK FOR THE WASTEWATER TREATMENT PLANT**

**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 2022 Ford F250 pickup truck for the Wastewater Treatment Plant, from Metro Ford Sales Inc., located at 3601 State St, Schenectady, NY 12304, with compliance under NYS contract, in the amount not to exceed fifty-nine thousand nine hundred fifty-four and 15/100 (\$59,954.15) dollars.

**SECTION 2.** This resolution shall become effective September 27, 2023.

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 297.23**

**TO DECLARE LEAD AGENCY FOR SEQR REVIEW FOR THE CHANGE OF ZONE FROM AGRICULTURAL (A-1) TO GENERAL BUSINESS (B-2) ON TAX PARCEL #57-3-7.112 AND 57.7-1-1.2 KNOWN AS 900 AND 880 DUANESBURG ROAD**

**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 declares the Town Board as Lead Agency under 6NYCRR Part 617 SEQR (State Environmental Quality Review) in connection to the proposed change of zone from Agricultural (A-1) to General Business (B-2), on ± 17.3 acres, to construct a 102,500 square foot BJ's Wholesale Club with associated 8 island fueling station at 900 Duanesburg Road (Tax Map No. 57-3-7.112), and 2,000 square foot retail building with associated drive thru at 880 Duanesburg Road (Tax Map No. 57.7-1-1.2).

**SECTION 2.** The Town Board of the Town of Rotterdam hereby authorizes the Town Planner to prepare, file, publish, and distribute all documents as necessary to comply with 6NYCRR Part 617 SEQR.

**SECTION 3.** This resolution shall become effective September 27, 2023.

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 298.23**

**TO ACCEPT AND AWARD BID FOR ROTTERDAM TOWN HALL BUILDING RENOVATIONS**

**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 Wednesday, September 13, 2023, posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (<https://bidnetdirect.com/townofrotterdam>). Additionally, the official bid report and all bids were made available in the Office of the Town Clerk for public inspection upon request for the purchase by the Town of Rotterdam of the following:

**ROTTERDAM TOWN HALL BUILDING RENOVATIONS**

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

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

**SECTION 1.** The Town Board of the Town of Rotterdam does hereby accept and award the bid for Rotterdam Town Hall Building Renovations, Contract No. 1, general construction, plus additive bids 1A, 1B, 1C & 1D, to Bunkoff General Contractors Inc., located at 790 Watervliet-Shaker Road, Latham, New York 12110, at the mutual consent of both the Town and Bunkoff General Contractors Inc. in the amounts: Base Bid of \$1,124,000.00, Additive Bid Item No. 1A (Unit Price) \$60.00/SF, Additive Bid Item No. 1B (Unit Price) \$500.00/SF, Additive Bid Item No. 1C (Unit Price) \$25.00/SF, and Alternate Bid Item No. 1D \$4,000.00.

**SECTION 2.** The Town Board of the Town of Rotterdam does hereby accept and award the bid for Rotterdam Town Hall Building Renovations, Contract No. 2, Mechanical, to John W. Danforth Company, located at 5 Liebich Ln, Halfmoon, New York 12065, at the mutual consent of both the Town and John W. Danforth Company in the amount of \$177,900.00.

**SECTION 3.** The Town Board of the Town of Rotterdam does hereby accept and award the bid for Rotterdam Town Hall Building Renovations, Contract No. 3, Electrical, to Empire Electric New York LLC, located at PO Box 13082, Albany, New York 12212, at the mutual consent of both the Town and Empire Electric New York LLC in the amount of \$115,300.00.

**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 September 27, 2023.

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk

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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, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 299.23**

**TO DECLARE LEAD AGENCY FOR SEQR REVIEW FOR THE CHANGE OF ZONE FROM TWO-FAMILY RESIDENTIAL (R-2) TO MULTIPLE-FAMILY (R-3) ON TAX PARCEL #59.6-2-2 KNOWN AS 1696 CRANE STREET**

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

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

**SECTION 1.** The Town Board of the Town of Rotterdam hereby declares the Town Board as Lead Agency under 6NYCRR Part 617 SEQR (State Environmental Quality Review) in connection to the proposed change of zone from Two-Family Residential (R-2) to Multiple-Family (R-3), on ±71,003 square feet of the parcel known as 1696 Crane Street, Tax Map No. 59.6-2-2, to convert a three (3) unit building to a four (4) unit.

**SECTION 2.** The Town Board of the Town of Rotterdam hereby authorizes the Town Planner to prepare, file, publish, and distribute all documents as necessary to comply with 6NYCRR Part 617 SEQR.

**SECTION 3.** This resolution shall become effective September 27, 2023.

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk





At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 300.23**

**TO CALL FOR A PUBLIC HEARING ON THE PROPOSED INTRODUCTORY LOCAL LAW \_\_\_ OF 2023; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, RELATING TO A CHANGE OF ZONE FROM TWO FAMILY RESIDENTIAL (R-2) TO MULTIPLE FAMILY (R-3)**

**WHEREAS**, the Town Board passed Resolution No. 281.23 to recognize the introduction of Introductory Local Law \_\_\_ of 2023; to amend chapter 270, Zoning, of the town code, relating to a change of zone from Two Family Residential (R-2) to Multiple Family (R-3) and referring the same to the Planning Commission for report and recommendation; and

**WHEREAS**, the Planning Commission, on September 19, 2023 issued a positive recommendation on the change of zone requested by BD Construction with the next step to call for a public hearing; NOW

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

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

**TOWN OF ROTTERDAM  
NOTICE OF HEARING**

**PLEASE TAKE NOTICE:** That the Town Board of the Town of Rotterdam will hold a public hearing at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306, at 7:00 p.m. on the 11<sup>th</sup> day of October 2023 for the following purpose:

For receipt of comment on the proposed Introductory Local Law No. \_\_\_ of 2023; to amend chapter 270, Zoning, of the Town Code of the Town of Rotterdam for a change of zone from Two Family Residential (R-2) to Multiple Family (R-3), to convert a three (3) unit building to a four (4) unit.

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

**DATED:** September 27, 2023  
**Daily Gazette:** Please publish once on September 29, 2023  
**Town Clerk**  
**Post**

**SECTION 2.** This resolution shall become effective September 27, 2023.

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 301.23**

**TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH BARTON AND LOGUDICE FOR DESIGN SERVICES FOR THE INSTALLATION OF A NEW GARAGE DOOR AND OPENING INSIDE THE WATER DISTRICT NUMBER 5 GENERATOR BUILDING**

**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 Barton & Loguidice (B&L), located at 10 Airline Drive, Albany, NY 12205, for design services and preparation of construction documents related to new improvements at the Water District Number 5 Generator Building, located at 49 Rice Road, Schenectady, New York 12306, in the amount not to exceed seven thousand five hundred and 00/100 (\$7,500.00) dollars.

**SECTION 2.** This resolution shall become effective on September 27, 2023.

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 302.23**

**TO AUTHORIZE CHANGE ORDER 4A FOR CONTRACT 1 OF THE SALT STORAGE & YARD WASTE PROCESSING FACILITY PROJECT**

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

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to execute Change Order 4a, with AMZ Construction Services, Inc., located at 1234 Main Street, PO Box 232, Rotterdam Junction, NY 12150, to extend the contract time of substantial completion to November 17, 2023, and final payment date to January 16, 2024, for Contract No. 1, General Construction on the Salt Storage & Yard Waste Processing Facility project.

**SECTION 2.** This resolution shall become effective September 27, 2023.

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 303.23**

**TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH BARTON AND LOGUDICE FOR PROFESSIONAL SERVICES FOR THE WATER SYSTEM IMPROVEMENTS PROJECT**

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

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

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with Barton & Loguidice (B&L), located at 10 Airline Drive, Albany, NY 12205, to provide professional services for the Town of Rotterdam Water System Improvements Project in the amount not to exceed two million one hundred ten thousand, three hundred and 00/100 (\$2,110,300.00) dollars

**SECTION 2.** This resolution shall become effective on September 27, 2023.

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 304.23**

**TO AUTHORIZE THE PURCHASE OF EQUIPMENT AND PARTS FOR THE  
WASTEWATER TREATMENT PLANT TRUCK**

**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 equipment and parts for the Wastewater Treatment Plant truck, in the amount not to exceed seventeen thousand two hundred forty-one and 94/100 (\$17,241.94) dollars.

**SECTION 2.** This resolution shall become effective September 27, 2023.

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, September 27, 2023, at 7:00 p.m., the following resolution was duly adopted:

**RESOLUTION NO. 305.23**

**TO SCHEDULE A SPECIAL MEETING OF THE TOWN BOARD**

**THEREFORE, UPON MOTION OF** Councilmember **DODSON**, seconded by Councilmember **MILLER-HERRERA**,

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

**SECTION 1.** The Town Board of the Town of Rotterdam hereby schedules a special meeting of the Town Board of the Town of Rotterdam, to be held Wednesday, October 4, 2023, at 7:00 p.m., at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 for the purpose of the Town Clerk presenting the 2024 tentative budget to the Town Board and for any other purpose as may come before the Town Board.

**SECTION 2.** The Town Clerk of the Town of Rotterdam is hereby directed to transmit to the news media, to publish in the official newspaper of the Town of Rotterdam, to post on the Town website, to post on the Town Clerk signboard, and to provide written notice to each member of the Town Board not less than two (2) days prior to the date designated for the special meeting, the following notice of special meeting:

**TOWN OF ROTTERDAM  
NOTICE OF SPECIAL MEETING**

**PLEASE TAKE NOTICE:** That the Town Board of the Town of Rotterdam will hold a special meeting at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 at 7:00 p.m. on the 4th day of October, 2023 for the purpose of the Town Clerk presenting the 2024 tentative budget to the Town Board and for any other purpose as may come before the Town Board.

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

**DATED:** September 27, 2023

**Daily Gazette:** Please publish once on or before September 29, 2023

**Town Clerk:**

Post, Transmit to News Media, Provide Written Notice to Councilmembers

**DATED:** September 27, 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 September 27, 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 29, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk





**RESOLUTION NO. 311.23**

**TO ACCEPT REVENUE FOR TOWN CLERK'S OFFICE FOR SEPTEMBER 2023**

**THEREFORE, UPON MOTION OF** Councilmember \_\_\_\_\_,

seconded by Councilmember \_\_\_\_\_,

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

**SECTION 1.** The Town Clerk's report for the month of September 2023, has been placed on file and the town clerk's check in the amount of four thousand seven hundred forty six dollars and 42/100 (\$4,746.42) has been submitted to the supervisor for deposit.

**SECTION 2.** This resolution shall become effective October 11, 2023

**DATED:** October 11, 2023

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

# TOWN OF ROTTERDAM

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



## LEGISLATIVE REQUEST FORM

DATE: October 4, 2023

TO: Mollie A. Collins, Supervisor

FROM: Diane M. Marco, Town Clerk

TITLE OF LEGISLATIVE REQUEST: Revenue received for September, \$4,746.42 in the Town Clerks office.

TO BE PLACED ON TOWN BOARD AGENDA OF: October 11, 2023

TO BE PLACED ON TOWN BOARD MEETING OF: October 11, 2023

Background Information: Attached

Evaluation/Analysis: Increase revenue for the Town.

Recommendation(s): To place on the Town Board Agenda and Town Board meeting of October 11, 2023

Attachment/Documents(s): Attached

Compliance with Purchasing Policy: N/A

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

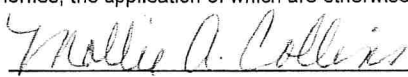
LEGISLATION WAS PREPARED BY: Diane M. Marco, Town Clerk

| Account Description       | Fee Description            | Account# | Qty               | Local Share       |
|---------------------------|----------------------------|----------|-------------------|-------------------|
| Conservation              | Conservation               | A1255    | 20                | 374.96            |
|                           |                            |          | <b>Sub-Total:</b> | <b>\$374.96</b>   |
| Dog Licensing             | Exempt Dog                 | A2544    | 2                 | 0.00              |
| Dog Licensing             | Female, Spayed             | A2544    | 87                | 1,218.00          |
| Dog Licensing             | Female, Unspayed           | A2544    | 11                | 187.00            |
| Dog Licensing             | Male, Neutered             | A2544    | 88                | 1,232.00          |
| Dog Licensing             | Male, Unneutered           | A2544    | 15                | 255.00            |
| Dog Licensing             | Replacement Tags           | A2544    | 1                 | 3.00              |
|                           |                            |          | <b>Sub-Total:</b> | <b>\$2,895.00</b> |
| Late Fees                 | Late Fee -Dog Renewal      | A1550    | 33                | 330.00            |
|                           |                            |          | <b>Sub-Total:</b> | <b>\$330.00</b>   |
| Marriage Lic.             | MARRIAGE LICENSE FEE       | A1255    | 18                | 315.00            |
|                           |                            |          | <b>Sub-Total:</b> | <b>\$315.00</b>   |
| Misc                      | Impoundment Fees - Dogs    | A1550    | 2                 | 20.00             |
|                           | Misc                       |          | 8                 | 182.46            |
|                           |                            |          | <b>Sub-Total:</b> | <b>\$202.46</b>   |
| MISC. FEES                | Boarding - Dog             |          | 9                 | 45.00             |
| MISC. FEES                | Certified Copies           | A1255    | 66                | 660.00            |
|                           |                            |          | <b>Sub-Total:</b> | <b>\$705.00</b>   |
| One Day Officiant License | One Day Officiant License  | A1255    | 1                 | 25.00             |
|                           |                            |          | <b>Sub-Total:</b> | <b>\$25.00</b>    |
| parade vending permit     | Parade Permit              | A002545  | 1                 | 25.00             |
|                           |                            |          | <b>Sub-Total:</b> | <b>\$25.00</b>    |
| PERMIT FEES               | Garage Sale                | A2590    | 77                | 385.00            |
|                           |                            |          | <b>Sub-Total:</b> | <b>\$385.00</b>   |
| Senior Discount           | Senior Discount            | A2544    | 67                | -661.00           |
|                           |                            |          | <b>Sub-Total:</b> | <b>-\$661.00</b>  |
| Soliciting                | Soliciting Hawking Peddler | A2545    | 1                 | 150.00            |
|                           |                            |          | <b>Sub-Total:</b> | <b>\$150.00</b>   |

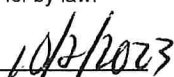
| Account Description                              | Fee Description                           | Account#           | Qty                                 | Local Share       |
|--------------------------------------------------|-------------------------------------------|--------------------|-------------------------------------|-------------------|
|                                                  |                                           |                    | <b>Total Local Shares Remitted:</b> | <b>\$4,746.42</b> |
| Amount paid to:                                  | NYS Ag. & Markets for spay/neuter program |                    |                                     | 253.00            |
| Amount paid to:                                  | NYS Environmental Conservation            |                    |                                     | 7,864.04          |
| Amount paid to:                                  | State Health Dept. For Marriage Licenses  |                    |                                     | 405.00            |
| <b>Total State, County &amp; Local Revenues:</b> |                                           | <b>\$13,268.46</b> | <b>Total Non-Local Revenues:</b>    | <b>\$8,522.04</b> |

To the Supervisor:

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



Supervisor



Date



Town Clerk



Date

**Monthly Worksheet of Daily Work  
September 2023**

| DATE                        | AMOUNT<br>DEPOSITED | DEC<br>LICENSE<br>SALES | DEC<br>PORTION | TOWN<br>PORTION | DOG<br>AMOUNT<br>PAID | STATE<br>AG-MKTS<br>PORTION | TOWN<br>PORTION | MARRIA<br>GE FEE<br>PAID | STATE<br>DOH<br>PORTION | TOWN<br>PORTION | Games of<br>chance<br>3%Bingo | STATE<br>BINGO<br>GAMES<br>CHANCE<br>N | TOWN<br>PORTION<br>EZ<br>PASS | ONE Day<br>Officiant |
|-----------------------------|---------------------|-------------------------|----------------|-----------------|-----------------------|-----------------------------|-----------------|--------------------------|-------------------------|-----------------|-------------------------------|----------------------------------------|-------------------------------|----------------------|
| 9/1/2023                    | \$673.00            | \$266.00                | \$249.88       | \$16.12         | \$217.00              | \$26.00                     | \$191.00        | \$80.00                  | \$45.00                 | \$35.00         | \$0.00                        | \$0.00                                 | \$0.00                        | \$0.00               |
| 9/5/2023                    | \$628.00            | \$132.00                | \$123.99       | \$8.01          | \$266.00              | \$24.00                     | \$242.00        | \$0.00                   | \$0.00                  | \$0.00          | \$0.00                        | \$0.00                                 | \$0.00                        | \$0.00               |
| 9/6/2023                    | \$224.00            | \$164.00                | \$153.51       | \$10.49         | \$30.00               | \$4.00                      | \$26.00         | \$0.00                   | \$0.00                  | \$0.00          | \$0.00                        | \$0.00                                 | \$0.00                        | \$0.00               |
| 9/7/2023                    | \$437.38            | \$94.00                 | \$88.82        | \$5.18          | \$170.00              | \$19.00                     | \$151.00        | \$120.00                 | \$67.50                 | \$52.50         | \$3.38                        | \$0.00                                 | \$0.00                        | \$0.00               |
| 9/8/2023                    | \$1,055.76          | \$584.00                | \$551.07       | \$32.93         | \$251.00              | \$25.00                     | \$226.00        | \$80.00                  | \$45.00                 | \$35.00         | \$50.76                       | \$0.00                                 | \$0.00                        | \$0.00               |
| 9/11/2023                   | \$822.00            | \$592.00                | \$561.48       | \$30.52         | \$170.00              | \$20.00                     | \$150.00        | \$40.00                  | \$22.50                 | \$17.50         | \$0.00                        | \$0.00                                 | \$0.00                        | \$0.00               |
| 9/12/2023                   | \$482.00            | \$371.00                | \$350.57       | \$20.43         | \$91.00               | \$9.00                      | \$82.00         | \$0.00                   | \$0.00                  | \$0.00          | \$0.00                        | \$0.00                                 | \$0.00                        | \$0.00               |
| 9/13/2023                   | \$1,116.00          | \$996.00                | \$975.05       | \$20.95         | \$55.00               | \$5.00                      | \$50.00         | \$0.00                   | \$0.00                  | \$0.00          | \$0.00                        | \$0.00                                 | \$0.00                        | \$0.00               |
| 9/14/2023                   | \$530.14            | \$281.00                | \$267.65       | \$13.35         | \$116.00              | \$12.00                     | \$104.00        | \$80.00                  | \$45.00                 | \$35.00         | \$3.14                        | \$0.00                                 | \$0.00                        | \$0.00               |
| 9/15/2023                   | \$311.45            | \$167.00                | \$156.32       | \$10.68         | \$90.00               | \$6.00                      | \$84.00         | \$0.00                   | \$0.00                  | \$0.00          | \$24.45                       | \$0.00                                 | \$0.00                        | \$0.00               |
| 9/18/2023                   | \$409.00            | \$194.00                | \$182.58       | \$11.42         | \$105.00              | \$9.00                      | \$96.00         | \$80.00                  | \$45.00                 | \$35.00         | \$0.00                        | \$0.00                                 | \$0.00                        | \$0.00               |
| 9/19/2023                   | \$569.00            | \$154.00                | \$144.78       | \$9.22          | \$90.00               | \$9.00                      | \$81.00         | \$80.00                  | \$45.00                 | \$35.00         | \$0.00                        | \$0.00                                 | \$0.00                        | \$25.00              |
| 9/20/2023                   | \$700.00            | \$485.00                | \$456.79       | \$28.21         | \$40.00               | \$4.00                      | \$36.00         | \$40.00                  | \$22.50                 | \$17.50         | \$0.00                        | \$0.00                                 | \$0.00                        | \$0.00               |
| 9/21/2023                   | \$355.00            | \$189.00                | \$178.57       | \$10.43         | \$96.00               | \$13.00                     | \$83.00         | \$0.00                   | \$0.00                  | \$0.00          | \$0.00                        | \$0.00                                 | \$0.00                        | \$0.00               |
| 9/22/2023                   | \$312.68            | \$96.00                 | \$90.72        | \$5.28          | \$110.00              | \$9.00                      | \$101.00        | \$0.00                   | \$0.00                  | \$0.00          | \$31.68                       | \$0.00                                 | \$0.00                        | \$0.00               |
| 9/25/2023                   | \$941.07            | \$607.00                | \$574.93       | \$32.07         | \$125.00              | \$14.00                     | \$111.00        | \$40.00                  | \$22.50                 | \$17.50         | \$19.07                       | \$0.00                                 | \$0.00                        | \$0.00               |
| 9/26/2023                   | \$590.00            | \$370.00                | \$346.69       | \$23.31         | \$180.00              | \$20.00                     | \$160.00        | \$0.00                   | \$0.00                  | \$0.00          | \$0.00                        | \$0.00                                 | \$0.00                        | \$0.00               |
| 9/27/2023                   | \$279.00            | \$179.00                | \$167.67       | \$11.33         | \$75.00               | \$7.00                      | \$68.00         | \$0.00                   | \$0.00                  | \$0.00          | \$0.00                        | \$0.00                                 | \$0.00                        | \$0.00               |
| 9/28/2023                   | \$804.93            | \$452.00                | \$426.35       | \$25.65         | \$80.00               | \$6.00                      | \$74.00         | \$80.00                  | \$45.00                 | \$35.00         | \$42.93                       | \$0.00                                 | \$0.00                        | \$0.00               |
| 9/29/2023                   | \$2,028.05          | \$1,866.00              | \$1,816.62     | \$49.38         | \$130.00              | \$12.00                     | \$118.00        | \$0.00                   | \$0.00                  | \$0.00          | \$7.05                        | \$0.00                                 | \$0.00                        | \$0.00               |
| Audited by<br>dmm 9/29/2023 | \$13,268.46         | \$8,239.00              | \$7,864.04     | \$374.96        | \$2,487.00            | \$253.00                    | \$2,234.00      | \$720.00                 | \$405.00                | \$315.00        | \$182.46                      | \$0.00                                 | \$0.00                        | \$25.00              |

THE BEN-THERMO SECURED "SPH" LOGO IN THE LOWER CORNER OF THIS CHECK MUST FADE TEMPORARILY WHEN WARNED BY TOUCH OR FRICTION. SEE BACK FOR ADDITIONAL FEATURES.

DATE October 2, 2023 29-7/213 2921

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

\$ 4286.42

PAY  
TO THE  
ORDER OF

ROTTENDAM, NT 12303

Mollie Collins, Supervisor

Five Thousand Seven Hundred Sixty Six 5766 DOLLARS

KeyBank 

**KeyBank National Association**

MEMO

KeyBank National Association  
 11/19/2023


**Mobile Deposit Safe**  
 Details on page 10

Clay D. Vance  
Treasurer

**RESOLUTION NO. 312.23**

**TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH GREENMAN-PEDERSEN,  
INC. (GPI) FOR PROFESSIONAL SURVEY SERVICES ON THE SARTOLI AVENUE  
AND ROME AVENUE DRAINAGE IMPROVEMENTS PROJECT**

**THEREFORE, UPON MOTION OF** Councilmember \_\_\_\_\_,

seconded by Councilmember \_\_\_\_\_,

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

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the Town Supervisor to negotiate and execute an agreement with Greenman-Pedersen, Inc, located at 80 Wolf Road, Suite 300, Albany, NY 12205, for professional survey services related to the Sartoli Avenue and Rome Avenue Drainage Improvements Project, in the amount not to exceed three thousand eight hundred fifty and 00/100 (\$3,850.00) dollars.

**SECTION 2.** This resolution shall become effective October 11, 2023.

**DATED:** October 11, 2023

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

# TOWN OF ROTTERDAM

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



## LEGISLATIVE REQUEST FORM

DATE: September 26, 2023

TO: Town Board

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

TITLE OF REQUEST: To authorize the Supervisor to enter an Agreement with Greenman-Pedersen, Inc. (GPI) to provide survey and mapping services for the future acquisition of city property as part of the Sartoli Avenue and Kings Road drainage improvements.

TOWN BOARD MEETING: October 11, 2023

Background Information: The design of the Sartoli Avenue and Kings Road drainage improvements includes construction of a detention basin on lands currently owned by the city of Schenectady. After lengthy negotiations with the city, an agreement on the cost of purchasing the property has been reached. A map and description of the property to be purchased should be completed and on file.

Evaluation/Analysis: The cost provided by GPI is reasonable for the level of effort needed to perform the work.

Recommendation(s): I recommend that the Town Board approve the cost of providing engineering services for the lump sum amount of \$3,850.00.

Attachment/Document(s): See proposal from GPI.

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisor's Office



September 21, 2023

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

**RE: Proposal for Boundary Survey (60.17-2-26)**  
**Sartoli Avenue and Rome Avenue Drainage Improvements**  
**Town of Rotterdam, Schenectady County, NY**

Dear Ms. Collins,

GPI thanks you for the opportunity to present our proposal for professional survey services associated with the referenced project for the Town of Rotterdam. As we understand the Town has acquired a parcel from the City of Schenectady designated tax map number (60.17-2-26).

**Scope of Services:**

GPI will complete a boundary survey and stake the corners of the parcel as outlined in the mapping provided by the Town, which is attached for reference.

**Deliverables:**

- Survey Map of parcel (60.17-2-26)
- Legal description of the property.

**Fee Estimate:**

The work described in the Scope of Services will be completed for a lump sum fee of **\$3,850.**

**Agreement:**

As formal authorization to proceed with this additional work under our current contract, please sign below and return to me.

Thank you for the opportunity to submit our proposal and feel free to contact me if you have any questions.

With Gratitude,  
**GPI/GREENMAN-PEDERSEN, INC.**



Ryan Trunko, PE  
Project Manager  
80 Wolf Road, Suite 600, Albany, NY 12205  
518-898-9551 | [rtrunko@gpinet.com](mailto:rtrunko@gpinet.com)

**Authorization**

Town of Rotterdam

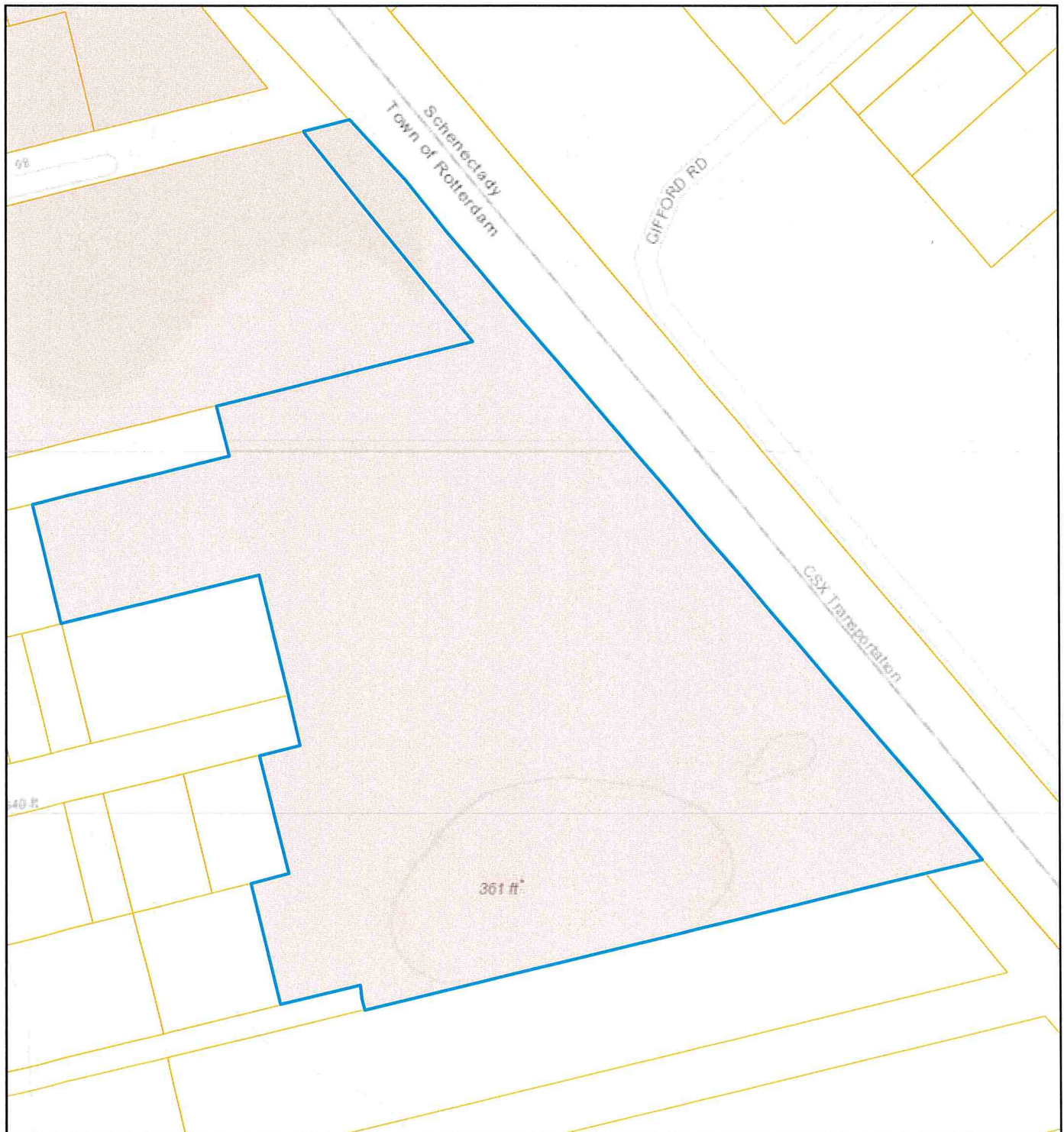
Signature

Date

Print Name

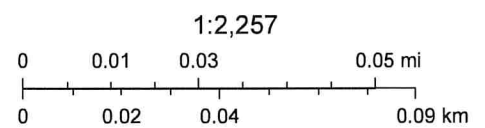
Title

# Untitled Map



September 15, 2023

-  Override 1
-  Parcels



Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

No Author  
This map and information is provided as is. We make no warranties or guarantees, expressed or implied.

**RESOLUTION NO. 313.23**

**TO DECLARE PARKS DEPARTMENT VEHICLES OBSOLETE**

**THEREFORE, UPON MOTION OF** Councilmember \_\_\_\_\_,

seconded by Councilmember \_\_\_\_\_,

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

**SECTION 1.** The Town Board of the Town of Rotterdam hereby declares the following equipment obsolete and authorizes that it be sold at auction:

2002 Ford F150 (VIN #: 2FTRX172X2CA43935)  
2002 Chevy Silverado (VIN#:1GCEC14V72Z317720)  
1992 Ford New Holland Tractor (Control # 13512)

**SECTION 2.** This resolution shall become effective October 11, 2023.

**DATED:** October 11, 2023

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

# TOWN OF ROTTERDAM

John F. Kirvin Government Center \* 1100 Sunrise Boulevard \* Rotterdam, NY 12306  
Telephone: 518-355-7575 \* Fax: 518-355-7976 \* Website: [www.rotterdamny.org](http://www.rotterdamny.org)



## LEGISLATIVE REQUEST FORM

DATE: October 3, 2023

TO: Mollie Collins – Town Supervisor

FROM: Morgan Coryer, Coordinator of Parks & Senior Programs

TITLE OF REQUEST: Declare the following Parks Dept. trucks obsolete in order to put them up for auction:  
2002 Ford F150 (VIN #: 2FTRX172X2CA43935)  
2002 Chevy Silverado (VIN#:1GCEC14V72Z317720)  
1992 Ford New Holland Tractor (Control # 13512)

TOWN BOARD MEETING: October 11, 2023

Background Information: The above vehicles need significant repair and are no longer safe to operate in the capacity required by the Parks Dept. It would be cost prohibitive to repair the vehicles listed due to their age and mileage.

Evaluation/Analysis: N/A

Recommendation(s): Recommend to declare the above listed vehicles obsolete in order to be put up for auction at Collar City Auctions, 9423 Western Turnpike Delanson, NY 12053.

Attachment/Document(s): N/A

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisor's Office



**RESOLUTION NO. 314.23**

**AUTHORIZE DEDUCT CHANGE ORDER NO. 3 WITH B&D INDUSTRIES FOR THE  
SEWER DISTRICT NO. 7 EXTENSION NO. 2 PROJECT**

**THEREFORE, UPON MOTION OF** Councilmember \_\_\_\_\_,

seconded by Councilmember \_\_\_\_\_,

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

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute Deduct Change Order No. 3 with B&D Industries, located at 65 Washington St, Rensselaer, NY 12144, for the remaining allowance for the Sewer District No. 7, Extension No. 2 Carman Road project, for a deduction in the amount of twelve thousand two hundred twelve and 10/100 (\$12,212.10) dollars, for a new total contract amount not to exceed three hundred thirty three thousand two hundred eight and 90/100 (\$333,208.90) dollars.

**SECTION 2.** This resolution shall become effective October 6, 2023.

**DATED:** October 6, 2023

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

### CHANGE ORDER NO.: 3

Owner: Town of Rotterdam  
Engineer: Labella Associates  
Contractor: B&D Industries  
Project: Town of Rotterdam SD #7 &  
SD #7-Ext #2 – Carman Road

Owner's Project No.: None Reported  
Engineer's Project No.: 31892.01  
Contractor's Project No.: None Reported  
EFC CWSRF Project No.: C4-5465-B-00

Contract Name: E

Effective Date of Change Order: September 29, 2023

Date Issued: September 29, 2023

The Contract is modified as follows upon execution of this Change Order:

Description:

**(Final Deduct Change Order \$12,212,10 Remaining Allowance)**

Attachments: NONE

| Change in Contract Price                                             | Change in Contract Times                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Original Contract Price:<br><br>\$ 333,000.00                        | Original Contract Times: Milestone 1<br>Substantial Completion: 145<br>Ready for final payment: 159<br>Original Contract Times: Milestone 2<br>Substantial Completion: 290<br>Ready for final payment: 304                                                                                                     |
| Change from previously approved Change Orders:<br><br>\$ 345,421.00  | Change from previously approved Change Orders<br>Milestone 1<br>Substantial Completion: 0<br>Ready for final payment: 0<br>Change from previously approved Change Orders<br>Milestone 2<br>Substantial Completion: 0<br>Ready for final payment: 0                                                             |
| Contract Price prior to this Change Order:<br><br>\$ 345,421.00      | Contract Times prior to Change Order: Milestone 1<br>Substantial Completion: 145<br>Ready for final payment: 159<br>Contract Times prior to Change Order: Milestone 2<br>Substantial Completion: 290<br>Ready for final payment: 304                                                                           |
| <b>Decrease</b> this Change Order:<br><br>\$ 12,212,10               | <b>[Increase] [Decrease]</b> this Change Order:<br>Substantial Completion: 0<br>Ready for final payment: 0                                                                                                                                                                                                     |
| Contract Price incorporating this Change Order:<br><br>\$ 333,208.90 | Contract Times with all approved Change Orders:<br>Milestone 1<br>Substantial Completion: 145 (NA)<br>Ready for final payment: 159 (NA)<br>Contract Times with all approved Change Orders:<br>Milestone 2<br>Substantial Completion: 343 (August 25, 2023)<br>Ready for final payment: 357 (September 8, 2023) |

EJCDC® C-941, Change Order.

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Page 1 of 2

Recommended by Engineer (if required)

Authorized by Owner

By:



Title: Joseph M. Lanaro, PE

Vice President LaBella Associates, DPC

Molly A. Collins, Supervisor

Town of Rotterdam

Date: September 29, 2023

Authorized by Contractor

By:



Title: Nick DeNyse Project Manager

Date: September 29, 2023

### CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner: Town of Rotterdam  
Contractor: B&D Industries  
Engineer: Labella Associates  
Project: Carmen Rd Sewer Dist 7 Ext 2

Owner's Contract No.: Contract 2  
Contractor's Project No.:  
Engineer's Project No.: 31892.01  
Contract Name: Carmen Rd Sewer Dist 7 Ext 2

**This final Certificate of Substantial Completion applies to:**

☒ All Work ☐ The following specified portions of the Work:

August 25, 2023

**Date of Substantial Completion**

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows: *[Note: Amendments of contractual responsibilities recorded in this Certificate should be the product of mutual agreement of Owner and Contractor; see Paragraph 15.03.D of the General Conditions.]*

Amendments to Owner's  
responsibilities:

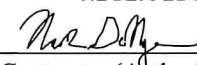
☒ None  
☐ As follows

Amendments to  
Contractor's responsibilities:

☒ None  
☐ As follows:

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

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

| EXECUTED BY ENGINEER:                                                                   |              | RECEIVED:                    |                                                                                           | RECEIVED:                         |  |
|-----------------------------------------------------------------------------------------|--------------|------------------------------|-------------------------------------------------------------------------------------------|-----------------------------------|--|
| By:  | By: _____    | Owner (Authorized Signature) | By:  | Contractor (Authorized Signature) |  |
| Title: <b>Construction Mgr.</b>                                                         | Title: _____ |                              | Title: <b>Project Manager</b>                                                             |                                   |  |
| Date: <b>8.25.2023</b>                                                                  | Date: _____  |                              | Date: <b>8/25/23</b>                                                                      |                                   |  |



**RESOLUTION NO. 315.23**

**TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH LABELLA ASSOCIATES  
FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE GIS  
MAPPING PROGRAM**

**THEREFORE, UPON MOTION** of Councilmember \_\_\_\_\_,

seconded by Councilmember \_\_\_\_\_,

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

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with LaBella Associates located at 4 British American Boulevard Latham, NY 12110, for professional engineering services related to the GIS Mapping Program, for a term of 5 years commencing in 2023, for a lump sum, paid out according to the time line fee schedule attached, not to exceed three hundred sixty-three thousand and 00/100 (\$363,000.00) dollars.

**SECTION 2.** This resolution shall become effective October 11, 2023.

**DATED:** October 11, 2023

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

September 15, 2023  
*October 4, 2023 REVISED*

Mollie A. Collins, Town Supervisor  
Town of Rotterdam  
1100 Sunrise Blvd  
Rotterdam, New York 1211230670

*Re: Proposal for Professional Services  
GIS Mapping Program  
Town of Rotterdam, Schenectady, New York  
Proposal No.: 2304780*

Dear Supervisor Collins and Town Board:

LaBella Associates, DPC (LaBella) is pleased to submit these professional services relative to assistance with a GIS Mapping Program. As discussed during our meeting on Friday, July 28, 2023 our proposal will include use of available record maps and digital files the Town may have for designated assets as well as field assistance and gathering data to support comprehensive mapping, improving accuracy of mapped information, and addressing data gaps known to exist with available record information. This information will be used to create an ArcGIS Online mapping application across the Town. We will also provide technical assistance with the program. Please find our current project understanding, scope of services and associated fee schedule below.

### Project Understanding

The result of this endeavor will be an Enterprise ArcGIS based asset mapping program, inventorying Town owned assets. This program will provide access to information about the Town's infrastructure to the appropriate Town staff, as well as to the public for some features. The program will also enable the Town to update their map going forward and will serve as a starting point for integrating future mapping needs.

- **GIS DATA CREATION.** LaBella will initiate the project by creating relevant GIS dataset templates, and then work on data gathering, entry, and mapping. A large part of this effort will involve the georeferencing of existing Town records (such as record drawings and as-builts) and using them to create the GIS datasets needed for this program.
- **GIS DATA VERIFICATION.** It is anticipated that this effort will also involve the need to field verify GIS dataset that have been created. LaBella can directly assist with field work through our team, and if desired also train Town staff to assist with this effort. This part of the program will ensure that the data off record drawings are being properly vetted and provide a chance to update them when needed.
- **ENTERPRISE GIS PROGRAM.** LaBella will compile the Town utility mapping layers created above, to create an Enterprise Geodatabase. This will be used as a basis to publish an Esri ArcGIS Online web app, to provide access to these data to staff. We will also assist by locating additional map layers from other sources that could also benefit your map, such as



parcels from Schenectady County, New York State GIS program layers, wetlands, etc. As the Town's field staff gathers data, it will automatically update on the ArcGIS Online program, so that everyone can track progress. It is recommended the Town purchase users for an ArcGIS Organizational account, which renews annually. This is not purchased from LaBella, but we can help facilitate this conversation with Esri. (See Phase 01).

## 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.

### Phase 01 – Enterprise Geodatabase Template Preparation. *Preparing a Template GIS Database to begin and initiating the Town's GIS license.*

Scope – LaBella will work with the Town to develop a prototype Esri Enterprise Geodatabase, with a database schema of appropriate spatial layers for its ArcGIS Online mapping program. It's anticipated that this will begin on LaBella's ArcGIS Online mapping program, and then migrated to Rotterdam's when that becomes available. This task includes and will begin with a session with the Town to identify layers that will be field collected, as well as other layers that may be of interest. The tasks to complete this scope are expected to be as follows:

1. **Identify Town GIS Feature Class List.** Define the list of town assets to be mapped (water system, sewer, etc.). LaBella will create this geodatabase in a manner that adheres to industry standard GIS mapping practices and evaluate the feasibility of utilizing the layer and database schema of the Esri Utility Network. The layers are anticipated to include those associated with:
  - a. Public Water System
  - b. Sanitary Sewer System
  - c. Stormwater Sewer System

We will also define how the GIS feature classes relate to each other topologically (for example a hydrant needs to be connected / snapped to a hydrant branch). This will also be defined in the Utility Network should we utilize that system in any capacity.

2. **Identify Town GIS Attribute Set.** For each layer identified above, we need to determine what attributes need to be captured (i.e., for hydrants, information like hydrant make, year installed, number of turns to close valve, etc.). This can initially be done by a review of any existing records in the Town's inventory to see what is currently documented. We will also schedule meetings with Town DPW staff to further refine and capture any additional data elements.
3. **Identify Additional Outside GIS Layers.** Identify additional layers of interest (Schenectady County parcels, streets, waterways, flood zones, etc.). These additional basemap layers are provided and maintained by other agencies such as the County, State, Esri, etc., but will provide additional value to the Town. These are not layers





that LaBella or the Town would update and maintain ourselves, but would periodically receive updates or directly reference those agency's layers.

4. **Publish Online GIS Webmap.** Utilize Esri ArcGIS Pro to publish a map with these features. We will use this online set of Feature Layer(s) to create a custom Web App for the Town utilizing Experience Builder. At this point the Town will be able to see their online map and interact with it, even if the Town asset layers are still blank templates (to be filled in throughout the GIS program – see Phase 02)
5. **Esri Account Discussion.** We will facilitate a discussion with the Esri Local Government team to discuss what levels and numbers of Online licenses from Esri are most appropriate for the Town. Once Rotterdam's ArcGIS Online is activated, we will migrate the online data from ours to your cloud instance. This step does not preclude work beginning on this project – we can begin work using LaBella's Esri ArcGIS Online organizational account until your agreement with Esri is ready, and then perform a migration.

Deliverables - LaBella will define a geodatabase template for Rotterdam that will be the location of its asset data to be converted from existing records, and then create an Esri online mapping application for Rotterdam and migrate it once the Town's ArcGIS Online licenses are purchased.

Assumptions – The estimate includes the cost to design and develop GIS templates for the Town's water, sanitary, and sewer systems. We will also integrate GIS layers from external agencies that will provide use for the Town (such as parcel data from the County, street layers from NY State, etc.). This cost assumes that such layers can be very easily integrated or referenced and does not include any large-effort manipulation or update of these outside datasets.

Esri Software Licensing – Any additional cost for Esri licensing incurred by the Town is not included in this cost estimate. LaBella will however facilitate a discussion with the Esri Local Government team early in the project to help provide an understanding of the annual cost to the Town for licensing Esri's GIS software.

Phase 02 – Existing Data Capture. *Working to convert Town paper and digital records into the GIS database.*

Scope - The Town of Rotterdam has, in some places, sets of record drawings depicting utility assets. It is understood that these drawings may not be complete, or may be out of date, but they nevertheless provide a good starting point to creating these datasets. This Phase of our project involves the digitization of information found on these datasets into the geodatabase schema templates provided in Phase 01. The information to be used may go beyond record drawings to include sources such as hydraulic modeling and other CADD data that may have been provided to the Town by various consultants.

Given the extent of water and sewer mains in the Town, and the amount of data present, this is anticipated to take the bulk of the time for this project.



Given also that the information provided may be incomplete and/or out-of-date, we propose to incorporate field verification to fix and update data, which will be covered here in Phase 03.

The specific set of steps to complete this phase are anticipated to be as follows:

1. **Record Drawing Capture.** LaBella will work with the Town to acquire record drawings for all three of the utility asset types (water, stormwater, sanitary). These drawings will serve as the primary basis for populating the Town's utility feature class geodatabase. The Town will hopefully be able to provide as many of these drawings up front so that we can start working on a complete set and be able to identify gaps early on. If the Town is unable, LaBella can scan these drawings into digital TIFF images at our Latham office and return the drawings back to Rotterdam.
2. **Georeferencing.** Once LaBella has a set of scanned record drawings, to effectively convert them to GIS data, we need to "georeference" them, by connecting features on the drawing to real world locations (matching up intersection locations, landmarks, etc. that are on the map). The record drawings can then be in real world space such as Eastern New York State Plane (NAD1983).
3. **Digitization.** Once record maps are georeferenced, our GIS analysts can use heads up digitization to trace utility assets off the drawings, such as mains, hydrants, outfalls, etc. This may involve a combination of direct tracing of lines off of the maps, and also verifying accuracy of the locations where dimensions exist on the drawings (i.e., if the drawing indicates the water main is 60' off of road centerline, our GIS analysts can place the main exactly using ArcGIS)

All digitizing will adhere to any topological principles that are defined in the geodatabase design. (Such as points like outfalls being properly snapped to linework like sewer mains)

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Deliverables - LaBella will utilize the extensive set of existing data to create a set of GIS feature classes in the database schema agreed upon in Phase 01. This will primarily be digitizing lines and points off of scanned record drawings but may also involve integration of CADD data from other contracts.

Assumptions - Town staff will facilitate by providing LaBella with a complete set of record drawings, other drawings, and any other pertinent data. It's understood that this data may not be up-to-date or accurate. Where possible, the Town will alert us to the status of each drawing when it is known. Town staff will be available throughout to answer any questions about any of the records.

Phase 03 – Field Work Management. *Preparing a program to field verify records, to further improve GIS database accuracy.*

Scope - During this phase, LaBella will develop and implement field data protocols to verify data that is processed during Phase 02. LaBella will set up this process using a combination of Esri software (ArcGIS Pro, Online, Field Maps, and Survey123), and hardware such as a Bluetooth GNSS enabled





device such as an Arrow Gold. LaBella can assist with performing actual field verification, but also work with any Town resources (DPW staff, interns, etc.) to assist with the field verification assignment. The technology that we set up could be used by either party. In the event of Town staff utilizing the field apps, LaBella will provide training on use of the equipment.

The specific set of steps to complete this phase are anticipated to be as follows:

1. **ArcGIS Online Tools for Sharing GIS Maps.** For field review to be completed, the Town will need to have an ArcGIS Online map, depicting all the Town asset layers. This step should have already been completed by this point, designed in Phase 01, and data populated in Phase 02. At this point in the project, this will be a review to make sure that the map has all the features required to also serve as a field review tool.
2. **ArcGIS Field Data Tools.** LaBella will set up data collection tools using Esri Field Maps and Esri Survey123. Field Maps is commonly used for simple data entry tasks, for basic attribute entry. For feature classes with more complex data entry needs, we utilize Survey123. These applications will allow users to review data that has been converted while in the field, but also to collect and attribute new data while in the field. That data can then, since it is connected via ArcGIS Online be reviewed and enhanced, if necessary, by Town and LaBella staff on their desktops.
3. **Field Work Planning.** LaBella will work with the Town to prepare a field work plan. This will first include the identification of staff that will participate. At this point we are anticipating a mix in this effort between LaBella staff, possibly LaBella interns, and Town staff, with oversight for the effort provided by the LaBella Data Intelligence group. This effort will be ongoing where possible to verify data that has been collected, and to collect new data.

Deliverables - LaBella will create Esri tools to be used for the purpose of verifying data that has been converted, and providing a tool for collecting new asset data that is not captured in any other format yet. We will then provide staffing support, as well as oversight of any Town staff that participates in this field effort.

Assumptions - Town staff may work with LaBella staff on field verification tasks. The Town will help LaBella coordinate on first priority areas to be field verified and help identify the area most likely to not have any record drawings, and hence be the first to require a field visit.

## Conclusion

At the conclusion of these three Phases, Rotterdam will have the following key deliverables set up:

1. A working Esri geodatabase, populated with data captured from record drawings, hydraulic models, CADD from contractors, etc.
2. A field data protocol that has reviewed collected data, and added newer information where applicable, that can continue to serve as the approach for field verification going forward.



3. A working, active Esri ArcGIS organizational license, that will provide a web mapping application to the public if desired, as well as internal tools (desktop ArcGIS Pro, and online ArcGIS Web Apps) to manage asset information.

The above will be a starting point, that can readily integrate any additional subject matter that Rotterdam would like to add to its GIS program in the future.

Throughout the field work, LaBella will be available for questions and follow, and will also provide periodic reviews of data collected for accuracy and completeness. The use of ArcGIS Online as our platform also provides the Town an opportunity to review and monitor progress.

At the conclusion of these phases, the Town will have a working ArcGIS Online web app, showing both regional layers, and your field collected assets. This is also a great starting point for future phases of work that could build upon the Town's GIS program, either on your own, or with additional assistance from LaBella.

#### Professional Services Fee and 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.

Given the scope of existing data to convert, review, and field verify, LaBella proposes a five-year plan for this project, *with a project kick-off effort starting in 2023*. The table below breaks down estimated charges per each of these five years. The proposed project approach spreads effort out evenly across the years, *except for project kickoff efforts starting this year (2023)*. A summary of each year is as follows, *assuming a project kick-off in 2023 with annual efforts starting in 2024*:

This proposed schedule is flexible, and open to modification, based on findings of effort once the project begins. The proportion of time spent on each phase may vary depending on observations once we begin, but this is a best estimate on the relative levels of each effort.

#### 2023:

- Begin with design of a Geodatabase template, creating layers for each asset that we will map.
- Inventory other existing County, State, and other datasets that could augment the GIS map.
- Work with Esri to obtain a software license for the Town of Rotterdam.
- Set up initial ArcGIS Online mapping site as a prototype, and as a vehicle to show progress to the Town.
- Begin scanning and georeferencing of existing record drawings and obtain any other data sources.

#### 2024:

- *Continue* with design of a Geodatabase template, creating layers for each asset that we will map.
- *Continue to inventory* other existing County, State, and other datasets that could augment the GIS map.
- *Continue to work* with Esri to obtain a software license for the Town of Rotterdam.



- *Continue with the development of the* initial ArcGIS Online mapping site as a prototype, and as a vehicle to show progress to the Town.
- *Continue* scanning and georeferencing of existing record drawings and obtain any other data sources.
- Begin converting existing record into the Geodatabase.
- Set up protocol for field verification and begin this as data begins to be converted.

2025:

- Continue to convert existing record drawings and other sources as they are scanned and georeferenced.
- Field Verification of scanned items, and field mapping of new and updated assets not found in existing records.
- Maintenance and updates to ArcGIS apps and database as needed.

2026:

- Continue to convert existing record drawings and other sources as they are scanned and georeferenced.
- Field Verification of scanned items, and field mapping of new and updated assets not found in existing records.
- Maintenance and updates to ArcGIS apps and database as needed.

2027:

- Continue to convert existing record drawings and other sources as they are scanned and georeferenced. Expected transition to more field mapping as existing sources are completed.
- Maintenance and updates to ArcGIS apps and database as needed.

2028:

- Continue to convert existing record drawings and other sources as they are scanned and georeferenced. Expected transition to more field mapping as existing sources are completed.
- Maintenance and updates to ArcGIS apps and database as needed.

#### Fee and Time Schedule Summary

| Phases & Year      |                       |                   |
|--------------------|-----------------------|-------------------|
| Year and Phase No. | Phase Description     | Lump Sum Fee Bill |
| 2024-01            | Geodatabase Template  | \$10,000          |
| 2024-02            | Existing Data Capture | \$35,000          |
| 2024-03            | Field Work            | \$20,000          |





| Phases & Year      |                                 |                   |
|--------------------|---------------------------------|-------------------|
| Year and Phase No. | Phase Description               | Lump Sum Fee Bill |
| <u>2023</u>        | <u>TOTAL 2023 ESTIMATED FEE</u> | <u>\$20,000</u>   |
| <u>2024</u>        | <u>TOTAL 2024 ESTIMATED FEE</u> | <u>\$65,000</u>   |
| 2025-01            | Geodatabase Template            | \$2,000           |
| 2025-02            | Existing Data Capture           | \$33,000          |
| 2025-03            | Field Work                      | \$32,000          |
| <u>2025</u>        | <u>TOTAL 2025 ESTIMATED FEE</u> | <u>\$65,000</u>   |
| 2026-01            | Geodatabase Template            | \$2,000           |
| 2026-02            | Existing Data Capture           | \$30,000          |
| 2026-03            | Field Work                      | \$37,000          |
| <u>2026</u>        | <u>TOTAL 2026 ESTIMATED FEE</u> | <u>\$69,000</u>   |
| 2027-01            | Geodatabase Template            | \$2,000           |
| 2027-02            | Existing Data Capture           | \$20,000          |
| 2027-03            | Field Work                      | \$49,000          |
| <u>2027</u>        | <u>TOTAL 2027 ESTIMATED FEE</u> | <u>\$71,000</u>   |
| 2028-01            | Geodatabase Template            | \$2,000           |
| 2028-02            | Existing Data Capture           | \$10,000          |
| 2028-03            | Field Work                      | \$61,000          |
| <u>2028</u>        | <u>TOTAL 2028 ESTIMATED FEE</u> | <u>\$73,000</u>   |

if you have any questions or require additional information, please do not hesitate to contact this office at 716-316-9852.



Sincerely,

Greg Coniglio  
Data Intelligence Group | Team Leader

Cc: Joseph Lanaro, PE - LaBella

## Professional Services Agreement

Agreement made the \_\_\_\_\_ day of \_\_\_\_\_, 2023  
between

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

and

**Town of Rotterdam**  
**("Client")**

for services related to the following Project:

**Rotterdam GIS Mapping Professional Services**  
**("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 **September 15, 2023**, a copy of which is attached as *Exhibit A*, in accordance with the terms and conditions of this contract attached as *Exhibit B*.

**Compensation for Services:** A retainer in the amount of **\$0** shall be required prior to the initiation of services. This retainer will be held until the end of the Project and applied to Client's final invoice. Any excess amount shall be returned to Client. Client shall compensate LaBella for its professional services as set forth in LaBella's 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 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.

**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 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 \$50,000 or LaBella's total fee for services rendered on this Project, whichever is greater.

**LaBella Associates, D.P.C.**

**Town of Rotterdam**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

Date: \_\_\_\_\_

Date \_\_\_\_\_

# **Exhibit A**

## **LaBella's Proposal**

# **Exhibit B**

## **Terms and Conditions**

## **Terms and Conditions**

**LaBella's Responsibilities:** LaBella shall designate a representative authorized to act on its behalf with respect to the Project. All notices required under this Agreement shall be given to that representative.

LaBella shall perform its services consistent with the professional skill and care ordinarily provided by members of the same profession practicing in the same or similar locality under the same or similar circumstances. LaBella shall perform its services as expeditiously as is consistent with such professional skill and care, and the orderly progress of the Project.

LaBella shall not at any time supervise, direct, control or have authority over any contractor or subcontractor's work, nor shall LaBella have authority over, or be responsible for, the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor or subcontractor, or the safety precautions and programs incident thereto, for safety or security at the Project location, nor for any failure of a contractor or subcontractor to comply with laws and regulations applicable to the performance of their work and the furnishing of materials on the Project. LaBella shall not be responsible for the acts or omissions of any contractor or subcontractor.

**Client's Responsibilities:** Client shall designate a representative authorized to act on its behalf with respect to the Project. All notices required under this Agreement shall be given to that representative.

Client shall provide LaBella with all available information regarding, and site access to, the Project necessary for LaBella to perform its professional services, including Client's requirements for the Project. Client also shall provide information regarding the Project site and any existing facilities, including destructive testing and investigation of concealed conditions and hazardous substances or injurious conditions. If Client does not perform destructive testing or investigation, nor provide information beyond that which is apparent by non-intrusive observations, or in the event documentation or information furnished by Client is inaccurate or incomplete, then any resulting damages, losses and expenses, including the cost of LaBella's changes in service or additional services, shall be borne by Client.

Client shall examine documents submitted by LaBella and render decisions pertaining thereto promptly to avoid unreasonable delay in the progress of LaBella's services.

**Additional Services:** LaBella may provide additional services after execution of this Agreement without invalidating the Agreement. LaBella shall not proceed to provide any additional services, unless and until LaBella receives written direction from Client. Client shall compensate LaBella for additional services as set forth in LaBella's proposal, or any supplemental proposal or contract modification, or as agreed upon in writing signed by both parties.

**Assignment:** Neither party may assign any benefit or obligation under this Agreement without the prior written consent of the other party, except LaBella may use the services of persons and entities not in LaBella's employ when appropriate and customary to do so.



**Confidentiality:** During the Project, confidential and/or proprietary information of the Client might be furnished to LaBella. LaBella shall use such information for the purpose of providing its professional services on the Project, and for no other purpose. LaBella shall hold such information in strict confidence and shall not disclose such information to any person or entity, except sub-consultants engaged on the Project or as required by law. Upon completion of its services, LaBella shall return or destroy all confidential and/or proprietary information to the Client.

**Instruments of Service:** All documents prepared or furnished by LaBella pursuant to this Agreement are instruments of professional service, and LaBella shall retain its ownership and property interest therein, including all copyrights and the right to reuse the documents. Upon payment in full for services rendered, LaBella grants Client a license to use the instruments of service for the purposes of constructing, occupying and maintaining the Project. Reuse or modification of any documents by Client without LaBella's written permission shall be at Client's sole risk, and Client agrees to defend, indemnify, and hold LaBella harmless from all claims, damages and expenses, including attorneys' fees, arising out of such reuse by Client or by others acting through Client.

Client and Client's contractors and other consultants may rely only upon printed copies (also known as hard copies) of documents that are signed and sealed by a licensed professional employed by LaBella. If there is any discrepancy between printed copies and any electronic copies, the most recent version of the printed and certified copies shall govern. Any electronic copies (files) provided by LaBella will be provided solely as a convenience and shall not be considered "Contract Documents," "Construction Documents" or any type of certified document. All documents considered "Contract Documents," "Construction Documents" or any type of certified document shall consist only of printed copies having an original signature and seal of a licensed professional employed by LaBella. Client is advised that electronic copies of documents can deteriorate or be inadvertently modified without LaBella's consent or may otherwise be corrupted or defective. Accordingly, Client and Client's contractors or other consultants may not rely upon the accuracy of any electronic copies of documents.

**Escalation:** In the event the term of this Agreement is extended beyond the period of service set forth in LaBella's proposal, then compensation for professional services is subject to review and escalation by LaBella upon thirty (30) days written notice to Client.

**Suspension:** Client may suspend this Agreement in whole or in part at any time for convenience upon seven (7) days written notice. Upon receipt of notice, LaBella shall immediately discontinue all services. LaBella shall be entitled to compensation for all services rendered up to the date of suspension. If the suspension exceeds three (3) months, an equitable adjustment in compensation shall be negotiated to compensate LaBella for all reasonable costs incurred by LaBella on account of the suspension of the Project.

LaBella may suspend its performance under this Agreement if any delinquent amounts due for services and expenses have not been paid. LaBella may refuse to release drawings, plans, specifications, reports, maps, materials and any other instruments of service prepared by LaBella

for Client until all arrearages are paid in full. LaBella shall not be liable to Client for delay or any other damages due to any such suspension of services.

**Termination:** Either party may terminate this Agreement for cause upon seven (7) days written notice with an opportunity to cure any default during that period. In any event, without regard to the party terminating the Agreement, Client shall remit payment of all amounts that are not in dispute no later than thirty (30) days after the date of each invoice.

**Disputes:** The parties agree that mediation before a mutually agreeable neutral third party shall be a condition precedent to any legal action arising out of this Agreement, unless waived in writing by the parties. The cost of the mediation shall be borne equally by the parties. The mediation shall be conducted in accordance with the Construction Industry Mediation Rules of the American Arbitration Association, unless the parties agree otherwise. No demand for mediation shall be made after the date that the applicable statute of limitations would bar a legal or equitable action based on the claim or dispute.

**Venue and Jurisdiction:** Any legal suit, action or proceeding arising out of or relating to this agreement shall be instituted in a court of competent jurisdiction located in the state and county where the project is located. The parties hereby waive any objection which they may have now or hereafter to the venue of any such suit, action or proceeding, and hereby irrevocably consent to the personal jurisdiction of any such court in any such suit, action or proceeding.

**Choice of Law:** This Agreement shall be interpreted, construed and enforced in accordance with the laws of the state where the project is located without giving effect or reference to any conflict of laws provisions.

**Consequential Damages:** In any suit, action or proceeding, the parties shall be entitled to recover compensatory damages incurred as a result of the breach of this Agreement, but, to the fullest extent permitted by law, neither party shall be liable to the other for any special, incidental, indirect, or consequential damages.

**Late Fees, Costs and Attorneys' Fees:** An additional charge of 1.5% of an invoice will be imposed each month on all past due accounts. Imposition of such charges does not constitute an extension of the payment due date. If LaBella must bring suit to collect payment of any invoices, then Client agrees to pay LaBella's costs and expenses, including reasonable attorneys' fees.

**Remedies Cumulative:** The rights and remedies available to a party under this Agreement are cumulative and in addition to, not exclusive of, or in substitution for, any other rights or remedies either party may have at law, or in equity, or under this Agreement. Nothing contained in this Agreement shall be deemed to preclude either party from seeking injunctive relief, if necessary, to prevent the other party from willfully or intentionally breaching its obligations under this Agreement or to compel the other party to perform its obligations hereunder.

**Non-Waiver:** Failure by either party at any time to require performance by the other party or to claim a breach of any provision of this Agreement will not be construed as a waiver of any right

accruing under this Agreement, nor affect any subsequent breach, nor affect the effectiveness of this Agreement or any part hereof, nor prejudice either party as regards any subsequent action.

**Force Majeure:** Neither party to this Agreement shall be liable to the other for delays in performing the obligations called for by this Agreement, or the direct and indirect costs resulting from such delays, that are caused by labor strikes, riots, war, acts of government authorities other than the Client (if a governmental authority), extraordinary weather conditions, epidemics, pandemics or other natural catastrophe, or any other cause beyond the reasonable control or contemplation of either party.

**Severability:** The provisions of this Agreement are hereby agreed and declared to be severable. Any term or provision of this Agreement which is held to be unenforceable by a court of competent jurisdiction shall be deemed to have been stricken from this Agreement, and the remaining terms and provisions of this Agreement shall be construed and enforced without such terms or provisions.

**Counterparts:** This Agreement may be executed in one or more counterparts, each one of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

**Scope of Agreement:** This Agreement represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations or agreements, either written or oral, except that terms specific to future projects shall be set forth in LaBella's proposals. This Agreement may be amended only by written instrument signed by both parties.

**RESOLUTION NO. 316.23**

**TO ENACT INTRODUCTORY LOCAL LAW NO. 12 OF 2023; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE OF THE TOWN OF ROTTERDAM FOR A CHANGE OF ZONE FROM TWO FAMILY RESIDENTIAL (R-2) TO MULTIPLE FAMILY (R-3), TO CONVERT A THREE (3) UNIT BUILDING TO A FOUR (4) UNIT**

**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. 12 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 October 11, 2023.

**DATED:** October 11, 2023

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

**RESOLUTION NO. 317.23**

**TO AUTHORIZE THE SUPERVISOR TO EXECUTE AND SIGN A MEMORANDUM  
OF AGREEMENT WITH THE ROTTERDAM POLICE CHIEF'S ASSOCIATION**

**THEREFORE, UPON MOTION OF** Councilmember \_\_\_\_\_,  
seconded by Councilmember \_\_\_\_\_,

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

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to execute and sign a memorandum of agreement between the Town of Rotterdam and the Rotterdam Police Chief's Association.

**SECTION 2.** This resolution shall become effective October 11, 2023

**DATED:** October 11, 2023

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

**RESOLUTION NO. 318.23**

**TO AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE A SETTLEMENT  
AGREEMENT WITH RESPECT TO EMPLOYEE NUMBER 10112023**

**THEREFORE, UPON MOTION OF** Councilmember \_\_\_\_\_,  
seconded by Councilmember \_\_\_\_\_,

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

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to execute the Settlement Agreement between the Town of Rotterdam and the Civil Service Employees Association Town of Rotterdam Unit #8504.

**SECTION 2.** This resolution shall become effective October 11, 2023.

**DATED:** October 11, 2023

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

# **TOWN OF ROTTERDAM**

## **TOWN BOARD BUDGET WORKSHOP MEETINGS**

**To be held on:**

**Wednesday, October 11, 2023 5:00pm  
Rotterdam Town Hall Board Room**

**And**

**Tuesday, October 17, 2023 7:00pm  
Rotterdam Town Hall 2<sup>nd</sup> Floor Office Space**

**By Order of the Town Board Resolution No. 309.23**

**Diane M. Marco  
Town Clerk**



## **TOWN BOARD BUDGET WORKSHOP MEETINGS**

10/11/23 @ 5:00pm

10/17/23 @ 7:00pm

***What is a budget workshop?*** A budget workshop is a public meeting when the Town Board Members discuss and, as appropriate, modifies the tentative budget in order to get it into a form that is appropriate for public review and comment.

***What is the public's role in a budget workshop?*** The public is entitled to attend and observe the budget workshops. However, the budget workshop is a work session of the Town Board Members, and public comment is generally not allowed during these sessions. The budget workshops are simply work sessions of the Town Board to get the budget into a form that is appropriate for public review and comment. The public will have the opportunity to comment on the budget prior to final adoption.

***When will the public be able to comment on the budget?*** Once the Town Board adopts the tentative budget (with or without modifications) as the “preliminary budget”, the Town Board must conduct a public hearing. The public hearing is conducted after the budget workshops have already been completed. The public hearing itself must be completed before November 15.