*The Town of Rotterdam Town Board Meeting will be held in person; however, the public may access the meeting electronically via Zoom conference call. Members of the public may listen to the board meeting by dialing **1 (929) 205-6099(** followed by the pound symbol) or by logging into Zoom.com, then enter the conference **ID NO. 867 0373 0307**. Video of the town board meeting will be posted on the Town of Rotterdam website (www.rotterdamny.org) the following Friday after the meeting.*

MEETING OF THE
ROTTERDAM TOWN BOARD
May 10, 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

- For receipt of comment on the proposed Introductory Local Law No. __ of 2023; To amend the Town Code of the Town of Rotterdam, for the allowance of micro-breweries, micro-wineries and micro-distilleries in the Agriculture (A-1), Main Street/Neighborhood Center (MS/NC) Overlay, Corridor Commercial (CORR) Overlay, Retail Business (B-1), General Business (B-2), and Commercial Planned Unit Development (C-PUD) Zoning Districts as a Special Use Permit.

- For receipt of comment on the proposed Introductory Local Law No. __ of 2023; To amend Chapter §267, Water, of the Town Code of the Town of Rotterdam.

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

161.23 To accept Town Board meeting minutes of April 26, 2023.

162.23 To accept revenue for Town Clerk's office for April 2023.

163.23 To approve budget transfers of gas and diesel to the 2023 budget.

164.23 To amend an agreement with Labella Associates for additional technical engineering services related to the special improvement area for Curry Road sewer improvements.

165.23 Authorize the Supervisor to negotiate and execute a memorandum of understanding with Capital District Transportation Committee.

166.23 To amend the Schedule of Fees.

167.23 To enter into an agreement with Construction Technology for construction materials inspection and testing services for the Salt Storage Facility.

168.23 To accept and award bid for one (1) Grapple Truck.

169.23 To approve budget transfers to the 2023 budget.

170.23 Requesting bids for Workers Compensation Insurance for the Town of Rotterdam.

171.23 To accept and award bid for Senior Center Kitchen Equipment.

172.23 Authorize remaining payment to Empire Engineering for services rendered in the year 2019.

173.23 Requesting bids for Water and Sewer Fire Hydrants and Accessories.

174.23 Modification to the 2023 budget.

175.23 To accept and award Barton and Logudice P.C. for professional engineering services for the Water System Improvement Project.

176.23 To authorize the Town Supervisor to execute a shared services agreement for I.T. Services between Schenectady County and the Town of Rotterdam.

LIAISON REPORTS
MISCELLANEOUS
EXECUTIVE SESSION
ADJOURNMENT

Mollie A. Collins, Supervisor

05/10/2023

PUBLIC HEARING

#1

For receipt of comment on the proposed Introductory Local Law No. __ of 2023; To amend the Town Code of the Town of Rotterdam, for the allowance of micro-breweries, micro-wineries and micro-distilleries in the Agriculture (A-1), Main Street/Neighborhood Center (MS/NC) Overlay, Corridor Commercial (CORR) Overlay, Retail Business (B-1), General Business (B-2), and Commercial Planned Unit Development (C-PUD) Zoning Districts as a Special Use Permit.

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam

Local Law No. 2 **of the year 20**23

A local law A LOCAL LAW TO AMEND CHAPTER 270 OF THE TOWN CODE OF THE TOWN OF
(Insert Title)
ROTTERDAM for the allowance of microbreweries, micro wineries and micro distilleries .

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam **as follows:**

See Attached

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2023 of the (~~County~~)(~~City~~)(Town)(~~Village~~) of Rotterdam was duly passed by the Town Board on 2023, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)
I hereby certify that the local law annexed hereto, designated as local law No. of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20[2][3], in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

_____
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, April 26, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 153.23

TO CALL FOR A PUBLIC HEARING ON THE PROPOSED INTRODUCTORY LOCAL LAW __ OF 2023; TO AMEND TO THE TOWN CODE OF THE TOWN OF ROTTERDAM FOR THE ALLOWANCE OF MICRO-BREWERIES, MICRO-WINERIES AND MICRO-DISTILLERIES

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam 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 Rotterdam Junction District #1 Firehouse, 1215 Main Street, Rotterdam Junction, New York 12150, at 7:00 p.m. on the 10th day of May, 2023 for the following purpose:

> For receipt of comment on the proposed Introductory Local Law No. __ of 2023; To amend to the Town Code of the Town of Rotterdam, for the allowance of micro-breweries, micro-wineries, and micro-distilleries in the Agriculture (A-1), Main Street/Neighborhood Center (MS/NC) Overlay, Corridor Commercial (CORR) Overlay, Retail Business (B-1), General Business (B-2), and Commercial Planned Unit Development (C-PUD) Zoning Districts as a Special Use Permit.

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

DATED: April 26, 2023
Daily Gazette: Please publish once on April 29, 2023
Town Clerk
Post

SECTION 2. This resolution shall become effective April 26, 2023.

DATED: April 26, 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 April 26, 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 April 28, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

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

TOWN OF ROTTERDAM

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

LEGISLATIVE REQUEST FORM

DATE:	April 18, 2023
TO:	Mollie A. Collins, Town Supervisor
FROM:	Peter Comenzo, Sr. Planner PC
TITLE OF REQUEST:	Town Board to consider calling for a public hearing on a proposed amendment to the Town Code of the Town of Rotterdam, for the allowance of microbreweries, micro wineries and micro distilleries in the Agriculture (A-1), Main Street/Neighborhood Center (MS/NC) Overlay, Corridor Commercial (CORR) Overlay, Retail Business (B-1), General Business (B-2), and Commercial Planned Unit Development (C-PUD) Zoning Districts as a Special Use Permit.
TOWN BOARD MEETING:	April 26, 2023
Background Information:	On February 8, 2023 the Town Board of the Town of Rotterdam forwarded proposed legislation to the Planning Commission for a report and recommendation which would permit and regulate the operation of microbreweries, micro wineries and micro distilleries as a special use permit in the Agricultural (A-1) Zoning District.
Evaluation/Analysis:	On February 21, 2023 and March 21, 2023, the Planning Commission reviewed and discussed the proposed legislation. On March 21st the Commission made a Positive Recommendation with several proposed changes to original proposed amendments.
Recommendation(s):	The Town Board to call for a public hearing to be held Wednesday, May 10, 2023.
Attachment/Document(s):	Planning Commission Report and Recommendation with amendments. Planning Commission Minutes February 21, 2023 and March 21, 2023 Draft Local Law
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	NYS Town Law

LEGISLATION WILL BE PREPARED BY: Supervisors Office

RESOLUTION NO. 81.23

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, February 8, 2023, at 7:00 p.m., the following resolution was duly adopted:

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW NO. 2 OF 2023 AND REFERRING SAME TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board recognizes the introduction of Introductory Local Law No. 2 of 2023 to allow for microbreweries, microwineries and microdistilleries by Special Use Permit, in the Town Agriculture (A-1) Zoning District.

SECTION 2. The Town Board hereby determines that the proposed enactment of Local Law No. 2 of 2023 is a Type I action under the State Environmental Quality Review Act pursuant to 6 NYCRR § 617.4 (b) (2), that there are no other involved agencies (as that term is defined under the SEQRA regulations) other than the Town Board, and therefore declares itself as lead agency for purposes of conducting the SEQRA review and authorizes the Supervisor or her designee to execute Part 1 of the Full Environmental Assessment Form..

SECTION 3. The Town Board hereby refers Introductory Local Law No. 2 of 2023 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

SECTION 4. This resolution shall become effective February 8, 2023.

DATED: February 8, 2023

NAME	AYES	NOES	ABSTAIN
Christou (Absent)			
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 February 8, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this February 10, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM

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

LEGISLATIVE REQUEST FORM

DATE: January 24, 2023

TO: Mollie A. Collins, Town Supervisor

FROM: Peter Comenzo, Sr. Planner PC

TITLE OF REQUEST: Public petition to the Town Board to consider the adoption of updates to the Town Zoning Code relating to the allowance of microbreweries, microwineries and microdistilleries in the Agriculture (A-1) Zoning District.

TOWN BOARD MEETING: February 8, 2023

Background Information: The Town has received an inquiry regarding the allowance for the location of a microbrewery in the Town of Rotterdam. Although potentially an agriculture related use, the current Town Zoning Code does not permit this type of manufacturing, sale, or consumption in the Agriculture (A-1) Zone. The Town Board of the Town of Rotterdam should determine if they would like to consider an amendment to Chapter 270 of the Town Code of the Town of Rotterdam, which would permit and regulate microbreweries, microwineries and microdistilleries.

Evaluation/Analysis: Chapter 270-174(b) requires the Town Board to refer amendments to Planning Board for a report and recommendation. Microbreweries and similar type uses have become popular over the last 20 years and many are in more rural areas.

Recommendation(s): The Town Board should refer the proposed amendment to the Planning Board for a Report and Recommendation to allow for microbreweries, microwineries and microdistilleries in the Town Agriculture (A-1) Zoning District.

Attachment/Document(s): Draft Local Law of the Year 2023
Letter from Laurel Boser and Eli Beaudin received 1/20/23

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): Rotterdam Town Code Chapter 270

LEGISLATION WILL BE PREPARED BY: Supervisors Office

2. **Town of Rotterdam – Code Amendment. Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code entitled "Zoning" of the Town of Rotterdam in regards to allowing microbreweries, micro-wineries and micro-distilleries by Special Use Permit in the A-1 Zoning District.**

Chairman Yuille: Peter, do you want to explain this?

We are not going to do anything tonight on this, we are just looking for comments and generate some thoughts and then the next meeting, we will probably have a recommendation.

Mr. Comenzo: Thank you, Mr. Chairman. Peter Comenzo, the Town Planner. In your packets you will see there is a letter let me back up. I received a phone call from a Laurel Boser. She was looking at property in Rotterdam but also brought up the fact that we don't permit microbreweries anywhere in town. In looking at our code, she was correct. Obviously, there has been quite a big interest in these types of facilities. They are kind of, like I mentioned earlier, there are probably 25 or so in the Capital Region.

So, basically, we looked at our neighbor in Glenville, who does have a couple, they have a winery, a distillery and also a microbrewery in their town and they have definition section in their Code as well as for the allowance for these types of facilities. At the Town Board meeting, one of our residents got up and spoke and had mentioned that mead is also something approved by the state legislature a couple of years back and braggot was also approved by the state so we added that. Then we modified the proposed language to just basically say similar type alcoholic beverages because who knows in the future what folks are going to come up with something different or some new variation of fermentation.

So, unlike typical report and recommendation at the Planning Commission does, the Board just kind of vote yes or no and state our reasons why, in this case, we thought it might be prudent to have a discussion and make a recommendation that this group would feel in terms of on-site consumption, whether that should be permissible or not. Number 1 that is kind of first and foremost. The Town of Glenville does not allow that in their Code, but I know in many instances it does occur. There is also the issue of, I don't know how far we would want to get into it, a lot of these facilities have food trucks that come and then also take a look at our other zones and make sure that both in the commercial zones in the Town and the industrial zones that there would be an ability to make, I believe it would outright be permitted, right now in the industrial zone although it doesn't say that specifically, there is a manufacturing component to it.

Just kind of looking for the Board's feedback on what thoughts are in regards to allowing for on site consumption and whether you would want to get into the other zones and come back with a recommendation to add this into our commercial zones and industrial zones and whatever performance standards that you would want to see. Maybe in the Agriculture zone you want to have a minimum acreage requirement of an acre, five (5) acres, whatever that may be and those types of performance standards we could put in the report and recommendation to the Board and then they can move forward with the public hearing process.

Ms. Heinel: There are other types as well as just the cidery, breweries, "Inaudible", there is the farm ciders, breweries and "Inaudible" and just for clarification for the Board when we get into this a farm brewery, the only difference between a farm brewery in New York State and normal brewer in New York State, is that in order to be called a farm brewery, one they have to be a on farm and their products that they use to make their product have to come from New York State so that they can get a label that get placed on the product that says New York State Agricultural product and that is what the difference between the farm versions of all these things and the non-farm version.

There is also the factor of just for inclusionary purposes of placing all of the definitions into the Code to some extent or another. Whether you wanted to accept those as well or just the limited, normal versions we take of brewer, microbrewery, because they do have different definitions in the State version of the legislature, they have each labeled with different definitions. The Board could always choose to adopt the State's definitions for each one to make it a simple process of what classifies each.

Mr. Comenzo: Or just reference the section of the State Code because things change.

Ms. Heinel: Some municipalities have said, microbreweries shall have the normal, ordinary meeting as defined in the NYS Alcoholic and Beverages Law Section, I forget what specific section number it is, but they define it just by referring to how it is defined in the Alcoholic Beverage Law of New York State. That is also a considering factor.

Mr. Collins: When it comes to the manufacturing do they give, if we put it in like a general business, does it give off odors into the atmosphere where it could be noxious to the neighbors?

Mr. Comenzo: There is a smell associated with fermenting beer. I don't know if there is some type of diffuser that's in there or fans that would exhaust that.

Mr. Collins: I was just thinking because when we talk about nail salons and so forth, they have to have certain system to stop it.

Mr. Comenzo: They boil it and there is a scent to it. I have visited microbreweries and you can smell it inside. I do not know how much of an issue it is outside.

Mr. Collins: I do not know to be honest with you.

Ms. Heinel: To my recollection, a lot of that gets contained with the modern equipment that is used in these. A lot of that gets contained within the internal structures. Now, that doesn't mean that the smokestack or whatever it might be might not give off some smell, but they would also have to comply with the Alcoholic Beverage Laws, their own regulatory and licensing authorities. Just like many of these other businesses too. It's a good idea to look into.

Mr. Comenzo: I think part of that would be during the site plan review process too. What are they doing with the waste material once it's done fermenting and what do you do with all the hops? Do you dump them in the dumpster in the back or are they fed to pigs, I don't know exactly what is done with the waste materials.

Mr. Collins: Like I say, one of those thoughts that ran through my mind.

Chairman Yuille: Mr. Calder, any questions?

Mr. Calder: Isn't the waste material going to be taken away by a truck, basically. The editorial today in the Gazette was very informative for somebody that doesn't know about this. In some of the stuff here talked about the waste being taken away.

Mr. Comenzo: I would imagine that it is organic so, I would imagine that they would feed it to animals.

Mr. Calder: And they talked about some of it going to nearby farms.

Mr. Comenzo: Or at least used for fertilizer. But the storage of it, I don't know if you have to build up enough to get a truck load of it to make it.

Mr. Calder: When we were discussing this earlier, the water at some point may have been an issue. I don't know if that is an issue but whether we should consider that with the zoning with the water, where the water is, where there is water available, where there is no water available. Does that make any sense or not?

Mr. Collins: Well, water is water but I mean I can't see them building out by Maple Ski Ridge because if that's all wells they could never produce that kind of water.

Mr. Comenzo: Depending on the size of the brewery. They didn't say they were looking at a really large operation, but I would assume that would be one of the first things that you would look at after a location or whether it's allowed in the Town or not. I know these folks were looking at several different towns and different pieces of property. They were looking at a property off of Mariaville Road. Who knows, they may have found another piece of property already. It made sense to look at this because I know from an economic standpoint and tourism, I don't think it's a matter of if we're going to see a request for a microbrewery or cidery, but its when. At least we would have a Code that would give the Board the ability to look at it. Otherwise, you just tell them no when they come.

Ms. Heinel: I think the water issue would be more of an issue that the applicant/potential buyer would have to verify for themselves whether the property could actually meet the demands for what they need it to be. That's not really a concern necessarily for the Town to take on of whether the person buying the property is aware whether they are going to get the water or not. That is part of the buyers due diligence in purchasing a property for a specific need is whether they can meet that need.

Mr. Comenzo: I think Clark might have been alluding to like living next door and having your well run dry because they are using.

Ms. Heinel: That's fair and it's something to consider but that's the problem you would have with any neighbor that potentially bought a house right next to you and tapped the same well.

Mr. Comenzo: Whether it was farming…

Ms. Heinel: Whether it was farming, whether it was a business or whatever it might be, it's going to be a potential problem for anybody purchasing a property in that area.

Mr. Calder: I think getting ahead of it is a good idea, but I'm surprised we haven't had to deal with it before since everybody has.

Mr. Comenzo: Like I said earlier, we have gotten inquiries about properties in our commercial zones for breweries and I can potentially see some of these areas where there is a lot of parking and under-utilized retail areas in town potentially going in there. We do have very good quality water in the town. I could see someone looking to do that.

Mr. Calder: I have no other questions. Thank you.

Chairman Yuille: Mark?

Mr. D'Alessandro: I have a question. Number 4 about the on-site consumption or not. I did one of those tours up in the Thousand Islands for a winery tour. Is sipping considered consumption? They had like little dixie cups that you could have the wine.

Ms. Heinel: That's a tasting versus consumption which is ordering. I think the idea there was that tasting would be a very different experience than buying a pint of beer or five (5) or six (6) or however many.

Mr. D'Alessandro: Do we have to specify anything like that or is that just like a…

Mr. Comenzo: Right now, we based this from the Town of Glenville's Code. I don't know how closely they follow that for terms of on-site or off-site consumption or that type of thing but it's something to discuss. If it's going to be a large, if it's going to be a small operation they probably wouldn't have some type of beer/alcohol sales but a lot of times if they have a good product they grow.

Ms. Heinel: The other thing is just because one business is the one spurring us to look at this as a potential change for our code, it isn't going to be the only one probably that's going to come around. What one is planning on doing is not what the other is going to plan on doing. If we don't allow on-site consumption now, good chances are that there is going to be one that comes along that is going to want it and we are going to have to go through this process all over again so it's best to have an idea of is that something that the Town is going to allow should we recommend this or should we limit it to this and this only.

Mr. D'Alessandro: That's all that I have.

Mr. Comenzo: I kind of was torn about whether to put the letter in there or not from the property owner. It doesn't seem like the Board is focusing on this and I'm certainly not. It was just an inquiry to the Town and I said hey, if you are really interested why don't you send us a letter and I will see if the Town Board will entertain it. They did accept it and forwarded it to this board for report and recommendation. Like I said, unlike some of our other code amendments they are pretty straightforward, this one we are looking to try to get a recommendation from the Board in terms of what you think the Town should do in regards to this issue.

Ms. Heinel: Especially since a lot of these site plans, if this does go forward and get accepted, are going to come before this Board. Once it gets enacted and you start getting interest with applications, you guys are going to be the ones looking at the site plans and everything in there. Now would be the time to start thinking about the thing that you would want to require of a site plan applicant for something like this for that special use permit. What would be the things that you would be concerned with?

Mr. Comenzo: So far, I have heard water and waste or smells.

Ms. Heinel: Lighting would be a big one. I would imagine neighbors would be concerned with from a space, hours of operation would be another one to consider. Noise as well.

Mr. Comenzo: I don't know how far the Board wanted to get into that in terms of performance standards or if you wanted to direct staff to come up with an idea of specific recommendations.

Ms. Heinel: Or those things can be left to site plan and be made conditions at a site plan approval so they can be adapted to each application as well. It is just something to consider.

Chairman Yuille: I think the on-site consumption, I'm sorry, Mark, are you done?

Mr. D'Alessandro: The only thing I was going to say is four (4) years ago if you were going to talk about drug and alcohol on the Planning Commission, I would have told you were nuts.

Chairman Yuille: I think the on-site consumption we need to consider.

Mr. Comenzo: I think that is the biggest item there. Is the Board in support for allowing on-site consumption for microbreweries.

Chairman Yuille: If someone wants it, they could come back for a special use permit for that.

Mr. Comenzo: It's implied that it's allowed. Right now, the way it's written is prohibited. So, if the Board was okay with allowing for on-site consumption for having a taproom to sell beer…

Mr. Signore: I think at some point somebody is going to bring that up so why go through this again. Put a very broad description for these and I think Courtney had it right to use the State's description and "Inaudible…" in terms of the "Inaudible…" I would include everything in that and then add oversight by the Town or DPW under the discretion of the Town, perhaps so we don't have to go through this process several times because people are going to come up with a lot of ideas. We have all these different things here now.

Mr. Comenzo: I don't know if everybody agrees with what Joe is saying, he's basically saying is we should reference the State Code instead of trying to define all these different types of beverages, allow for on-site consumption and be a little more general in terms of the performance standards. In my mind, I am thinking you could address noise, odor, lighting, etc. and if you just wanted to add a statement in there to say the Planning Commission during Site Plan or during the Special Use Permit review would look at lighting, odors, you need to prepare answers to lighting, traffic, the general things you guys look at.

Ms. Heinel: Water, waste, lighting, traffic, noise, safety, hours of operation.

Mr. Comenzo: Does that sound…

Chairman Yuille: Joe, do you have anything else to add?

Mr. Signore: Like the on-site food could be discretionary as well. Put that in there and then like Tom mentioned they could come in for a special use permit but at least it would already be in the Code. I think Tom had a good idea with that.

Chairman Yuille: Joe, anything to add?

Mr. Miglucci: The waste issue is rice, hops, barley and it's all natural. The smell basically dissipates quickly and there is nothing really toxic or endangering. "Inaudible…"

Mr. Comenzo: I guess in terms how they are going to handle that would be, the other thing I was thinking of is rodents and that type of thing, would that attract them?

Chairman Yuille: VanDyke down there they have a microbrewery and they are right in the middle…

Mr. Comenzo: A lot of these places are literally right in the middle of the town or cities. I can foresee that occurring and having these in our business and industrial zones. For example, Burdeck Street or Altamont Avenue.

Mr. Signore: Do we know someone who is involved in the renderings for microbrewing and what they look like? I'm thinking a farmer would take it and plow it in.

Mr. Comenzo: I could look into it.

Ms. Heinel: I don't know if the fermenting process actually ruins the ability to compost because of the process of the breakdown of it. You can't use cooked in compost because it doesn't degrade the same way, it doesn't add the nutritional benefits and I don't know if the process of fermentation does the same thing to the waste products where it would make it not viable.

Mr. Comenzo: I can find out. I know somebody that knows somebody that runs one.

Ms. Heinel: I also have a friend who the farm manager at Indian Ladder Farms.

Chairman Yuille: Anyone else have anything else to add?

Mr. Collins: I have one more question. When it comes to the food truck thing, that way if you do it because NYS you have to food if you sell booze, right? But are we going to say you can only have one food truck because sometimes somebody will see a food truck and some guy says I got a food truck, and I will go down and hang out. Do you know what I am saying? I don't know if that would become a problem.

Mr. Comenzo: I think the food truck pays the brewery to be there.

Ms. Heinel: It's also up to the brewery on how many they want to allow on their property too.

Mr. Comenzo: It's going to depend on their customer base. If there is only 30 people going there, there is not going to be 5 trucks.

Ms. Heinel: With regards to the food concerns, that's really going to depend on what type of license they get from the Alcoholic and Beverages Committee and everything like that because that is going to dictate what they need to have on-site. They will be telling us when they come in for an application what type of license they are getting or have from the Liquor Authority and that will tell us what they are going to have on-site foodwise. Some licenses you can get away with just your peanuts on your bar.

Chairman Yuille: How are we going to put this together so that we can do it at the next meeting? Are we going to put a list together?

Mr. Comenzo: I think between Courtney and I we can probably come up with some type of draft to consider. I think Joe made some good points in referencing the State Code and then the on-site consumption. I think everybody was kind of in agreement, in at least in reading the tea leaves here, that on-site consumption is not really a concern and it would be something that would be addressed the review process.

Ms. Heinel: Any issues with on-site consumption from anybody?

Mr. Comenzo: Then generic performance standards. Ask them to come up with a plan to address safety and lighting.

Ms. Heinel: I think like you suggested something we could add in the tagline that during special use permit review the board will look at these factors…

Mr. Comenzo: Like proximity to neighbors and we can come up with a list and then when they come in, they will know they say they want to do this, but we can say we reference the Code and when you come in, here's what you need to address. Then the on-site food, I think we were okay with that.

We should be able to come up with something and come back to you in two (2) weeks.

Meeting adjourned at 8:15 p.m.

Motion to adjourn the meeting was made by Mr. Collins and Mr. D'Alessandro seconded the motion.
Next meeting scheduled for March 7, 2023.

Respectfully Submitted, Marlo L. Carter, Planning Commission Secretary

2. **Town of Rotterdam – Code Amendment. Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code entitled "Zoning" of the Town of Rotterdam in regards to allowing microbreweries, micro-wineries, and micro-distilleries by Special Use Permit in the A-1 Zoning District**

Chairman Yuille: Peter, are you going to present?

Mr. Comenzo: Yes. Peter Comenzo, Town Planner.

If you recall, not last meeting, but the meeting before we had a discussion and proposed legislation for the microbrewery and micro-distilleries. We were directed, to look at more comprehensive and not just focus on the Ag Zone but to look at breweries and microbreweries and brew pubs townwide to check our different zones. Part of the discussion was not necessarily just the Ag zone but some of the underutilized properties in the town, people could look there and really the thing from a zoning perspective is that you have the manufacturing component as well as the beverage component. So, it really does not fit specifically into any zone. And it is certainly not allowed in the Ag zone.

After looking at this matter, there were also some other performance standards that you wanted us to address in terms of noise, food carts, hours of operation. So, I went back and went through the zoning code and did some research to other communities as to how they addressed this. So, brew pub and microbrewery, micro-distillery, micro-winery are separated. The brew pub is more like a restaurant type facility with production of beer or wine or some of the other products, like braggot or cider, and that can be done in a brew pub setting where you can also have kitchen facilities and that would be more of something you would see in a commercial zone.

The microbrewery and micro-winery, micro-distillery would be more of a production type facility so, the square footage proposed for that or what I had seen, we had discussed up to 75,000 square feet for a microbrewery, micro-winery, or micro-distillery and then the brew pub would be 25,000 square feet.

The way our code is set up, it is cumulative so, first I looked at the Ag zone and we talked about the food cart and this obviously subject to discussion tonight, I had listed no more than two (2) food cart vendors permitted on site and that was for the Ag zone. We would not allow brew pubs but the microbrewery component would be in the Ag zone. We have it listed as a special use in the Ag zone. As a special use in the Main Street Neighborhood Center Overlay District and in the Corridor Overlay District. We addressed the noise code. We allowed food carts permitted on site by permission of the Planning Commission only. So, even if one of these businesses opened, they could always come back if they wanted to add a food cart component to it or they could work that into their site plan when they came forth.

The smaller, we would have it as a special use in the less intensive zones, like Main Street Neighborhood Center and the Corridor Commercial as well as the Retail Business zones which right now, we allow restaurants in those zones. When you get over to the General Business zone, I would propose that it would be a permitted use because the way our cumulative zoning works in both the light industrial and the heavy industrial zone, whatever is allowed by right in the General Business zone is also allowed in the Industrial zones so they would be allowed outright in the I-1 and I-2 zones subject to the same performance standards that are listed in here.

As well as the Commercial PUD zone which is a new zoning classification which we don't have any right now in the Town, but that is more for like the Exit 25A area and I think we had proposed that type of zoning for Exit 25 as well in terms of some type of a planned unit development with several different types of uses on the same piece of property.

That is all that I have. Are there any questions?

Chairman Yuille: Mr. D'Alessandro?

Mr. D'Alessandro: No.

Chairman Yuille: Mr. Collins?

Mr. Collins: No.

Chairman Yuille: Mrs. Flansburg?

Mrs. Flansburg: I don't have any questions, just a comment. As I was not here for the original meeting, I appreciate that all of the minutes were part of this so I was able to read up and catch up on it. It sounds like we are modeling quite a bit of it after Glenville who has many of these.

Mr. Comenzo: Glenville's is very rudimentary, I guess, it just basically said you could allow, and it didn't actually allow on-site consumption obviously it would be an issue with anything other than maybe tasting. We kind of went back to the drawing board based on the Board's comments and we rewrote this based on some other municipalities.

Mrs. Flansburg: It was nice to have it to be able to follow along both of your comments back and forth so, I appreciate that.

Chairman Yuille: Mr. Signore?

Mr. Signore: No. We have quite a way to go on this anyway, right?

Mr. Comenzo: Well, it's a report and recommendation. The only difference with this is that what was originally forwarded to the Board is completely different than what we have here. This is really the recommendation of the Planning Commission as based on your comments from the last meeting and the work of staff to go through this and address it.

Ms. Heinel: From here it would go to the Town Board and then the Town Board would make…

Mr. Comenzo: They will call for a public hearing. If they want to add things or subtract things, they can address that.

Chairman Yuille: Mr. Miglucci?

Mr. Miglucci: I'm good with it.

Chairman Yuille: To give you a little history, this came about because someone came in looking to possibly put a microbrewery out on Mariaville Road. There isn't a current project, but since this is probably going to start to come through, we thought we would get ahead of the game with it. So, we got those, and we will go from there. Again, just to remind everybody, this is a recommendation. We are going to vote either yes or no on it and when you give your vote, explain your vote as to why you vote yes or why you vote no and give a reason. If you have something that you would like to change, there is a section here that Peter put in so that you can add a section or something that you might want to change or might want to do. We will go with that.

Ms. Heinel: I do have a question. I was just looking at the DPW comments, Peter, and I think we have addressed it, but I want to make sure that we did because these were from the February meeting, for the microbreweries, we are allowing on-site consumption, right?

Mr. Comenzo: Yes.

Ms. Heinel: Does it specifically state it? It says tasting room in the definition, and I want to make sure and I would agree that I think it's enough because brew pub covers it specifically.

Mr. Comenzo: The brew pub is covered in all zones except for Ag.

Ms. Heinel: Yeah, and it specifically states on-site consumption and I was looking at the comment and then the definition we are using for the microbreweries, micro-wineries, and micro-distilleries, it doesn't specifically say anything about the on-site consumption other than that it includes a tasting room. I was wondering if the Board wanted to specifically state on-site consumption or not.

Chairman Yuille: For the brew pubs?

Ms. Heinel: No, for the microbreweries, micro-wineries and micro-distilleries.

Mr. Comenzo: The only caveat on that, I believe we didn't really want to open this in the Ag zone to bars. I think it needs to be clear, unless the Board wants to recommend that, but I don't think we want to open up the Agricultural Districts to opening up taverns and just, I don't know if they would have some type of five (5) gallon jug in the back, like the Cuomo chips, a bucket of beer in the back.

Mr. Collins: Could they come back and ask for, say someone just opened a microbrewery in the Agricultural zone, and then later on, could they come back and ask for a special use permit to add consumption or is this strictly...

Mr. Comenzo: I guess you could tie it to the Liquor Authority approval or because of home rule, we can dictate exactly what you want to see in the agricultural district. This is a little unclear. It doesn't outright allow you to have a full service bar and then, in that, I guess the distinction between brew pub and microbrewery, at least in my mind to say okay if you are opening up a microbrewery, you are not opening a bar and you are allowed up to 75,000 square feet and you can have tastings. I think what Courtney is saying is do you want to allow someone that if they are making beer, can they sell cider and...

Ms. Heinel: Or sell their own beer?

Mr. Comenzo: I don't know if you want to put a performance standard in there to say limited to on-site production products.

Ms. Heinel: I just want clarification from the Board's perspective, is that something they want or in response to DPW comment kind of in just looking at it or do we want to leave it as is with just the tasting room reference.

Mr. Collins: I don't think, with respect to someone that's in Agricultural, they are out there for a reason. The rural setting and so forth and I kind of agree that maybe we shouldn't force them and let someone come in and open a big beer joint. It's a different atmosphere than in the business districts. So, I kind of agree with what we are saying. That is just my opinion, for what it's worth. They are living out there for a reason and for them all of a sudden to have a few beer joints, I don't know, we are just talking here.

Mrs. Flansburg: I'm just trying to think about how this applies to reality. I'm thinking Agricultural, not in our community, but Indian Ladders has a giant "Inaudible" and on-site consumption and tasting and own little restaurant, is that the kind of thing that we are talking about here or not at all?

Mr. Comenzo: I'm looking at it from a perspective if I'm looking at a developer that comes in or someone wants to come in and open up a business in the Town of Rotterdam what are the restrictions? If someone came and said hey, I want to open up a bar in the Ag zone then there is some discretion in terms of what you are looking at. I guess, to address it, you could add it in here how we are dealing with food carts or hours of operation. You could say other types of liquor as approved by the Planning Commission. If you want to address that issue. I think if you allow brew pubs in the Ag zone, I think you may find somebody that will try to use that or twist that in some way that it's an allowed use and you'll wind up with a bar.

Mr. Collins: I don't want that, I don't think.

Mr. Signore: Peter, you are going to see unforeseen issues as these progresses, right?

Mr. Comenzo: Yes, 20 years ago we wouldn't be having this conversation about microbreweries.

Mr. Signore: These people go for their permits to get established, they should understand that a lot of this is going to be under the discretion of the Town and how the Town makes changes or perhaps the State makes changes.

Mr. Comenzo: Like I said, it's either allowed or it's not. It's either in the code or it's not. I don't have that discretion to say well, I kind of like your business and I don't like this other business. You are either permitted to have other types of alcoholic beverages on-site or you are not. The other alternative is that you could make it a performance standard and have them come in and request to offer other limited types of beverages. And you could limit it to not hard liquor or whatever you could have a percentage of alcohol maybe. If you wanted to do it that way, you couldn't serve shots of some type of hard liquor as opposed to a different variety of these types of liquors.

Ms. Heinel: My question wasn't necessarily geared towards having other types of alcohol at the establishment, it's more whether they can consume their own. They can sell and consume their own product right on site. Like a tasting room is a tasting room but being sit down with a beer from there, drink a few of them is a little different than a tasting room. My question was more of if a microbrewery opens and they want to sell their product on-site to people to on-site consume, that's really the question. Would we want to allow on-site consumption of at least their own products and not even really getting into the question of having liquor, ciders and beer at the same location.

Mr. Collins: I think they should be able to see their own product but that is what their business is for but we don't want them to be bring in a full line of alcoholic beverages and start having a bar. I think that if someone opens a brewery and they have a tasting room and that person should, I feel should be able to say I like this product, I would like to buy it however it's package but they can only sell their product and not expand to other products, does that make sense? Do you know what I mean? They are producing/manufacturing a item, they are offering you to taste the item and now the reason say that I would like to buy however it's package, a quart, a six pack, I don't go out anymore doing that stuff, but I think if you are allowing them to make it there and taste it there, I think you should be able to take that product home, no other vendors product. If that makes any kind of sense?

Mrs. Flansburg: It does but I also think it's a matter of I have tasted these three (3) and I like this one and I would like a pint of that one.

Ms. Heinel: Right.

Mrs. Flansburg: They would still be limited to their product.

Ms. Heinel: At this point, I just posed a question because I wanted some clarity on that particular point, if no one else has any questions, we do the vote, for an example, a board member wanted to suggest that as a modification for a recommendation, I think you could, otherwise you could just leave it as is.

Mr. Collins: What do you think, Peter?

Mr. Comenzo: I think these other zones are going to allow restaurants which potentially have full-service bar. You could be a brew pub but you can also be a restaurant right, and the restaurant, if they get their approvals to sell liquor from the liquor authority, it really comes down to the Ag zone. I think Courtney is correct and we probably should address sale of whether, either their product from on-site which I believe would make a lot of sense and then whether you would want

limited or you could limit it to the amount of alcohol too. I guess you could say anything under 20% or 15% alcohol could be sold.

Ms. Heinel: That would kind of defeat the purpose of a micro-distillery because they make liquor.

Mr. Comenzo: That's true. I didn't think of that. I'm thinking beer.

Ms. Heinel: I know, but it does include all the other ones.

Mr. Collins: My concern is the Ag zone and not the other ones. I mean if a guy opens up in the business zone, a restaurant, that already established but in an Ag zone, I think it should be, I will make that recommendation if I can when we do it that their own product be sold on their site.

Mr. Comenzo: I guess this is an establishment engaged in the production and distribution of beers, braggot, meads, hard ciders, we could change that to distribution and sale. Just add the word and sale. Distribution could be sales.

Mrs. Flansburg: It was never a question to me that they would not be selling it there. That is their job. They are producing it and they are going to sell it there and they would hope that they are going to make agreements with other businesses to also sell their products like beverage centers or other places. I'm going to go a step further and say that I think they should be able to consume it there, whether everybody agrees with me or not, their own product they should be able to consume it there.

Ms. Heinel: I think if you are going to add that into the text Peter, where you would put it is kind of similar where it's put in the other one. So, it says the establishment may include other uses such as a tasting room with food, offer to consumption in the tasting room and/or on-site consumption of their own products. And just put it into that sentence.

Mr. Comenzo: Does that make sense, everybody?

Mr. Collins: Yes.

Chairman Yuille: We will find out when the first one comes in and we have...

Mr. Comenzo: On-site consumption and sale. Would we add the word sale?

Ms. Heinel: Yes.

Mr. Comenzo: There is a difference between distribution and sale.

Ms. Heinel: I don't know if that makes a huge difference because I think the idea behind production and distribution means they are going to produce it and distribution is inherently a sale to some extent or another involved in that process, but we can add it there just to cover our basis.

Chairman Yuille: NYS has a lot of regulations on this also.

Ms. Heinel: A whole bunch. The ABC Laws are lengthy, strict, and somewhat convoluted.

Chairman Yuille: Anymore discussion? Hearing none, at this time, I will entertain a motion for a recommendation. Please identify whether the motion is going to be positive or negative.

Mrs. Flansburg: I will make a motion that the Planning Commission adopt a positive recommendation for this, but including the new changes that we made specifically to microbrewery, micro-winery, and micro-distillery on-site consumption for sale in the Ag zone.

Mr. Comenzo: Consumption of tasting room and/or on-site consumption and sale of their own product.

Mrs. Flansburg: They are not just limited to tasting, right?

Mr. Heinel: Right.

Chairman Yuille: Motion made by Mrs. Flansburg. Is there a second?

Mr. Collins: I second the motion.

Chairman Yuille: Motion seconded by Mr. Collins. Are there any questions on the motion? Everyone understands that we changed a couple of words and added a couple of words in there? Please call the vote.

Marlo Carter: Mr. Collins?

Mr. Collins: Yes, and the reason being we made the changes that are positive and we are just bringing the town forward and trying to get ahead of the curve on this. I think this is a good recommendation and I hope the Town Board agrees with us.

Marlo Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes, for the same reasons as he stated and I would like to be ahead of it when the projects come before us. I think it is helpful for a clear understanding of what is expected.

Marlo Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes, I agree with Mr. Collins and Mrs. Flansburg.

Marlo Carter: Mr. Signore?

Mr. Signore: Yes, I agree with the others.

Marlo Carter: Mr. Miglucci?

Mr. Miglucci: Yes, just like everyone else stated and it is a nice place to take a date.

Marlo Carter: Chairman Yuille?

Chairman Yuille: Yes, and I agree with what everyone said and it is nice to get ahead of it, so we have something out there. It may not happen for a year or two but at least we have something. There will probably be something that comes up that we are going to have to change or NYS may make a change and we must abide by that.

Motion carried.

Thank you, Peter.

Meeting adjourned at 8:07 p.m.

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

Next meeting scheduled for April 4, 2023

Respectfully Submitted,

Marlo L. Carter
Planning Commission Secretary

05/10/2023

PUBLIC HEARING

#2

For receipt of comment on the proposed Introductory Local Law No. __ of 2023; To amend Chapter §267, Water, of the Town Code of the Town of Rotterdam.

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ **County** ☐ **City** ☐ **Town** ☐ **Village**
(Select one:)

of _____

Local Law No. _____ **of the year 20**____

A local law to amend chapter 267 "Water" of the Rotterdam Town Code
(Insert Title)

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam **as follows:**

See Attached

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board on _____ 20 23, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20[ ][ ], in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____ , became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

_____
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

TOWN OF ROTTERDAM

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

LEGISLATIVE REQUEST FORM

DATE:	April 21, 2023
TO:	Town Board
FROM:	Jack Dodson, Deputy Supervisor
TITLE OF REQUEST:	To enact Local Law No. 5 of 2023; To amend Chapter 267 entitled Water
TOWN BOARD MEETING:	April 26, 2023
Background Information:	Town Code Chapter 267 Water outlines the rules and regulations for: protect the public water supply from contamination pursuant to the State Sanitary Code; water and sprinkler regulations; enforcement; remedies for non-compliance; meter requirements, and schedule of fees.
Evaluation/Analysis:	The law must be amended and passed to adopt the updated revisions to Chapter 267 of the Town Code.
Recommendation(s):	Following the Public Hearing on May 10th, 2023, adopt introductory local law 5 of 2023; To amend chapter 267 entitled Water, of the Town Code of the Town of Rotterdam.
Attachment/Document(s):	Copy of current Chapter 267, proposed amendments to Chapter 267, and Introductory Local Law to amend Chapter 267 entitled Water.
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	N/A
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, April 26, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 158.23

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW NO. __ OF 2023; TO AMEND CHAPTER 267, WATER, AND SCHEDULING A PUBLIC HEARING THEREON

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board recognizes the introduction of Introductory Local Law No. __ of 2023 to amend Chapter §267, Water, of the Town Code of the Town of Rotterdam.

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

TOWN OF ROTTERDAM
NOTICE OF HEARING

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a public hearing at the Rotterdam Junction District #1 Firehouse, 1215 Main Street, Rotterdam Junction, New York 12150, at 7:00 p.m. on the 10th day of May, 2023 for the following purpose:

> For receipt of comment on the proposed Introductory Local Law No. __ of 2023; To amend Chapter §267, Water, of the Town Code of the Town of Rotterdam.

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

DATED: April 26, 2023
Daily Gazette: Please publish once on April 29, 2023
Town Clerk
Post

SECTION 3. This resolution shall become effective April 26, 2023.

DATED: April 26, 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 April 26, 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 April 28, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

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

§ 267-1. Purpose.

The purpose of this chapter is to:

A. Protect the public potable water supply of the Town of Rotterdam from the possibility of contamination by isolating within its customer's internal distribution system or its customer's private water system such contaminations or pollutants which could backflow into the public water supply system.

B. Comply with the requirements of the New York State Sanitary Code 5-1.31.

C. Promulgate the rules and regulations and schedule of fees for town water districts.

§ 267-2. Definitions; word usage.

A. For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

AIR GAP SEPARATION — A physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, and in no case less than one inch.

APPROVED CHECK VALVE — A check valve that seats readily and completely. It must be carefully machined to have free-moving parts and assured watertightness. The face of the closure element and valve seat must be bronze~~,~~ composition or other noncorrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be bronze or other noncorrodible, ~~nonstickingnon sticking~~ material, machined for easy, dependable operation. The closure element (e.g., clapper) shall be internally weighted to otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

APPROVED DOUBLE-CHECK-VALVE ASSEMBLY — An assembly of at least two independently acting approved check valves, including tightly closing shutoff valves on each side of the check- valve assembly and suitable test cocks plus connections available for testing the watertightness of each check valve. Shall be New York State Department of Health (NYSDOH) approved backflow prevention device/assemblies.

APPROVED REDUCED PRESSURE PRINCIPAL BACKFLOW PREVENTION DEVICE — A device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, two shutoff valves and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the two check valves, less than the pressure on the public water supply side of the device. At cessation of normal ~~flow~~flow, the pressure between the check valves shall be less than the supply pressure. In case of leakage to either valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. To be approved, these devices must be readily accessible for maintenance and testing and installed in a location where no part of the device will be submerged. Shall be New York State Department of Health (NYSDOH) approved backflow prevention device/assemblies.

APPROVED WATER SUPPLY — Any water supply approved by, or under the public health supervision of, a public health agency- -of the State of New York, City of Schenectady or the Town of Rotterdam. In determining what constitutes an approved water supply, the Department of Public Health of the State of New York (herein called "~~State Health Department~~NYSDOH") shall have the final judgment as to its safety and potability.

AUXILIARY WATER SUPPLY — Any water supply on or available to the premises other than the Town water supply.

CONSUMER — Any person to whom water is sold and furnished from the Town of Rotterdam.

CONTAMINATION — An impairment of the quality of the Town water supply by the presence of any foreign substance (organic, inorganic, radiological or biological) to a degree which creates a hazard to the public health.

CROSS CONNECTION — Any unprotected connection between any part of the Town waterworks system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as safe, ~~wholesome~~wholesome, and potable for human consumption.

DEPARTMENT OF PUBLIC WORKS – Department Head, Senior Building Inspector/Building Inspector, Town Engineer, Senior Water Treatment Plant Operator or authorized representative.

NONTOXIC SUBSTANCE — Any substance of a nonpoisonous nature that may create a moderate or minor hazard to the water supply system.

PERSON — Any natural person, firm, association, organization, partnership, trust or association or persons, joint venture, corporation or company, and includes the United States, the State of New York, the County of Schenectady, any special purpose district and any officer or agent thereof.

PREMISES — Integrated land area, including improvements thereon, undivided by public thoroughfares or water distribution mains of the Town of Rotterdam and where all parts of the premises are operated under the same management and for the same purpose.

PROTECTIVE DEVICE — Any of the following devices:

(1) Air gap separation.

(2) Approved reduced pressure principle backflow prevention device (NYSDOH approved).

(3) Approved double-check-valve assembly (NYSDOH approved).

SERVICE CONNECTION — The terminal end of a service connection from the Town water supply at its point of delivery to the consumer. If a meter is installed, "service connection" means the downstream end of the meter. No unprotected takeoffs from the service line ahead of any meter or backflow protective device located at the point of delivery to the consumer shall be permitted.

TOWN — The Town of Rotterdam.

TOWN WATER SUPPLY — The approved water supply sold and delivered to consumer's premises through the Water Works System of the Town of Rotterdam.

TOXIC SUBSTANCE — Any substance (liquid, solid or gaseous), including raw sewage and lethal substances, that, when introduced into the water supply system, creates or may create a danger to the health and well-being of the consumer.

B. "Shall" is mandatory; "may" is permissive.

§ 267-3. Where protection is required; type of protection.

A. Auxiliary water supply. Each service connection from the Town water supply for furnishing water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the Town water supply. Where a single- or dual-family residential customer served by a public water supply system has or proposes to install an auxiliary water supply (i.e., well, cistern, spring, etc.) the supplier of water shall protect the public water supply system against backflow by requiring the customer to perform one of the following: **[Amended 5-12-1999 by L.L. No. 7-1999]**

(1) Permanently disconnect the auxiliary water supply from any direct connection to the public water supply system. An inspection to determine compliance with this requirement shall be made by ~~the supplier of water,~~ the local plumbing or building code enforcement official, or their designee. The frequency of inspections shall be at the initial time of disconnection and at periodic intervals thereafter (i.e., every three to five years);

~~(2) Abandon the auxiliary water supply in a manner acceptable to the state or local Health Department; or~~

~~(3) Install an approved reduced pressure zone (RPZ) device at the public water supply service connection in accordance with Section 5-1.31 of the State Sanitary Code.~~

~~B.~~ Toxic or hazardous substances. Should a facility be rated hazardous, a reduced pressure zone (RPZ) device ~~would~~ shall be required. ~~independent of a separate system handling the auxiliary water system. We would also require a reduced pressure zone device if the facility were rated nonhazardous and the auxiliary water system did not meet the water quality requirements of the Sanitary Code.~~

C. Nonhazardous substances. At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health) if introduced into the Town water supply is handled in such a manner as to constitute a cross connection, the Town water supply shall be protected by an approved double-check-valve assembly.

D. Sewage Treatment Plant/Pump Stations – At the service connection to any sewage treatment plant or sewage pumping station, the T~~t~~own water supply shall be protected by an air gap separation. The air gap shall be

located as close as practicable to the service connection and all piping between the service connection and receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the T-town water supply shall be protected with an approved reduced-pressure principal backflow prevention device, provided that this alternative is acceptable by the NYSDOH.

E. Fire systems. At the service connection to any premises in which a fire protection system is installed, the Town water supply shall be protected based on the water source and arrangement of supplies in accordance with the following classifications:

(1) Class 1.

(a) Direct connection from public water mains only; no pumps, tanks or reservoirs; no physical connections from auxiliary water supplies, no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells or other safe outlets.

(b) Protection: double-check-valve assembly.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(2) Class 2.

(a) Same as Class 1, except booster pumps may be installed in the connections from the street mains.

(b) Protection: double-check-valve assembly.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(3) Class 3.

(a) Direct connection from public water supply main, plus one or more of the following: elevated storage tanks, fire pumps taking suction from aboveground covered reservoirs or tanks; and pressure tanks.

(b) Protection: double-check-valve assembly.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(4) Class 4.

(a) Directly supplied from public mains similar to Classes 1 and 2 and with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within 1,700 feet of the pumper connection.

(b) Protection: air gap or reduced pressure principle backflow prevention device.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(5) Class 5.

(a) Directly supplied from public mains and interconnected with auxiliary supplied, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or when antifreeze or other industrial water systems; or where antifreeze or other additives are used.

(b) Protection: air gap or reduced pressure principle backflow prevention device.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

(6) Class 6.

(a) Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(b) Protection: determined by the ~~Department Head of~~ DPW upon review of engineering drawings of the system.

(c) Use NYSDOH Form 347 – Application for Approval of Backflow Prevention Device.

F. Lawn sprinkling systems. **[Amended 5-12-1999 by L.L. No. 7-1999]**

(1) Where a single- or dual-family residential customer served by the public water supply system has or proposes to install a lawn sprinkler or irrigation system, the minimum required backflow protection to prevent back-siphonage shall be a vacuum breaker that shall be located, specified, installed, maintained and accessible for inspection in accordance with Sections 902.2(d)(2) and 902.3(a), (b)(1), (c) and (d) of the Uniform Fire Prevention and Building Code (UFP and BC), respectively, in a manner acceptable to the supplier of water and/or the local plumbing or building code enforcement official.

(2) For the systems described below, the supplier of water shall protect the public water system against backflow by requiring the customer to perform one of the following:

(a) Install an approved double-check valve assembly (DCVA) on those systems which may be subject to backpressure from pumps or elevated piping where no chemical injection takes place; or

(b) Install an approved RPZ device on those systems where provisions are made for chemical injection.

NOTE: The supplier of water may allow protective devices to be installed in the internal supply pipes to a lawn sprinkler or irrigation system, provided that there are no other hazards associated with a residential user as described in the categories "auxiliary water supplies" and "miscellaneous residential water uses" of this document. Containment at the service connection with an approved DCVA or RPZ shall be required in any other case. For options in Subsection E(2)(a) ~~or (~~or (b) above, the device shall be tested in accordance with Section 5-1.31(a)(3) of the State Sanitary Code and maintained in a manner and frequency acceptable to the ~~supplier of water~~ Department of Public Works and/or the state or local Health Department.

(3) Automatic rain shut-off, such as Hunter Mini Clik or equal, must be installed as part of pre-installation. **[Amended 8-8-2001 by L.L. No. 10-2001]**

(4) An electrical timer shut-off must be installed to control usage of sprinkler system. The timer settings must conform with the rules and regulations for sprinkling as set forth by ~~the town~~ Section 267-9.

G. Cross-connection control. **[Amended 8-8-2001 by L.L. No. 10-2001]**

(1) All portions of the water distribution system serving the swimming pool and auxiliary facilities shall be protected against backflow and back-siphonage. Water introduced into the pool, either directly or to the recirculation system, shall be supplied through an air gap or by another method which will prevent backflow and back-siphonage.

(2) Outside water hose bibs shall be protected with a vacuum breaker-backflow preventer such as Watts Series 8 or equal.

H. All existing systems must comply with this local law by May 1, 2004. **[Amended 8-8-2001 by L.L. No. 10-2001]**

§ 267-4. Responsibility for maintenance.

A. Consumer responsibility. It shall be the responsibility of each consumer at his own expense to furnish, install and keep in good working order and safe condition any and all protective devices required in this section. The Town shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the improper or negligent installation, operation, use, repair or maintenance of or interfering with any protective device by any consumer or any other person.

B. Conflicts. Whenever two or more conditions exist on any premises for the correction of which different protective devices are required in this chapter, the consumer shall be required only to install the protective device which, in the opinion of the ~~Engineer~~ Department of Public Works and ~~County Health Officer~~ NYSDOH, affords the maximum protection to the Town water supply.

§ 267-5. Inspection; records; cost. [Amended 6-23-2004 by L.L. No. 5-2004]

(1) The consumer on whose premises any protective device is installed shall have each such device inspected annually by an appropriately certified inspector. The certified inspector

shall report inspection results on NYSDOH Form 1013 – Report on the Test and Maintenance of Backflow Prevention Devices. If successive inspections disclose repeated failures in the operation of any device, the ~~Public Works Coordinator~~ Department of Public Works ~~may~~s h a l l require more frequent inspections. Each device shall be repaired, overhauled or replaced at the expense of the consumer whenever it is found to be defective. Records of such tests, repairs and overhauls shall be kept and a copy of such records forwarded to the ~~Public Works Coordinator~~ Department of Public Works and the Schenectady County Health Department on an annual basis. The ~~Public Works Coordinator~~ Department of Public Works shall have the duty of determining that the inspections required herein are performed properly. If following demand, therefore, the consumer fails to have any of the inspections made as required herein or to make the above-described records available, the ~~Public Works Coordinator~~ Department of Public Works shall have the right to inspect the device and the consumer to pay the cost thereof.

§ 267-6. Noncompliance; service to be discontinued; notice; service.

A. No water service connection shall be installed on the premises of any consumer unless the Town water supply is protected as required by this section.

B. Delivery of water to the premises of any consumer may be discontinued by the ~~Engineer~~ Department of Public Works if any protective device required by this section has not been installed, inspected, tested and maintained or is defective or has been removed or bypassed.

C. Delivery of water.

(1) Delivery of water shall be discontinued immediately and without notice to the consumer if the ~~Engineer~~ Department of Public Works, ~~or~~ County Health Officer, or ~~(~~NYSDOH~~)~~ determined that:

(a) The Town water supply is being contaminated or is in immediate danger of contamination.

(b) A protective device required by this section has not been installed or is defective or has been removed or bypassed.

(c) The consumer cannot immediately be located.

(2) Delivery of water shall not be resumed until any protective device required by this section and approved by the ~~Engineer~~ Department of Public Works has been properly installed or until conditions at the consumer's premises causing the contamination or danger of contamination have been abated or corrected to the satisfaction of the ~~Engineer~~ Department of Public Works and County Health Officer and/or (NYSDOH).

D. Notice.

(1) Except as provided in Subsection C, delivery of water shall not be discontinued until written notice thereof has been given to the consumer. The notice shall state:

(a) The conditions or defects which must be corrected.

(b) The manner in which the stated conditions or defects are to be corrected.

(c) The date on or after which delivery of water will be discontinued, and which shall not be less than 15 nor more than 90 days following the date of delivery of mailing the notice. The ~~Engineer~~ Department of Public Works may grant the consumer an extension of an additional period not to exceed 90 days if he determines the consumer has exercised due diligence but has been unable to comply with the notice within the time originally allowed.

(2) The notice shall be given by delivering the same to the consumer, the manager or agent thereof, or to any person in charge of or employed in the place of business of the consumer, or, if the consumer has no place of business, then at the place of residence of the consumer if known or by leaving the notice at either the place of business or the residence of the consumer. If the consumer cannot be found, service of the notice shall be mailed, postage fully prepaid, addressed to the consumer at the place of business or residence set forth in the application of the consumer for water service in the records of the Town.

(3) Once discontinued, delivery of water shall not be resumed until any protection device required by this chapter and approved by the ~~Engineer~~ Department of Public Works has been properly installed or until the conditions at the consumer's premises creating the need for a protective device have been abated or corrected to the satisfaction of the Department of Public Works.

E. For the purpose of making any inspections or discharging the duties imposed by this chapter, the Department of Public Works shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises of water from the Town water supply, shall be considered as having stated his consent to the entry upon his premises of the ~~Engineer~~ Department of Public Works for the purposes stated herein.

§ 267-7. Presently installed devices.

All presently installed prevention devices which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained shall, except for the inspection and maintenance requirements under § 267-5, be excluded from the requirements of these rules so long as the Department of Public Works is assured that they will satisfactorily protect the ~~t~~Town's water supply. Whenever the existing device is moved from the present location or requires more than minimum maintenance which constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this section.

§ 267-8. Enforcement; penalties for offenses. [Amended 7-9-2003 by L.L. No. 9-2003]

A. Violations. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any premises in violation of any provision of this chapter or to fail in any manner to comply with a notice, directive or order of the Department of Public Works ~~Town Engineer, Chief Operator of Water, the Town Building Inspector/Code Enforcement Officer~~ or the designee ~~of any one of them~~ requiring compliance with this chapter.

B. Penalties. Any person, firm or corporation who shall violate any of the provisions of this chapter or any rule or regulation made pursuant thereto shall~~,~~: receive a warning for the first violation, upon conviction thereof, be punished by a fine of no less than

~~$500~~ $100 for the second violation, $200 for the third violation, and $300 for each subsequent violations. ~~nor more than $1,000 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than $1,000 nor more than $1,500 or imprisonment for a period not to exceed 15 days, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than $1,500 nor more than $2,000 or imprisonment for a period not to exceed 15 days, or both.~~ Each day of continued violation shall constitute a separate, additional offense. ~~**[Amended 6-12-2013 by L.L. No. 7-2013]**~~

§ 267-9. Water and sprinkler regulations for consolidated water districts. [Added 6-26-2013 by L.L. No. 8-2013]

A. Purpose. Rules, ~~regulations~~regulations, and rates adopted and prescribed by the Town Board of the Town of Rotterdam, Schenectady County, New York, in accordance with § 198 of the Town Law shall apply to the territory of the Town of Rotterdam known and designated as "Water District of the Town of Rotterdam, New York."

B. Applicability. The rules and regulations herein contained shall apply to every person or user supplied with water by the Department of Public Works, and each such person or user must agree to comply with said rules and regulations as set forth herein, and the same shall constitute a part of the contract, express or implied, between such person or user and the Department of Public Works.

C. Permits.

1. Applications for permits to connect service or supply pipes with either the Water District mains or curb connections must be made in writing at the office of the Department of Public Works by the owner of the premises or his agent on forms prepared for that purpose. The application shall specify the particular uses for which water is required. The owner or agent must furnish the Department of Public Works the correct street and lot number as taken from the deed.

2. Permits will be issued by the Department of Public Works and shall expire 30 days from date of issuance. All work done under the permit shall be performed by the owner or his

agent. No work shall be covered up unless same is first inspected by the Department of Public Works. No work will be inspected until a request by the owner or his agent is ~~made~~ called in ~~writing~~ to the Department of Public Works and a request for inspection is given at least 24 hours in advance. All defective work or work done not in accordance with the rules contained herein, the New York State Uniform Fire Prevention and Building Code and the Plumbing Code[1] of the Town of Rotterdam will not be approved and shall be redone, modified or reinstalled in accordance with the directions of the Department of Public Works. Failure to comply by the owner or his agent with the directions of the Department —of Public Works to correct any defects in work or to carry out any directions of the Department of Public Works in connection with said work as prescribed herein shall constitute good and sufficient reason for revocation of the permit.

3. No plumbing or plumbing fixtures shall be installed in any house, building, or structure thereafter to be erected or remodeled unless and until plans for installation thereof shall be first filed and approved by the Department of Public Works and a permit therefore is obtained.

4. No extension or alteration of service pipes, whether involving new uses of water or not, shall be made without the permission of the Department of Public Works, and for any extension involving new uses of water, an application shall be filed with and approved by the ~~Water Commissioner~~ Department of Public Works before such extension is made.

5. Discontinuance of fixtures. Application must be made for a permit and such permit granted for any desired change in or discontinuance of the use of any fixture on any water service before any such change or discontinuance is made. The charge for the use of water from the fixtures will continue unchanged until the person making such change or discontinuance has notified the office of the Department of Public Works and certified that the change or discontinuance has been made.

D. Connections, construction and maintenance.

1. Agent or owner. The agent designated and employed by the owner of the premises will be considered the agent of such owner while employed in the execution of the work of

introducing water into said premises, and in no case shall the agent of the Department of Public Works or the Town of Rotterdam be responsible for the acts of such agent.

2. Permit required; excavations. No persons, except the properly authorized employees of the Department of Public Works will be permitted to tap or make any connections with street mains or distributing pipes of the Water District unless it is a contractor certified installment – greater than 1". No person shall make any attachment to or connection with the pipes, or make any additions to or alterations of any tap, pipe, cock or other fixture connected with the pipes supplying water to consumers, unless a permit is first obtained. After inspection of excavations, all excavations on the premises shall be backfilled and shall not be disturbed or uncovered without written permission of the Department of Public Works.

3. Notice for installation of laterals. After receiving a permit for the installation of any water service, the applicant requesting the work shall notify the Department of Public Works 48 hours in advance of his or her desire to have the lateral installed and shall ~~(as per definition of shall do not need definitely)~~ designate the name of the street and the house or lot number where the lateral is to be installed and the name of the owner or applicant.

4. Large cut-in connections. If a larger connection than a 1 1/2 inch-tap is required, a ~~cast-iron~~ Type K copper pipe service not less than two inches in diameter shall be installed or if larger than 3-inch diameter is required, a Class 52 ductile iron, double cement line, seal coated pipe shall be installed by ~~employees of~~ the Department of Public Works only from the main to the property line of the premises, connections with the street main to be made with patented or standard fittings, all material to be furnished by the Department of Public Works. All services greater than 3-inch ~~such services~~ shall have a gate valve placed in the service pipe near the street main, which gate valve shall be controlled exclusively by the Department of Public Works. The property owner shall be billed for ~~this~~ service work at the actual cost of labor, material, pavement, and final restoration ~~out to the Department of Public Works, which,~~ said amount must be paid to the Receiver of Taxes. No estimate of the cost of installation of any connection, under these rules, shall be binding upon the Department of Public Works or the Town of

Rotterdam. Upon failure to pay said charge, the cost of the work performed shall be assessed against said premises and collected as a water charge levied against said premises, in addition to any other remedies provided herein.

5. Service pipes and fittings. Existing services installed by the Department of Public Works to the property line are to be connected ~~to~~ by the property owner when ~~he makes~~ application is made for a service to said property. Any changes in the location of the services shall be done at the owner's expense.

6. Installation. The Department of Public Works shall require an inspection to be made by an inspector from the Department of Public Works of each service pipe and trench before any backfilling is done. The inspector may refuse to turn on water where backfilling is done before said inspection is made or where the work does not fulfill the requirements of these rules and regulations. A $500 fine or re-excavating the trench to expose the pipe for inspection shall be the remedy for non-conformance.

7. Service pipes maintained. The owner of property into which water is introduced by a service pipe will be required to be maintained in ~~perfect~~ reasonable order, at his own cost and expense, the said service pipe from and including the curb stop to his own premises, including all fixtures therein provided for delivering or supplying water for any purpose, and the curb box must be kept in view and the top thereof even with the ground, sidewalk or street grade at all times, and in a serviceable condition. In case such service and fixtures are not kept in repair, the water may be shut off from the premises until the requirements of this rule are complied with, or the Department of Public Works may make the necessary repairs, to conform to this rule, and charge the cost of repair ~~thereof~~ to the owner of the property. The cost of the repair shall be paid by the property owner within 60 days from date of completion~~. at which this rule is violated and collect such cost from the owner of such property and~~ The Department of Public Works may shut off the water from such property until such time as charges are paid or a mutual payment agreement is worked out.

8. Defective services. In all premises where water from water district mains is now supplied by a system of pipes and fixtures for water service, and where the service pipes and

fixtures are not of the standard or pattern prescribed in the rules and regulations of the Department of Public Works, or where such fixtures and devices for the prevention of damage to the service or of waste of water, as are prescribed in said rules and regulations, are lacking from said system, the owners of said premises shall, at any time when so required by order of the Department of Public Works, make such changes in and additions to said system or fixtures for said water service as shall be necessary in order to comply with such rules and regulations, and at their own cost and expense. In case of failure to comply with this rule at any premises, the water may be shut off from such premises until this rule is complied with.

9. Discontinuance of service. No deduction shall be made from any bill for water for the discontinuance of the water supply to any premises, unless the owner of such premises shall have received a permit to terminate, completed the work and had an inspection showing the termination of water to said property. All consumers will be charged for the use of water for the current year and will not be charged for water the following year. Please note properties that are metered (businesses & sprinklers) are for prior year and will be charged as such.

10. Responsibility for excavations. In the opening of a trench for the introduction of any water service pipe under authority of a permit from the Department of Public Works, the owner and agent will each be held responsible for the trench opened by them. Whenever any trench is opened for making a connection with or laying any water pipe, public safety and convenience shall be duly regarded and conserved by the construction of road plates, ~~such~~ bridges, or other protective devices across open trenches as may be required to properly ~~insure~~ensure safety to the public. ~~Red signal~~ Approved construction lights, barricades, railings and all other necessary means of protection against accident shall be provided by the agent or owner.

11. Inspectors may enter premises. ~~Employees of t~~The Department of Public Works, upon presentation of proper identification, may enter and must be permitted to enter upon any premises in the Water District where water is being supplied or upon any premises when application is made for a permit to connect plumbing with the water pipes for the purpose of inspecting the plumbing and fixtures of the water

service, and all work in connection with such service.

E. Shutting off.

1. Water may be shut off by the Department of Public Works from any service or main for the purpose of making or constructing new work, or making repairs in the water system, or of enforcement of payment of monies or charges due the Department of Public Works for water supply and for other matters in accordance with these rules and regulations. In the case of making or constructing new work or in making repairs, the right is reserved to shut off the water from any consumer without notice for as long a period as may be necessary.

2. When the water supply has been shut off for a failure to comply with these rules and regulations, it shall not again be turned on except by the Department of Public Works until compliance is made with these rules and regulations in the matter and payment made, by the owner of the premises concerned, to the Receiver of Taxes, of all expenses incurred by the said ~~Bureau~~ Department of Public Works in so shutting off such water supply. Notice regrading water shutoff shall conform with § 267-6, Noncompliance; service to be discontinued; notice; service.

F. Change of pressure. The Town of Rotterdam nor the Department of Public Works shall not be liable for any damage or loss of any kind, to property or persons, which may arise from any or be caused by any change ~~in or~~ increase/decrease of water pressure from any cause whatsoever.

G. In order to maintain sufficient water supply and pressure at all times for fire protection and household use, from May 1 through ~~September~~ October 15, (In 2019 was until November 1??)lawn sprinkling, garden sprinkling and other use of public water shall be restricted to the following days and times: [Amended 7-24-2020 by L.L. No. 10-2020]

1. Automatic lawn sprinkler systems.

(a) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with even-numbered addresses and with automatic lawn sprinkler systems serviced by the municipal supply, may use the public water supply for outside lawn and garden sprinkling on even-numbered calendar days from ~~1:00~~ 7:00 a.m. to ~~4:00~~ 9:00 a.m. and 7:00 pm to 9:00 pm, regardless of the nature of use of the premises.

(b) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with odd-numbered addresses and with automatic sprinkling systems serviced by the municipal water supply, may use the public water supply for outside lawn and garden sprinkling on odd-numbered calendar days from ~~1:00~~ 7:00 a.m. to ~~4:00~~ 9:00 a.m. and 7:00 pm to 9:00 pm, regardless of the nature of use of the premises.

(c) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with automatic lawn and garden sprinkling systems serviced by the municipal supply, shall not be permitted to use manually placed and/or handheld lawn sprinklers outside of the times specified in Subsection G(1)(a) and (b).

(d) Sprinkling outside of the designated days and hours is strictly prohibited.

2. Manually placed lawn sprinklers or handheld watering.

(a) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with even-numbered street addresses and without automatic lawn sprinkling systems serviced by the municipal supply, may use the public water supply for outside lawn and garden sprinkling on even-numbered calendar days from ~~6:30~~ 7:00 a.m. to ~~8:00~~ 9:00 a.m. and ~~6:30~~ 7:00 p.m. to ~~8:00~~ 9:00 p.m., regardless of the nature of use of the premises.

(b) All dwellings, buildings, structures, lots, pieces or parcels of land connected to the public water supply, with odd-numbered street addresses and without automatic lawn sprinkler systems serviced by the municipal supply, may use the public water supply for outside lawn and garden sprinkling on odd-numbered calendar days from ~~6:30~~ 7:00 a.m. to ~~8:00~~ 9:00 a.m. and ~~6:30~~ 7:00 p.m. to ~~8:00~~ 9:00 p.m., regardless of the nature of use of the premises.

(c) Sprinkling outside of the designated days and hours in strictly prohibited.

3. The restrictions contained in Subsection G(2)(a) and (b) above shall not apply to hand-sprinkling of outdoor gardens used for the growing of noncommercial foodstuffs and flower gardens which require a letter from the Department of Public Works to water outside the times listed above.

4. In the event of a fire or other water emergency, the Town Supervisor, upon the recommendations of the ~~Engineer/Director of Public Works~~ Department of Public Works, may modify or suspend any or all of the regulations relating to sprinkling for the duration of the emergency. The ~~Engineer/Director of Public Works~~ Department of Public Works shall notify the public by publication or other appropriate manner of any modification or suspension of sprinkling as a result of such emergency.

5. Upon application of any person, the Town Supervisor, or his/her designee, may vary or modify the restrictions contained herein upon such terms and conditions as he/she deems appropriate. There shall be no appeal from the decision of the Town Supervisor on an application made under this subsection.

6. Nothing contained herein shall restrict the use of private wells for outside watering purposes, provided that a valid sign stating "PRIVATE WELL" must be displayed on the dwelling, readable from the right-of- way. All private wells' water faucets must be permanently labeled. No interconnection of the private well with the public water system shall be permitted.

7. No person shall fill a swimming pool from the public water supply at any time without the approval of the ~~Superintendent of the Department of Water and Wastewater Management~~ Department of Public Works. The ~~Superintendent~~ Department of Public Works shall specify the quantity, time and method for filling of swimming pools upon receipt of pool permit.

H. Waste of water. Water must not be allowed to run to prevent freezing in the service pipes or their attachments or for the purpose of flushing soil pipes or sewers or for any other purposes on the premises than those paid for or indicated in the application for the same and which are allowed by these rules and regulations. Faucets must be kept properly packed and all other fixtures in repair, so as to prevent leaks.

I. Water meters.

1. All commercial users shall have water meters installed at the expense of the property owner and periodically inspected by the Department of Public Works. The Department of Public Works reserves the right to order a meter to be placed on any service ~~or to take out a meter and~~ or place the consumer on a flat rate whenever in the opinion of the Department of Public Works it is for the best interests of the water district ~~so to do~~. All water passing through a meter will be charged for, whether used or wasted.

2. Service in good condition. No meter shall be installed ~~by the Department of Public Works~~ unless the service, service fixtures and plumbing adjacent to the proposed location of the meter are in a good and serviceable condition. The curb box must be readily accessible, the curb cock, stop and waste cock in good working order and any rusty or unsafe pipes next to the proposed location of the meter replaced. The owner, as shown on the latest assessment roll of the Water District, of the premises in which meter is to be installed shall be notified in writing by mail addressed to him at such premises of any required repairs under this rule, which shall be made within 10 days. ~~and if repairs are not made within 10 days.~~

3. Check valves/Expansion Tanks~~, test tees and bypasses~~. All meters installed ~~by the Department of Public Works~~ shall have check valve/expansion tanks installed ~~placed next to outlets~~ to prevent hot water from backing through the meter or to mitigate over pressurization of the internal plumbing system. All services that are metered and require check valves/expansion tanks to prevent hot water from backing through the meter shall be supplied, connected and fitted with such check valves up to and including meters of 1 1/2 inches in size. ~~by the Department of Public Works.~~ Services requiring a meter over 1 1/2 inches in size shall be designed by a licensed professional engineer and a drawing of the water service lateral, shutoff valve, meter/setter, check valve, expansion tank shall be provided to the Department of Public Works. ~~and furnished by the property owner may be installed by the Department of Public Works, but if check valves are required, same are to be installed by the property owner. All sizes above 3/5 inch shall have a test tee next to the outlet of meter and the full size of same, then the check and another valve so that meter can be tested at any time in place. If the owner of premises so desires,~~ M~~m~~eters two inches or larger in size may be installed with bypasses so that meters may be removed for testing or repairs made without hindering the supply of water. The expense of such bypasses and additional work shall be borne by the owner. All such bypasses shall be locked and sealed (tamper proof) and under the exclusive control of the Department of Public Works.

4. Removal. No meter shall be removed or disturbed without the written permission of the Department of Public Works.

5. Testing. Persons making complaints as to the correctness of meter bills and claiming to be overcharged can, by applying at the Department of Public Works within 10 days after meter bills have become due, have the meter examined and the dial reread. The Department of Public Works is authorized to correct any charge due to a fault in the meter or to incorrect

reading of the dial but shall have no power to reduce meter bills for any other reason whatsoever.

6. Reading of meters. Meters will be read ~~semi~~annually by regular authorized agents of the Department of Public Works. Bills shall be rendered at such periods of the year as the Department of Public Works ~~Water Bureau~~ may direct.

7. Schedule bills. ~~All bills for water furnished at schedule rates will be payable annually in advance at the office of the Receiver of Taxes on the 15th day of January in each year.~~ Refer to Paragraph O – Schedule of Fees. For an intermediate period or for a new or additional service, the bill must be paid before the water is turned on.

8. Meter bills. ~~Bills for metered water will be payable annually, on the 15th day of January of each year, at the office of the Receiver of Taxes.~~ Refer to Paragraph O – Schedule of Fees.

9. Special bills. All special bills and charges for services rendered, material sold or expenses incurred by the Department of Public Works in connection with the enforcement of these rules and regulations must be paid at the office of the Receiver of Taxes within 30 days after the bill is rendered. The supply of water may be shut off from the premises with reference to which such charges become due in default of payment of such bills or charges and until bills and charges are paid.

10. Default in payment of meter bills. In the case of default of payment for the period of 30 days of a meter bill after the same is due, the Department of Public Works may shut off the water supply at the premises to which such bill relates until such bill is paid.

11. Delinquent water rentals. All delinquent water rents except meter bills which shall remain unpaid at the expiration of 30 days from due date thereof shall carry penalties and interest charges as provided by law.

12. Nonpayment. Wherever the owner of any premises which are supplied with water shall be charged for water supplied, services rendered, material furnished or expense incurred by the Department of Public Works pursuant to these rules and regulations, and said charges are not paid and the water shall be turned off on account of such nonpayment, no application for water services for such premises need be granted by the Department of Public Works (notwithstanding the said premises may have changed ownership) until such charges shall have been paid in full to the Receiver of Taxes. Further, if water service is not turned off on account of such nonpayment, any such unpaid bills will become a lien against the property and will be added to the Town's assessment rolls for collection.

~~12.~~13. Type. Water meters in the Town of Rotterdam shall have an outside remote reader that does not require a wand to read and shall read in gallons.

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Justified, Indent: Left: 0.4", Hanging: 0.33", Right: 0.46", Space Before: 9.3 pt, No bullets or numbering

J. Discontinuance of use of water. Any consumer desiring to discontinue the use of water shall contact a plumber to shut the water off at the curb. In the case of an emergency consumers shall ~~must~~ notify the Department of Public Works, and an employee of the Department of Public Works will shut the water off at the curb. No rebate will be made for any period of discontinuance unless consumer has applied for and completed work to terminate water at the main.~~of such use less than six months from the time of turning off the water by the Department of Public Works~~. The fact that different portions of premises can be shut off inside of the same buildings will not entitle the owner to rebate.

K. Partial supply from wells. No rebate shall be made from any water bills under a claim that less water has been used because of a partial use from wells.

L. Failure to make repairs. No rebate for any water bill will be made in cases where the charges result from the failure on the part of the owner or consumer to promptly repair any broken, frozen or defective fixtures or service.

M. Fire hydrants.

1. All street hydrants are under control of the Department of Public Works. No person shall use a wrench for opening hydrants except a wrench furnished by the Department of Public Works for the purpose. No person except ~~an authorized agent or employee of~~ the Department of Public Works, or of the Fire Department, or a person holding a written permit signed by ~~the Coordinator of~~ the Department of Public Works, shall disturb any hydrant or any part thereof, or take any water therefrom under any circumstances whatever; any person found guilty of violating any provision of this rule shall be guilty of a misdemeanor, and in addition thereto he shall pay to the water district a penalty in the amount of $500, in addition to, ~~to~~ any damage done to said hydrant and the cost of restoring same to its proper condition.

2. Obstructions. Any person placing any obstructions that would prevent free access to any fire hydrant shall be guilty of obstruction, and such violation shall be punishable pursuant to the New York State Vehicle and Traffic Law or § 247-8, Enforcement; penalties for offenses.

~~2.~~3. Specs?

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Justified, Indent: Left: 0.4", Hanging: 0.33", Right: 0.46", Space Before: 9.3 pt, No bullets or numbering

N. Operated by employees of Department of Public Works only. No person except an employee of the Department of Public Works shall open, close or in any way

interfere with any gate valve ~~or gate~~ in any water main. ~~conduit or street pipe.~~ Any person who has disturbed or displaced a valve box so that the valve stem cannot be reached by a key, or has covered a valve box or a valve chamber with dirt, paving plank or other material, shall immediately replace the valve box and remove the obstruction. Any person violating this section shall be guilty of a misdemeanor.

O. Schedule of Fees ~~Commercial use~~.

~~1.~~ Fees for water service shall be pursuant to the Schedule of Fees adopted by the Town Board. ~~Definitions. As used in this subsection, the following terms shall have the meanings indicated:~~
~~COMMERCIAL RATE — The prescribed rate as hereinafter set forth for the consumption of water by users other than private consumers and applicable to metered premises where owners or occupants in the course of their occupation or in the conduct of their business use and consume large quantities of water.~~
~~COMMERCIAL USER — Any person, firm or corporation consuming a large quantity of water in the course of his or its business or trade carried on the premises.~~

2. Billing Schedule ~~Sale of water to commercial users.~~

(a) Residential – Detached one and two family dwelling units and multiple single family dwelling (town houses, condominiums, etc.)

(b) Non- Residential – Assembly (Group A); Business (Group B); Education (Group E); Factory and Industrial (Group F); High Hazard (Group H); Institutional (Group I); Mercantile (Group M); Residential (Group R) except as defined above; Storage (Group S); and Utility and Miscellaneous (Group U)

(c) EDU equivalent is based on 75,000 gallons per year for non residential based on metered use.

(d) ~~All commercial users, as defined in this section, are hereby required at their own cost and expense and under the supervision of the Department of Public Works to install on the premises a water meter, which meter shall be the property of Water District and not of the consumer, and may be removed by any authorized employee of Water District for repairs and/or Department of Public Works of supply of water to the premises.~~

(e) Bills for water are invoiced as follows:

- Residential – In District – Debt Service – January Tax Bill
- Residential – In District – O&M Bill – June Bill
- Residential – Out of District – Debt Service – January Tax

Bill

- Residential – Out of District – Voucher O & M – January 15th
- Non-Residential – In District – Debt Service – January Tax Bill
- Non-Residential – In District – O&M Bill – June Bill
- Non-Residential – Out of District – Debt Service – January Tax Bill
- Non-Residential – Out of District – Voucher O & M Bill– January 15th

P. Should the Department of Public Works determine that water conservation is needed for the health, safety and welfare of the Town, the Town Supervisor may declare the need for water conservation and impose water restrictions, including but not limited to the restriction of water use outside the residence or commercial property.

RESOLUTION NO. 161.23

TO ACCEPT TOWN BOARD MEETING MINUTES OF APRIL 26, 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 April 26, 2023 town board meeting as attached.

SECTION 2. This resolution shall become effective May 10, 2023.

DATED: May 10, 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

LEGISLATIVE REQUEST FORM

DATE: **May 3, 2023**
TO**:** Mollie A. Collins, Supervisor

FROM: Diane M. Marco, Town Clerk

TITLE OF LEGISLATIVE REQUEST: To adopt meeting minutes from the **April 26, 2023 Town Board Meeting.**

TO BE PLACED ON TOWN BOARD AGENDA OF: **May 10, 2023.**

TO BE PLACED ON TOWN BOARD MEETING OF: **May 10, 2023.**

Background Information: Attached. To adopt the meeting minutes from the **April 26, 2023 Town Board Meeting.**

Evaluation/Analysis: N/A

Recommendation(s): To place on Town Board agenda and Town Board meeting of **May 10, 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
Email * dmarco@rotterdamny.org

April 28, 2023

Certified Resolutions: #152-#160.23 for the year 2023 was duly adopted at the Town Board Meeting held at J.F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, NY 12306 that was held Wednesday, April 26, 2023 at 7:00 p.m. The Town Board Agenda review meeting began approximately 6:31 p.m. Motion # 11 was made by Dodson and seconded by Mastroianni. Agenda review was adjourned at approximately 6:42 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 7:53 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

Diane M. Marco, Town Clerk

*The Town of Rotterdam Town Board Meeting will be held in person; however, the public may access the meeting electronically via Zoom conference call. Members of the public may listen to the board meeting by dialing **1 (929) 205-6099**(followed by the pound symbol) or by logging into Zoom.com, then enter the conference **ID NO. 867 0373 0307**. Video of the town board meeting will be posted on the Town of Rotterdam website (www.rotterdamny.org) the following Friday after the meeting.*

MEETING OF THE
ROTTERDAM TOWN BOARD
April 26, 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

- Proclamation Honoring Mr. and Mrs. Singleman for helping during the SPORTIME Fire
- Draft MS4 Annual Report; Mary Barrie Stormwater Manager

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
RESOLUTIONS

MOTIONS

11.23 Motion to amend resolution 157.23 to add Rotterdam Chiefs Association.

RESOLUTIONS

152.23 To accept Town Board meeting minutes of April 12, 2023.

153.23 To call for a public hearing on the proposed Introductory Local Law __ of 2023; to amend the Town code of the Town of Rotterdam for the allowance of micro-breweries, micro-wineries and micro-distilleries.

154.23 To grant a utility easement to Niagara Mohawk & Verizon.

155.23 Requesting bids for one (1) grapple truck.

156.23 To authorize the purchase of one pickup truck.

157.23 To authorize the Supervisor to negotiate and execute a memorandum of agreement with the PBA, CSEA, and Rotterdam Chiefs Association to observe Juneteenth as a holiday for the year 2023.

158.23 To recognize the introduction of Introductory Local Law No. __ of 2023; To amend chapter 267, water, and scheduling a public hearing thereon.

159.23 Requesting bids for kitchen equipment.

160.23 To authorize change order No. 1 for Contract 1 and 2 of the Salt Storage & Yard Waste Processing Facility project.

LIAISON REPORTS
MISCELLANEOUS
EXECUTIVE SESSION
ADJOURNMENT

Mollie A. Collins, Supervisor

MOTION 11.23

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, April 26, 2023, at 7:00 p.m., the following motion passed:

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to amend resolution 157.23 to add Rotterdam Chiefs Association.

SECTION 2. This motion shall become effective April 26, 2023

DATED: April 26, 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 April 26, 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 April 28, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, April 26, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 152.23

TO ACCEPT TOWN BOARD MEETING MINUTES OF APRIL 12, 2023

THEREFORE, UPON MOTION OF Councilmember **CHRISTOU**, seconded by Councilmember **DODSON**,
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 April 12, 2023 Town Board meeting as attached.

SECTION 2. This resolution shall become effective April 26, 2023.

DATED: April 26, 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 April 26, 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 April 28, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, April 26, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 153.23

TO CALL FOR A PUBLIC HEARING ON THE PROPOSED INTRODUCTORY LOCAL LAW __ OF 2023; TO AMEND TO THE TOWN CODE OF THE TOWN OF ROTTERDAM FOR THE ALLOWANCE OF MICRO-BREWERIES, MICRO-WINERIES AND MICRO-DISTILLERIES

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam 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 Rotterdam Junction District #1 Firehouse, 1215 Main Street, Rotterdam Junction, New York 12150, at 7:00 p.m. on the 10th day of May, 2023 for the following purpose:

> For receipt of comment on the proposed Introductory Local Law No. __ of 2023; To amend to the Town Code of the Town of Rotterdam, for the allowance of micro-breweries, micro-wineries, and micro-distilleries in the Agriculture (A-1), Main Street/Neighborhood Center (MS/NC) Overlay, Corridor Commercial (CORR) Overlay, Retail Business (B-1), General Business (B-2), and Commercial Planned Unit Development (C-PUD) Zoning Districts as a Special Use Permit.

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

DATED: April 26, 2023
Daily Gazette: Please publish once on April 29, 2023
Town Clerk
Post

SECTION 2. This resolution shall become effective April 26, 2023.

DATED: April 26, 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 April 26, 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 April 28, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, April 26, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 154.23

TO GRANT A UTILITY EASEMENT TO NIAGARA MOHAWK & VERIZON

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to grant a utility easement and execute all documents required for acceptance of this easement, as depicted on "Exhibit A", from Niagara Mohawk Power Corp. of 300 Erie Blvd. West, Syracuse, N.Y. 13202 and Verizon New York, Inc. of 140 West Street, New York, N.Y. 10007.

SECTION 2. This resolution shall become effective April 26, 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 April 26, 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 April 28, 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, April 26, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 155.23

REQUESTING BIDS FOR ONE (1) GRAPPLE TRUCK

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to call for bids for one (1) Grapple Truck.

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

TOWN OF ROTTERDAM
NOTICE TO BIDDERS

PLEASE TAKE NOTICE: That all bids received by the Town Board of the Town of Rotterdam, by Friday, the 5th day of May 2023, at 10:00 A.M., will be opened electronically and in person at that time. The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet (http://www.bidnetdirect.com/townofrotterdam) by the close of business the next day, of all bid submissions received pursuant to this notice. Additionally, the official bid report and all bids shall be available in the office of the town clerk for public inspection during regular business hours, for the purchase by the Town of Rotterdam of the following:

ONE (1) GRAPPLE TRUCK

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
10:00 A.M., FRIDAY MAY 5, 2023

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: April 26, 2023
BidNet: Please publish on April 27, 2023
Daily Gazette: Please publish once on April 29, 2023
Town Clerk Post

SECTION 3. This resolution shall become effective April 26, 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 April 26, 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 April 28, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, April 26, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 156.23

TO AUTHORIZE THE PURCHASE OF ONE PICKUP TRUCK

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the purchase of one 2023 Ford F150 pickup truck for the Water Treatment Plant, from Metro Ford located at 3601 State St, Schenectady, NY 12304, with compliance under NYS contract number 13074, in the amount not to exceed fifty-three thousand five hundred eighty-six and 67/100 ($53,586.67) dollars.

SECTION 2. This resolution shall become effective April 26, 2023.

DATED: April 26, 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 April 26, 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 April 28, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, April 26, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 157.23

TO AUTHORIZE THE SUPERVISOR TO NEGOTIATE AND EXECUTE A MEMORANDUM OF AGREEMENT WITH THE PBA, CSEA, AND ROTTERDAM CHIEFS' ASSOCIATION TO OBSERVE JUNETEENTH AS A HOLIDAY FOR THE YEAR 2023

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 observes Juneteenth, a federal and state holiday, by closing Town offices on Monday, June 19, 2023, and granting same as a paid holiday for the 2023 calendar year for the PBA, CSEA, and Rotterdam Chiefs Association members upon the receipt of the consent of the PBA and CSEA to same.

SECTION 2. This resolution shall become effective April 26, 2023.

DATED: April 26, 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 April 26, 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 April 28, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, April 26, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 158.23

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW NO. __ OF 2023; TO AMEND CHAPTER 267, WATER, AND SCHEDULING A PUBLIC HEARING THEREON

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board recognizes the introduction of Introductory Local Law No. __ of 2023 to amend Chapter §267, Water, of the Town Code of the Town of Rotterdam.

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

TOWN OF ROTTERDAM
NOTICE OF HEARING

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a public hearing at the Rotterdam Junction District #1 Firehouse, 1215 Main Street, Rotterdam Junction, New York 12150, at 7:00 p.m. on the 10th day of May, 2023 for the following purpose:

> For receipt of comment on the proposed Introductory Local Law No. __ of 2023; To amend Chapter §267, Water, of the Town Code of the Town of Rotterdam.

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

DATED: April 26, 2023
Daily Gazette: Please publish once on April 29, 2023
Town Clerk
Post

SECTION 3. This resolution shall become effective April 26, 2023.

DATED: April 26, 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 April 26, 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 April 28, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

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

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, April 26, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 159.23

REQUESTING BIDS FOR KITCHEN EQUIPMENT

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 Kitchen Equipment to be utilized at the Rotterdam Senior Center located at 2639 Hamburg Street, Schenectady, NY 12303.

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

TOWN OF ROTTERDAM
NOTICE TO BIDDERS

PLEASE TAKE NOTICE: That all bids received by the Town Board of the Town of Rotterdam, by Friday, the 5th day of May 2023, at 10:15 A.M., will be opened electronically and in person at that time. The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet (http://www.bidnetdirect.com/townofrotterdam) by the close of business the next day, of all bid submissions received pursuant to this notice. Additionally, the official bid report and all bids shall be available in the office of the town clerk for public inspection during regular business hours, for the purchase by the Town of Rotterdam of the following:

KITCHEN EQUIPMENT

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
10:15 A.M., FRIDAY MAY 5, 2023

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: April 26, 2023
BidNet: Please publish on April 27, 2023
Daily Gazette: Please publish once on April 29, 2023
Town Clerk Post

SECTION 3. This resolution shall become effective April 26, 2023

DATED: April 26, 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 April 26, 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 April 28, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
OFFICE OF THE TOWN CLERK
Schenectady, County, NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, April 26, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 160.23

TO AUTHORIZE CHANGE ORDER NO. 1 FOR CONTRACT 1 AND 2 OF THE SALT STORAGE & YARD WASTE PROCESSING FACILITY PROJECT

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to execute Change Order No. 1, recommended by engineering consultant Barton & Loguidice, D.P.C., 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 September 1, 2023, and final payment date to October 31, 2023 for Contract No. 1, General Construction on the Salt Storage & Yard Waste Processing Facility project.

SECTION 2. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to execute Change Order No. 1, recommended by engineering consultant Barton & Loguidice, D.P.C., with CDE Electric Inc., located at 685 Vernal Butler Road, PO Box 204 Cairo, New York 12413, to extend the contract time of substantial completion to September 1, 2023, and final payment date to October 31, 2023 for Contract No. 2, Electrical Construction on the Salt Storage & Yard Waste Processing Facility project.

SECTION 3. This resolution shall become effective April 26, 2023.

DATED: April 26, 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 April 26, 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 April 28, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

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

RESOLUTION NO. 162.23

TO ACCEPT REVENUE FOR TOWN CLERK'S OFFICE FOR APRIL 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 April 2023, has been placed on file and the town clerk's check in the amount of Seven thousand six hundred seventeen dollars and 61/100 ($7,617.61) has been submitted to the supervisor for deposit.

SECTION 2. This resolution shall become effective May 10, 2023

DATED: May 10, 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

LEGISLATIVE REQUEST FORM

DATE: **May 3, 2023**

TO: Mollie A. Collins, Supervisor

FROM: Diane M. Marco, Town Clerk

TITLE OF LEGISLATIVE REQUEST: Revenue received for **April $7,617.61** in the Town Clerks office.

TO BE PLACED ON TOWN BOARD AGENDA OF: **May 10, 2023**

TO BE PLACED ON TOWN BOARD MEETING OF: **May 10, 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 **May 10, 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

Town Clerk Monthly Report
April 01, 2023 - April 30, 2023

Account Description	Fee Description	Account#	Qty	Local Share
Conservation	Conservation	A1255	17	29.11
			Sub-Total:	**$29.11**
Dog Licensing	Exempt Dog	A2544	2	0.00
Dog Licensing	Female, Spayed	A2544	140	1,960.00
Dog Licensing	Female, Unspayed	A2544	9	153.00
Dog Licensing	Male, Neutered	A2544	130	1,820.00
Dog Licensing	Male, Unneutered	A2544	21	357.00
Dog Licensing	Replacement Tags	A2544	2	6.00
			Sub-Total:	**$4,296.00**
Ez pass	Ez Pass	A1255	3	75.00
			Sub-Total:	**$75.00**
Late Fees	Late Fee -Dog Renewal	A1550	25	250.00
			Sub-Total:	**$250.00**
Marriage Lic.	MARRIAGE LICENSE FEE	A1255	1	17.50
			Sub-Total:	**$17.50**
MISC. FEES	Certified Copies	A1255	114	1,140.00
MISC. FEES	Insufficient Funds	A1255	1	20.00
			Sub-Total:	**$1,160.00**
parade permit	Parade Permit	002328	3	75.00
			Sub-Total:	**$75.00**
PERMIT FEES	Garage Sale	A2590	57	285.00
			Sub-Total:	**$285.00**
Second Hand Dealers	Second Hand Dealers	A2545	2	500.00
			Sub-Total:	**$500.00**
Senior Discount	Senior Discount	A2544	88	-865.00
			Sub-Total:	**-$865.00**
Taxicab License	Taxi	A2545	14	650.00
			Sub-Total:	**$650.00**
Town	Bingo License	A2540	150	1,125.00
Town Portion	Games Chance Permits	A2530	1	10.00
	Raffle License		1	10.00
			Sub-Total:	**$1,145.00**

Town Clerk Monthly Report
April 01, 2023 - April 30, 2023

Account Description	Fee Description	Account#	Qty	Local Share
		Total Local Shares Remitted:		**$7,617.61**
Amount paid to:	NYS Ag. & Markets for spay/neuter program			360.00
Amount paid to:	NYS Environmental Conservation			497.89
Amount paid to:	State Comptroller			1,687.50
Amount paid to:	State Comptroller for Games of Chance			30.00
Amount paid to:	State Health Dept. For Marriage Licenses			22.50
Total State, County & Local Revenues:	**$10,215.50**	**Total Non-Local Revenues:**		**$2,597.89**

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

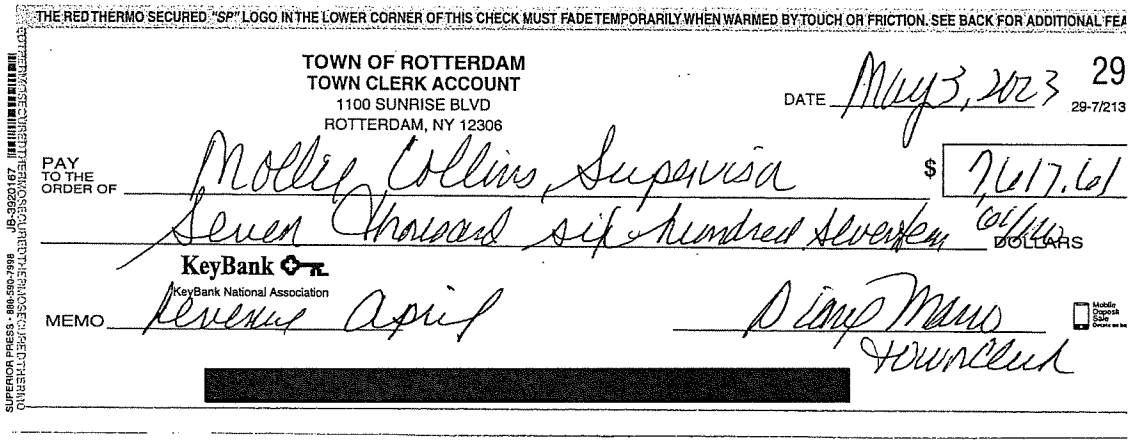
Mollie A. Collins — Supervisor — 5/1/2023 — Date

Diane M. Marco — Town Clerk — 5/1/2023 — Date

Monthly Worksheet of Daily Work

April 2023

DATE	AMOUNT DEPOSIT	DEC LICENSE SALES	DEC PORTION	TOWN PORTION	DOG AMOUNT PAID	STATE AG MKTS PORTION	TOWN PORTION	MARRIAGE FEE PAID	STATE DOH PORTION	TOWN PORTION	GAMES OF CHANCE& Raffle State	GAMES OF CHANCE & Raffle Town	BINGO State	Bingo Town	EZ PASS
4/3/2023	$1,631.00	$25.00	$23.62	$1.38	$151.00	$20.00	$131.00	$0.00	$0.00	$0.00	$0.00	$0.00	$855.00	$570.00	$0.00
4/4/2023	$1,053.00	$5.00	$4.72	$0.28	$308.00	$26.00	$282.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
4/5/2023	$2,217.50	$25.00	$23.62	$1.38	$185.00	$19.00	$166.00	$0.00	$0.00	$0.00	$30.00	$20.00	$832.50	$555.00	$0.00
4/6/2023	$251.00	$25.00	$23.62	$1.38	$186.00	$20.00	$166.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
CLOSED	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
4/10/2023	$445.00	$50.00	$47.24	$2.76	$275.00	$22.00	$253.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
4/11/2023	$286.00	$0.00	$0.00	$0.00	$156.00	$16.00	$140.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
4/12/2023	$697.00	$50.00	$47.24	$2.76	$292.00	$32.00	$260.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
4/13/2023	$380.00	$25.00	$23.62	$1.38	$230.00	$24.00	$206.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$25.00
4/14/2023	$370.00	$55.00	$51.96	$3.04	$260.00	$21.00	$239.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
4/17/2023	$418.00	$118.00	$111.48	$6.52	$235.00	$21.00	$214.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
4/18/2023	$168.00	$10.00	$9.44	$0.56	$128.00	$17.00	$111.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
4/19/2023	$195.00	$15.00	$14.17	$0.83	$160.00	$12.00	$148.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
4/20/2023	$215.00	$25.00	$23.62	$1.38	$155.00	$14.00	$141.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
4/21/2023	$417.00	$42.00	$39.68	$2.32	$220.00	$16.00	$204.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
4/24/2023	$357.00	$32.00	$30.24	$1.76	$245.00	$26.00	$219.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
4/25/2023	$195.00	$0.00	$0.00	$0.00	$185.00	$17.00	$168.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
4/26/2023	$210.00	$10.00	$9.45	$0.55	$100.00	$8.00	$92.00	$40.00	$22.50	$17.50	$0.00	$0.00	$0.00	$0.00	$0.00
4/27/2023	$390.00	$10.00	$9.45	$0.55	$150.00	$12.00	$138.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$50.00
4/28/2023	$320.00	$5.00	$4.72	$0.28	$170.00	$17.00	$153.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Audited by dmm 4-28-2023	**$10,215.50**	$527.00	**$497.89**	**$29.11**	$3,791.00	**$360.00**	**$3,431.00**	$40.00	**$22.50**	**$17.50**	**$30.00**	**$20.00**	**$1,687.50**	**$1,125.00**	**$75.00**



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

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

DATE May 3, 2023 29
29-7/213

PAY TO THE ORDER OF Molly Collins, Supervisa $ 7,617.61

Seven Thousand six hundred seventeen 61/100 DOLLARS

KeyBank
KeyBank National Association

MEMO Revenue April

Diane Mann
Town Clerk

Mobile Deposit Safe

SUPERIOR PRESS - 866-590-7998 JB-39201167

RESOLUTION NO. 163.23

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

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

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

Fund	***Account No.***		***Title***	***Amount***
General	A3120 4302	FROM:	Patrol Vehicle Gas	-20,097.45
General	A3310 4302	FROM:	Traffic Control Gas	-595.54
General	A3620 4302	FROM:	Safety Insp Gas	-919.68
General	A7110 4302	FROM:	Parks Gas	-1,753.40
General	A1355-4302	FROM:	Assessor	- 67.06
General	A3410 4302	FROM:	Fire Fight Gas	-3,517.11
General	A5132 4304	INTO:	Central Gas Expenditure	+26,950.24
Highway	DA5142 4304	FROM:	Fuel Snow Removal	-2,268.82
Highway	DA5140 4304	FROM:	Fuel Brush & Weed	-1,310.61
General	A5132 4304	INTO:	Central Gas Expenditure	+3,579.43
S2	S28120 4302	FROM:	S2 Gas Oil Lube	-1,577.54
General	A5132 4304	INTO:	Central Gas Expenditure	+1,577.54
W5	W58340 4302	FROM:	W5 Gas Oil Lube	-1,756.20
General	A5132 4304	INTO:	Central Gas Expenditure	+1,756.20

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

Fund	***Account No.***		***Title***	***Amount***
General	A8189 4302	FROM:	Landfill Gas	-2,386.99
General	A4160-4162	FROM:	Compost Tub Grinder	- 124.80
General	A3410 4302	FROM:	Fire Fight Gas	-2,415.53
Highway	DA5148 4304	INTO:	Central Diesel Expenditure	+4,927.32

Highway	DA5142 4304	FROM:	Fuel Snow Removal	-15,719.14
Highway	DA5140 4304	FROM:	Fuel Brush & Weed	-8,508.62
Highway	A5132 4304	INTO:	Central Diesel Expenditure	+24,227.76
S2	S28120 4302	FROM:	S2 Gas Oil Lube	-369.31
Highway	DA5148 4304	INTO:	Central Diesel Expenditure	+369.31
W5	W58340 4302	FROM:	W5 Gas Oil Lube	-280.27
Highway	DA5148 4304	INTO:	Central Diesel Expenditure	+280.27

SECTION 3. This resolution shall become effective May 10, 2023.

DATED: May,10 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

LEGISLATIVE REQUEST FORM

DATE: **May 1, 2023**

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

FROM: **Highway Department**

TITLE OF REQUEST: To approve gas and diesel budget transfers to the 2023 budget.

TOWN BOARD MEETING: To be placed on the Town Board Meeting of May 10, 2023.

Background Information: Transfers to cover appropriation accounts for Highway Gas and Diesel expenditures of the 2023 budget.

Evaluation/Analysis: Necessary to keep expenditure lines funded appropriately.

Recommendation(s): To be placed on the Town Board meeting of May 10, 2023 and approve the transfer.

Attachment/Document(s): N/A-transfers listed in Resolution

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

RESOLUTION NO. 164.23

TO AMEND AN AGREEMENT WITH LABELLA ASSOCIATES FOR ADDITIONAL ENGINEERING SERVICES RELATED TO THE SPECIAL IMPROVEMENT AREA FOR CURRY ROAD SEWER IMPROVEMENTS

THEREFORE, UPON MOTION of Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an amendment to the engineering agreement with LaBella Associates (formally Chazen), located at 4 British American Boulevard Latham, NY 12110, for additional engineering services for the special improvement area for Curry Road sewer improvements, for a lump sum not to exceed twenty thousand and 00/100 ($20,000.00) dollars.

SECTION 2. This resolution shall become effective May 10, 2023.

DATED: May 10, 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

LEGISLATIVE REQUEST FORM

DATE:	April 21, 2023
TO:	Mollie Collins, Town Supervisor
FROM:	Charles Jack Dodson, Deputy Supervisor
TITLE OF REQUEST:	Proposal for Professional Services- Additional Technical Services for the Special Improvement Area for Curry Road Sewer Improvements
TOWN BOARD MEETING:	May 10, 2023
Background Information:	Amendment to the engineering agreement between the Town and LaBella (Chazen) to perform additional engineering services for the special improvement area for Curry Road Sewer Improvements.
Evaluation/Analysis:	LaBella will provide additional Technical Services for the sewer easements, DEC comments and additional project management and coordination.
Recommendation(s):	Authorize the Supervisor to enter into an agreement with LaBella for an amount not to exceed $20,000.00
Attachment/Document(s):	LaBella proposal dated April 20, 2023.
Compliance with Purchasing Policy:	Yes
Effect(s) on Existing Law(s):	N/A
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

LaBella
Powered by partnership.

April 20, 2023

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

RE: Proposal for Professional Services
Technical Services for Special Improvement Area for Curry Road Sewer Improvements
Town of Rotterdam, Schenectady County, New York
LaBella Project # 32018.01

Dear Supervisor and Town Board:

The LaBella Associates (LaBella) are pleased to provide this proposal for additional technical services associated with the Special Improvement Area for Curry Road Sewer Improvement project. Additional fees summarized below are due to extensive time and coordination efforts to acquire necessary easements as well as additional effort/design changes while addressing early DEC comments. Please find our scope and associated fee schedule for services described below.

Scope of Services

Phase 0900 – Additional Construction Observation Services

LaBella will provide construction observation services to observe the quality of work, track quantities and verify general conformance with the Contract Documents. Reports will be prepared for each site visit and the Town and contractor will be notified of any noted deficiencies.
Based upon the current project as developed an additional fee of $13,000 is required for the construction observation services described in TSC01, dated November 24, 2020, increasing the budget from $18,632 to $31,632.

Phase 0140 – Additional Project Management and Coordination

Throughout design, permitting, construction, and closeout, LaBella will maintain coordination and communication between the Town, contractor, and permitting agency. LaBella will attend monthly capital projects meetings with Town officials to communicate project status. Additional fee of $5,000 is required for PM services, described in TSC02, dated December 6, 2021, increasing the budget from $4,000 to $9,000.

Phase RE00 – Reimbursable Expenses

Reimbursable expenses include our direct expenses, such as mileage, overnight mailings, and extensive photocopying and map reproductions. These fees will be tracked under Task RE00. Additional fee of $2,000 is required for reimbursable expenses, described in TSC01, dated November 24, 2020, increasing the budget from $1,750 to $3,750.

Professional Services Fee Schedule

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

Fee and Time Schedule Summary

Phase No.	Task Description	Additional Lump Sum Fee Bill	Price per item	Projected Start / End Dates
0900	Additional Construction Observation Services	$13,000		Start: TBD End: TBD
0140	Additional Project Management and Coordination	$5,000		Start: TBD End: TBD
RE00	Reimbursable Expenses	$2,000		n/a
	Total Estimated Cost	$20,000		

Authorization by the Town Supervisor below will be acceptable authorization to proceed. This is considered an extension of our existing contract for this project. If you have any questions or require additional information, please do not hesitate to contact me at 518-824-1943.

Authorized by: Mollie A. Collins; Town Supervisor

By: _____ Date: _____

Sincerely,

Jessica Brown

Jessica Brown, PE, Senior Civil Engineer

cc: Joe Lanaro, PE, VP Civil Division, Municipal Discipline Leader (Via email only)

Moved on consent

RESOLUTION NO. 339.20

A RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE CHAZEN COMPANIES FOR TECHNICAL SERVICES FOR SPECIAL IMPROVEMENT AREA FOR CURRY ROAD SEWER IMPROVEMENTS

THEREFORE, UPON MOTION OF Councilmember CHRISTOU, seconded by Councilmember MILLER-HERRERA,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Authorize the Supervisor to execute a contract with Chazen Companies, 547 River Street, Troy, New York 12180, for technical services for Special Improvement Area for Curry Road Sewer Improvements, in an amount not to exceed one hundred twelve thousand eight hundred twenty one and 00/100 dollars ($112,821.00).

SECTION 2. This resolution shall become effective December 9, 2020.

DATED: December 9, 2020

NAME	AYES	NOES	ABSTAIN
Christou	X		
Guidarelli	X		
Miller-Herrera	X		
Signore	X		
Tommasone	X		

THE Chazen COMPANIES®
Civil Engineers
Land Surveyors
Planners
Environmental & Safety Professionals
Landscape Architects
Transportation Planners & Engineers
Proud to be Employee Owned

CAPITAL DISTRICT OFFICE
547 River Street
Troy, NY 12180
P: 518.273.0055 or 888.539.9073
www.chazencompanies.com

November 24, 2020

Steven Tommasone, Supervisor
Town of Rotterdam
1100 Sunrise Boulevard
Rotterdam, New York 12306

Re: Proposal for Professional Services
Technical Services for Special Improvement Area for Curry Road Sewer Improvements
Town of Rotterdam, Schenectady County, New York
Chazen Project # 32018.01

Dear Supervisor and Town Board:

The Chazen Companies (Chazen) are pleased to provide this proposal for technical services associated with the Special Improvement Area for Curry Road Sewer Improvements project. Please find our current project understanding, scope of services and associated fee schedule below.

This proposal is outlined to provide professional services outlined hereon to the Town of Rotterdam (hereinafter referred to as the Town).

Project Understanding

- The Town intends to proceed with the improvements outlined in the Map, Plan, and Report dated July 30, 2020 (the report).
- We understand that the Town would like to prepare construction documents with the goal to put the project out to bid, award a construction contract, and have the project constructed.
- Chazen will first conduct a topographic, boundary, and utility survey to support the replacement of approximately 850 linear feet of sewer main (and manholes) referred to in Appendix D of the report as SMH 0 to SMH 4.
- Chazen will then conduct an as-built survey (sanitary manholes, inverts and existing easement location only) of the existing sewer main that serves the Heritage Condos referred to in Appendix D of the report as SMH 0 to SMH 9.
- Chazen will then conduct an as-built survey (sanitary manholes, inverts, and proposed easement) of the existing sewer main that serves the Bigsbee Village Condos referred to in Appendix D of the report as SMH 0 to SMH 10; concurrently Chazen will prepare a new sanitary sewer easement map and description (SMH 0 to SMH 10 section) as an existing easement does not exist.
- Following survey, preliminary design documents will include the replacement of approximately 850 linear feet of sewer main (including manhole replacement) from SMH 0 to SMH 4 and heavy cleaning / CCTV of approximately 800 linear feet of sewer main (SMH 0 to SMH9 & SMH 0 to SMH 10).

Project Approach

Preliminary design documents will be advanced to the 60% level and we will meet with the Town to review the planned design and estimate cost of construction. After acceptance by the Town, 95% design will be completed and shared with the Town for review / acceptance, and subsequently submitted to regulatory authorities for permitting. Once comments from the regulatory authorities are received, drawings and specifications will be finalized and prepared for public bid. After public bidding, we will work in concert with the Town to select a contractor and perform construction administration and observation services. Considering the approach outline above, Chazen offers the following scope of services:

SCOPE OF SERVICES

Task 004 – Establish Easement boundaries, Topographic Survey and As-built Survey

Survey Understanding

- Reference the attached proposed conditions mapping taken from the MPR.
- Perform a topographic and utility survey along a 70-foot-wide by 850 foot area through lands of Mallozzis Banquet & Ballroom and Bigsbee Village Condos.
- Perform subsurface utility location within the area described above.
- Establish the existing easement within the areas described above.
- Prepare a new sanitary sewer easement map and description along the existing sewer within the southerly portion of Bigsbee Village Condos.
- Perform an as-built survey for existing Sanitary Manholes 5, 6, 7, 8, 9, within Heritage Condos along with establishing the existing easement. (No topographic survey, Sanitary Manholes, inverts and existing easement location only).
- Perform an as-built survey for existing Sanitary Manhole 10 within Bigsbee Village Condos. (No topographic survey, Sanitary Manhole, inverts and existing new easement location only).
- Perform a final as-built survey on the new sewer line and Sanitary Manholes within Mallozzis Banquet & Ballroom and Bigsbee Village Condos (New Manholes 0, 1, 2, 3, and 4).

Establish Easement Boundaries

Scope – Chazen will complete a partial boundary survey in order to establish the existing and new sanitary sewer easements. All surveying will be completed in accordance with the "Code of Practice" as adopted by the New York State Association of Professional Land Surveyors. Chazen will complete research which is normal to the completion of surveys completed under the above referenced code. We do however; recommend that an abstract of title be completed by a local title company. This will assure that all recorded easements and rights of way of record are discovered.

Topographic Survey

Scope – Concurrent with the completion of the easement survey Chazen will complete a topographic survey within the area outlined in the project understanding. The Horizontal datum will be based on New York State Plane Coordinates (NAD83) and the vertical datum will be based on NAVD 88 as observed from GPS observations. A minimum of 2 permanent site bench marks will be established. Topographic survey will include structures visible at ground surface, edge of woods lines, roads, drives, and visible utilities.

For underground utilities that do not have surface features, mapping is not available and the locations of underground utilities are critical, Chazen will perform electromagnetic utility designation within accessible areas of the project limits in an attempt to determine the existence and approximate position of detectable subsurface utilities. All utility designation will be in compliance with Quality Level "B" as defined by CI/ASCE 38-02, *Standard Guidelines for the Collection and Depiction of Existing Subsurface Utility Data*. Any utilities not detected by surface geophysical methods and discovered through record information or where visually aligned with structures, will be defined as Quality Level "C" and "D".

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

Sanitary Sewer As-built Survey
Once the construction of the new sanitary sewer has been completed Chazen will return to perform an as-built survey location of Sanitary Manholes 0, 1 , 2, 3, and 4. Manholes will be located with inverts shown on the original survey base map prepared by Chazen.

Deliverables: Chazen will prepare an existing conditions base survey demonstrating the topography and utilities within the new proposed sanitary sewer area. Mapping will be completed in AutoCAD Civil 3D format. The existing conditions base map will have a Border with Title Block, Name of Surveyor, Map Notes and References, Legend and Site Location Map. Deliverables will be PDF copy of signed and sealed map and an AutoCAD Civil 3D file.

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

Schedule – Chazen is prepared to begin work one (1) week from authorization. It is expected that the final mapping would be available for delivery approximately two (2) weeks from completion of field work.

Assumptions and Limitations- Cost itemized herein are for those tasks specifically mentioned and do not include the following:

- Rates are based on the current New York State Department of Labor Prevailing Wage Rates and Supplemental Benefits for survey field staff.
- Construction stakeout.

Task 005 – Subsurface Investigation
Chazen will prepare a program of explorations to obtain subsurface information for project design as well as for the contractor's use in bid development. Data relative to soil strata and depth to groundwater and bedrock will be obtained. Chazen anticipates the following:

- The on-site investigations will consist of a half day of geo probes (half day is typically six (6) geo probes) using macro-cores. Geo Probes will be advanced to 15- depth or refusal, spaced throughout the project area. The explorations will be laid out in the field in advance of the geo probe work.
- A truck mounted drill rig will be able to access the geo probe locations and complete the explorations to the limits described.

- Outside of the NYS DOT right-of-way, maintenance and protection of traffic (MPT) in the form of orange cones will be established around the work zone. Within the NYS DOT right-of-way, the driller will obtain a permit from the NYS DOT and ensure the MPT meets the DOT requirements.

Prevailing wages are included for the drill crew as required by the NYS Department of Labor.

All exploration logs will be included in the contract documents for bidding purposes. At this time, Chazen anticipates using Aztech Environmental Technologies to complete this work.

Task 006 – Contract Drawings, Contract Specifications, and Opinion of Probable Construction Cost (60% & 95%), Agency Submission & Coordination and Final Contract Documents

Contract Drawings

Chazen will prepare contract drawings for the sanitary sewer main replacement design at a scale of 1"=20' horizontal and 1"=5' vertical along with all required detail sheets. The design will include approximately 850-LF of new sanitary sewer main and manholes. The existing sanitary sewer mains to remain, are to be heavy cleaned and CCTV'd, we be presented at a scale of 1"=20' and will not include profiles.

The sanitary sewer main and manholes will be designed in accordance with *Great Lakes-Upper Mississippi River Board of State Public Health and Environmental Managers, Recommended Standards for Wastewater Facilities*, (10 States Standards), 2014 edition.

The replacement sanitary sewer main and manholes (SMH 0 to SMH 4) will be designed within the existing right-of-way where possible, however permanent easement modifications may be required depending on the results of the land survey advanced under Task 1. Once the alignments have been established, Chazen will note any necessary easement modifications to the Town.

The following drawings are anticipated for the contract drawing set:

- Title Sheet
- Notes and Legends
- Maintenance and Protection of Traffic Plans
- Sanitary Sewer main Plans and Profiles
- Erosion and Sediment Control Details
- Sanitary Sewer System Details
- Site and Restoration Details
- NYS DOT Details

Chazen will work with the Town through design starting with the initial layout and will provide copies of the Contract Drawings to the Town at 60% and 95% completion milestones for review and comment. Digital copies of the same will be furnished upon request.

Contract Specifications

Chazen will prepare Contract Specifications for submission for the Town's review at the 60% and 95% milestones. The Contract Specifications will include contractual/administrative requirements and technical specifications supporting the Contract Drawings. Chazen's standard documents including a draft construction contract, general conditions, and general requirements will be included along with any NYS DOT special conditions. The specifications will include the following elements:

- Division 00 – Procurement and Contracting Requirements

- Division 01 – General Requirements
- Division 02 – Existing Conditions
- Division 03 – Concrete
- Division 31 – Earthwork
- Division 32 – Exterior Improvements
- Division 33 – Utilities

Chazen will provide copies of the Contract Specifications for review by the Town and the Town counsel. Digital copies of the same will be furnished upon request.

Opinion of Probable Cost

Chazen will prepare opinions of probable cost at the 60% and 95% milestones for submission to the Town. The inclusion of bid alternate(s) for specific project elements will also be included for economizing construction costs.

Regulatory Agency Submission and Coordination

Upon acceptance by the Town, Chazen will submit the 95% Contract Drawings and Contract Specifications to the following agency for permitting or approval:

- NYSDEC for replacement of the sanitary sewer pipe and structures.
- NYSDOT for work within Curry Road (NYS Route 7). In fact, we intend to meet with NYSDOT early on to discuss the plans for sanitary were main and manhole within their ROW. Ultimately however, the contractor will need to apply for and obtain a Highway Work Permit for work within the ROW, once the project is ready for construction.

Chazen will revise the Contract Drawings and Specifications based upon comments received from the Town and Plan Review Agency review of the 95% submission. Upon completion of this task, the Final Contract Documents will be considered complete and suitable for bidding.

Task 007 – Bidding and Contract Award

Chazen will provide a bid advertisement for publication by the Town and will coordinate the BidNet Direct process with the Town. If necessary, Chazen assumes that the Town will coordinate and pay for the cost of the legal notice in the local newspaper to advertise and place the project out to bid.

During the bid period, Chazen will respond to all queries from prospective bidders and prepare any necessary addenda to the Contract Documents in a timely manner. Chazen will participate in a "pre-bid" meeting if requested in advance of the bid opening.

Upon completion of the bid period, Chazen will review, tabulate and evaluate the bids received. The Town will be informed of any informality in the bids and if the bids are unbalanced or non-responsive. A background check will be completed by Chazen to verify the qualifications of the lowest bidder. Chazen will provide the Town with a written recommendation for the award of a construction contract, along with the basis for this recommendation.

Upon the Town's selection of the most responsive and responsible bidder, Chazen will prepare the necessary Agreements, Notice of Award and Notice to Proceed for execution by the Town and Contractor. Chazen will assist the Town and Town's counsel in verifying the adequacy of the contractor submitted agreements, bonds

and insurances. Upon execution, Chazen will provide original copies of the executed construction contract to both the Town and the selected contractor.

Task 008 – Construction Administration Services

Chazen will provide the following construction administration services:

- Review contractor's shop drawings and submittals for the material and equipment to be incorporated into the project for conformance with contract documents;
- Review the CCTV footage submitted by the Contractor;
- Review and monitor the contractor's construction schedule for compliance with the stipulated contract times;
- Review and contractor's monthly and final payment applications and submit to the Town for processing, this proposal assumes there will be three payment applications (including the final payment application);
- Review and process change orders and provide the Town with recommendations on the validity of the change orders;
- Issue the substantial completion certificate and provide a final document package including reports and other pertinent information, which will include a memorandum describing the CCTV findings.

For this task, Chazen assumes that construction will be completed within ten (10) weeks of the issuance of the Notice to Proceed (project will be substantially complete within eight [8] weeks and reach final completion in ten [10] weeks). In the event that construction continues beyond this period, Chazen will provide the Town with a revised scope and fee for the additional Contract Administration services.

Task 009 – Construction Observation Services

Chazen will provide the following construction observation services to observe the quality of work, track quantities and verify general conformance with the Contract Documents. Reports will be prepared for each site visit and the Town and the contractor will be notified of any noted deficiencies. Based on our project understanding, the construction observation services include the following:

Sanitary Sewer Main Replacement (SMH 0 to SMH 4)

Full-time construction observation will be required. Based on the anticipated scope of work, we anticipate this portion of the project will require inspection services at 50 hours a week for a period of four (4) weeks. A NICET level V inspector will perform those inspections at an hourly rate of $90/hour, which totals $18,000. Please note it has been our experience that a level V inspector is the minimum for work in the DOT right-of-way.

CCTV (SMH 0 to SMH 9 & SMH 0 to SMH 10)

It has been our experience that periodic construction observation of the CCTV work be performed to ensure compliance with the contract documents. Based on the anticipated scope of work, we anticipate this portion of the project will require inspection services at 8 hours a week for a period of one (1) week. An assistant project engineer will perform those inspections at an hourly rate of $79/hour, which totals $632.

We note that efficiency in installation of the sanitary sewer main is highly dependent on the contractor chosen for the project, therefore there is no way of knowing at this time exactly how much construction observation may be required.

It is noted that Chazen does not monitor the construction site for overall safety and Chazen's presence on the site does not alter the contractor's obligation of being solely responsible for construction site safety.

Chazen will provide meeting minutes as deemed necessary and will transmit copies of the same as directed by the Town of Rotterdam.

Task 010 – Project Close Out

Following construction of the project, Chazen will conduct a final on-site project review, issue a Certificate of Substantial Completion, provide construction certification for work completed in accordance with the approved plans and specifications, and provide a final document package including reports, record drawings developed by the Contractor and other pertinent information.

The final on-site project reviews will be limited to two (2) walk-throughs, one at substantial completion to develop an incomplete items list and a second at final completion to verify that the incomplete items have been addressed.

Chazen will provide relevant close out information including as-built drawings (developed in Task 004) and product warranty data as applicable. For the portion of work in the NYS DOT right-of-way it is anticipated that certified as-builts will be required based on similar work in the DOT ROW.

Task 011 – Project Management, Coordination, Correspondence and Meetings

Throughout design, permitting, construction, and closeout, Chazen will maintain coordination and communication between the Town, contractor, and permitting agency. Chazen will attend monthly capital projects meeting with Town officials to communicate project status. As such, we have budgeted a total of $16,000 to management the project from design to closeout.

Task RE00 – Reimbursable Expenses

Reimbursable expenses includes our direct expenses, such as mileage, overnight mailings, and extensive photocopying and map reproductions. These fees will be tracked under Task RE00.

Limitations

- Does not include any aquatic resources / wetland assessments nor endangered or threatened species permitting.
- SEQRA related services (including archeological/cultural and ecological services)
- Construction stakeout
- Additional reports and documents requested by regulatory agencies not specifically mentioned in this proposal.

Professional Services Fee Schedule

Chazen 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 commensurately with the percentage of the task which has been completed. Time and Materials tasks will be billed based on the actual hours and reimbursable expenses incurred. Fees listed for Time and Materials tasks are estimates only. Chazen will make its best effort to complete each of these tasks within the estimated amounts; however it is possible that it will be necessary to exceed these amounts in order to

complete the scope of services for each task. We will not exceed any estimated fee amounts without first notifying you.

Fee and Time Schedule Summary

Tasks		Fee Estimates			Proposed Schedules
Task No.	**Task Description**	**Lump Sum Fee Bill**	**Time and Materials**	**Subconsultant**	**Projected Start / End Dates[3]**
004	**Establish Easements, Topographic Survey and As-built Survey[4]**	$19,900			Start: 1 week from authorization End: 2 weeks from completion of field work
005	**Subsurface Investigation[2]**	$364		$2,425	Start: 1 week following completion of survey. End: 4 weeks.
006	**Contract Drawings, Contract Specifications, and Opinion of Probable Construction Cost (60% & 95%), Agency Submission & Coordination and Final Contract Documents**	$27,000			Start: 1 week following completion of survey End: 8 weeks
007	**Bidding and Contract Award**	$7,500			Start: TBD End: TBD
008	**Construction Administration Services**	$13,750			Start: TBD End: TBD
009	**Construction Observation Services**		$18,632		Start: TBD End: TBD
010	**Project Close Out**	$5,500			Start: TBD End: TBD
011	**Project Management, Coordination, Correspondence and Meetings**	$16,000			On-going through the project.
RE	**Reimbursables**		$1,750		
	Subtotal	$90,014	$20,382	$2,425	
	Total	**$112,821**			

Fees listed for Time and Materials tasks, Sub-Consultants, and Reimbursable Expenses are estimates only. Chazen will bill for actual hours and reimbursable expenses incurred, and will make its best effort to complete each of these tasks within

the estimated amounts, although it is possible that it will be necessary to exceed these amounts in order to complete the scope of services for each task. We will not exceed any estimated fee amounts without written authorization from you.

[2] Subconsultant estimated include 15% markup for Chazen's administrative efforts.

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

[4] Rates for surveying services are based on the current New York State Department of Labor Prevailing Wage Rates and Supplemental Benefits for survey field staff.

Agreement

Authorization by the Town Supervisor below will be acceptable authorization to proceed. This is considered an extension of our existing contract for this project. If you have any questions or require additional information, please do not hesitate to contact me at 518-824-1932.

Authorized by: Steven Tommasone; Town Supervisor

By: _____ Date: December 11, 2020

Sincerely,

Richard M. Adams, PE, Project Manager, Municipal Engineering Services (Chazen)

Enclosures:

- Map, Plan and Report Special Improvement Area for Curry Road Sewer Improvements, July 30, 2020
- Proposed conditions map from the MPR

cc: Joe Lanaro, PE, VP Engineering Services (Via email only)

THE Chazen COMPANIES
Civil Engineers
Land Surveyors
Planners
Environmental & Safety Professionals
Landscape Architects
Transportation Planners & Engineers
Proud to be Employee Owned

CAPITAL DISTRICT OFFICE
4 British American Boulevard
Latham, NY 12110
P: 518.273.0055 or 888.539.9073
www.chazencompanies.com

December 6, 2021

Steven Tommasone, Supervisor
Town of Rotterdam
1100 Sunrise Boulevard
Rotterdam, New York 12306

Re: Proposal for Professional Services
Technical Services for Special Improvement Area for Curry Road Sewer Improvements
Town of Rotterdam, Schenectady County, New York
Chazen Project # 32018.01

Dear Supervisor and Town Board:

The Chazen Companies (Chazen) are pleased to provide this proposal for technical services associated with the Special Improvement Area for Curry Road Sewer Improvements project. Please find our scope of services and associated fee schedule below.

Scope of Services

Note that the task numbering presented below follows on the previously approved tasks.

TASK 012 - Sewer Easement: Tax Parcel – 59.09-6-18.21

Scope – Chazen completed a partial boundary of parcel 59.09-6-18.3 in order to establish the existing sanitary sewer easements on that parcel. The boundary between parcels 59.09-6-18.3 and 59.09-6-18.21 was established. The locations of the sewer manholes and laterals were also obtained during previous work. Chazen will utilize these locations and prepare a 20' wide sewer easement encompassing the manholes and main sewer line on parcel 59.09-6-18.21. All surveying will be completed in accordance with the "Code of Practice" as adopted by the New York State Association of Professional Land Surveyors. Chazen will complete research which is normal to the completion of surveys completed under the above referenced code. We do however; recommend that an abstract of title be completed by a local title company. This will assure that all recorded easements and rights of way of record are discovered.

Deliverables: Chazen will provide a metes-and-bounds description of the sewer easement in word format as well as an exhibit map.

TASK 013 - Sewer Easement: Tax Parcel – 59.09-6-23.11

Scope – Chazen will complete a partial boundary of parcel 59.09-6-23.11 in order to establish the existing boundary lines adjoining parcel 59.09-6-18.21. The locations of the sewer manholes and main lines were obtained during previous work. Chazen will utilize these locations and prepare 20' wide sewer easement encompassing the manholes and main sewer line on parcel 59.09-6-23.11. All surveying will be completed in accordance with the "Code of Practice" as adopted by the New York State Association of Professional Land Surveyors. Chazen will complete research which is normal to the completion of surveys completed under the

above referenced code. We do however; recommend that an abstract of title be completed by a local title company. This will assure that all recorded easements and rights of way of record are discovered.

Deliverables: Chazen will provide a metes-and-bounds description of the sewer easement in word format as well as an exhibit map.

TASK 014 - Additional Project Management and Coordination

Scope –Throughout design, permitting, construction, and closeout, Chazen will maintain coordination and communication between the Town, contractor, and permitting agency. Chazen will attend monthly capital projects meetings with Town officials to communicate project status.

Schedule – Chazen is prepared to begin work three (3) weeks from authorization. It is expected that the final mapping would be available for delivery approximately two (2) weeks from completion of field work.

Fee and Time Schedule Summary

Task No.	Task Description	Lump Sum Fee Bill	Price per item	Projected Start / End Dates
012	Sewer Easement, Map and Description Parcel 59.09-6-18.21	$500		Start: 3 weeks from Authorization Complete: 2 weeks from completion of field work.
013	Sewer Easement, Map and Description Parcel 59.09-6-23.11	$2,700		Start: 3 weeks from Authorization Complete: 2 weeks from completion of field work.
014	Additional Project Management and Coordination	$4,000		n/a
	Total Estimated Cost	$7,200.00		

Authorization by the Town Supervisor below will be acceptable authorization to proceed. This is considered an extension of our existing contract for this project. If you have any questions or require additional information, please do not hesitate to contact me at 518-824-1943.

Authorized by: Steven Tommasone; Town Supervisor

By: _____ Date: DEC. 31, 2021

Sincerely,

PGuillet

Paul Guillet, PE, Project Manager, Municipal Engineering Services (Chazen)
cc: Joe Lanaro, PE, VP Engineering Services (Via email only)

RESOLUTION NO. 165.23

AUTHORIZE THE SUPERVISOR TO NEGOTIATE AND EXECUTE A MEMORANDUM OF UNDERSTANDING WITH CAPITAL DISTRICT TRANSPORTATION COMMITTEE

WHEREAS, on March 2, 2023, the Unified Planning Work Program (UPWP) awarded the Town of Rotterdam $75,000 in Federal Transportation Planning Funds to conduct a multi-modal study of portions of Curry Road and Guilderland Avenue.

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute a memorandum of understanding (MOU) with the Capital District Transportation Committee (CDTC), for the distribution of funds awarded to support the Curry Road and Guilderland Avenue Multi-Modal Study in the Town of Rotterdam.

SECTION 2. This resolution shall become effective May 10, 2023.

DATED: May 10, 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

LEGISLATIVE REQUEST FORM

DATE:	May 2, 2023
TO:	Mollie Collins, Town Supervisor
FROM:	Peter Comenzo, Senior Planner
TITLE OF REQUEST:	Authorize the Town Supervisor to Execute a Memorandum of Understanding (MOU) with the Capital District Transportation Committee (CDTC) for the Curry Road and Guilderland Avenue Multi-Modal Study.
TOWN BOARD MEETING:	May 10, 2023
Background Information:	The Town of Rotterdam was awarded $75,000 in Federal Transportation Planning Funds to conduct a multi-modal study of portions of Curry Road and Guilderland Avenue.
Evaluation/Analysis:	In November 2022, the Town applied for federal grant assistance from the CDTC to evaluate safety concerns on portions of Curry Road and Guilderland Avenue. Pedestrian access is either non-existent, in relatively poor condition, non-connecting and not in compliance with ADA Regulations. The Curry Road and Guilderland Avenue Multi-Modal Transportation Study primary goal is to create a plan for a more balanced transportation system along both corridors that includes safe and compliant ADA access for users of all ages and abilities, including pedestrians, bicyclists, transit users and motor vehicle drivers and function as a "Complete Street."
Recommendation(s):	Authorize the Town Supervisor to Execute the MOU
Attachment/Document(s):	Grant Application MOU
Compliance with Purchasing Policy:	Yes
Effect(s) on Existing Law(s):	None
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

CAPITAL DISTRICT TRANSPORTATION COMMITTEE

One Park Place, Main Floor · Albany, NY 12205-2676 Phone: (518) 458-2161
www.cdtcmpo.org e-mail:cdtc@cdtcmpo.org Fax: (518) 729-5764

April 12, 2023

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

Re: Curry Road and Guilderland Avenue Multi-Modal Study

Dear Ms. Collins:

The Capital District Transportation Committee (CDTC) is pleased to announce that the 2023-2024 Unified Planning Work Program (UPWP) was approved at its March 2, 2023 Policy Board meeting. The UPWP includes funding to support the Curry Road and Guilderland Avenue Multi-Modal Study in the Town of Rotterdam. A consultant budget of $90,000 ($75,000 federal funds and $15,000 local cash match) with an additional $30,000 in CDTC staff technical assistance for the study is approved. The Town of Rotterdam will also provide $20,000 in local in-kind services to support the study.

As of April 1, 2023, work may begin on this study. Included with this notice are the CDTC Community Planning Support 2023-2024 Planning Study Administration and Procedures guidance document and a Memorandum of Understanding (MOU) for your review and signature. Once the signed MOU has been returned to CDTC, consultant procurement may begin. Our Project Manager is Carrie Ward (cward@cdtcmpo.org) and she will work with you to develop a project scope of work, solicit for and select a consultant, and manage the study. CDTC will execute the consultant contract and manage the consultant on your behalf.

If you have any questions, feel free to contact me and thank you for your interest. We look forward to working with you.

Sincerely,

Sandra Misiewicz, AICP
Executive Director

MEMORANDUM OF UNDERSTANDING

This agreement is entered into this ____ day of _____ by and between the Capital District Transportation Committee, One Park Place, Albany New York 12205 and the Town of Rotterdam, 1100 Sunrise Boulevard, Schenectady NY 12306.

WITNESSETH

WHEREAS, the Town of Rotterdam (hereafter referred to as the "Town") has requested funds from the Capital District Transportation Committee (hereafter referred to as the "CDTC"), the Metropolitan Planning Organization for the Capital District, in its 2023-2024 Unified Planning Work Program for the Curry Road and Guilderland Avenue Multi-Modal Study (hereafter referred to as the "Study");

WHEREAS, the CDTC has approved the Study in its 2023-2024 Unified Planning Work Program;

WHEREAS, the approved cost for consultant services related to the Study is $90,000, $75,000 of which will be paid for by Federal Transportation Planning Funds and $15,000 by Local Cash Match.

WHEREAS, the Town of Rotterdam will provide $20,000 in local in-kind support for the Study;

WHEREAS, the CDTC expects the Study to be completed within eighteen (18) months of the date of consultant contract execution;

WHEREAS, the following milestones will apply to complete the Study:

1. By September 30, 2023 – Return the signed Memorandum of Understanding to the CDTC.
2. Within three (3) months of consultant contract execution – have a Study kick-off meeting.
3. Within twelve (12) months – consultant completes 50% of the Study scope of work.
4. Within eighteen (18) months – consultant completes 100% of the Study scope of work.

WHEREAS, the parties will jointly guide the consultant with the assistance of a Study Advisory Committee that will include, at a minimum, one staff member of the CDTC;

WHEREAS, the parties will jointly assume ownership of all draft and final products including graphics, data, reports, etc. related to the Study;

WHEREAS, the parties desire to set forth the rights and responsibilities in facilitating the Study;

NOW, THEREFORE, parties hereby agree to the following:

1. The CDTC will be responsible for:
   a. Aiding the Town in developing a detailed scope of work for the Study.

b. Drafting a detailed Request for Expression of Interest for the Study and advertising the Study in the New York State Contract Reporter and on the CDTC and New York State Metropolitan Planning Organizations websites.
c. Aiding the Town in selecting a consultant to perform the Study.
d. Documenting the consultant selection process and providing notification of consultant selection or rejection.
e. Securing an executable agreement between the consultant and the Capital District Transportation Authority, the host agency of the CDTC.
f. Approving the membership of the Study Advisory Committee.
g. Attending all Study Advisory Committee or Study related meetings including the kickoff meeting, public meetings, and any other decision-making meeting.
h. Providing technical assistance.
i. Addressing all contracting issues including review of deliverables and payment to the consultant.
j. Invoicing the Town for its $15,000 Local Cash Match following execution of the consultant contract, due to CDTC by December 1, 2023.

2. The Town will be responsible for:
   a. Reviewing and following the CDTC Community Planning Support 2023-2024 Planning Study Administration and Procedures guidance document.
   b. Working with the CDTC staff to complete the Study within eighteen (18) months of the date of consultant contract execution. If unforeseen delays arise, the Town will provide the CDTC with a written explanation.
   c. Providing the CDTC with $15,000 in Local Cash Match by December 1, 2023. CDTC will invoice the Town following execution of the consultant contract.
   d. Providing the CDTC with documentation related to $20,000 of local in-kind support for the Study.
   e. Following the CDTC guidelines regarding consultant selection.
   f. Organizing and maintaining a Study Advisory Committee that will include at least one member of the CDTC's staff.
   g. Including the CDTC and Study Advisory Committee in decisions related to meeting times and dates, public meeting dates and format, and any other Study related decisions with the consultant.
   h. Attending all Study Advisory Committee or Study related meetings including the kickoff meeting, public meetings, and any other decision-making meeting.
   i. Providing technical assistance and reviewing products.
   j. Informing the CDTC of any problems with the consultant.
   k. Presenting the findings of the Study to the CDTC Planning Committee, CDTC Advisory Committees and/or the Community Planning Forum.

The signatories affirm they are duly authorized by their governing bodies to execute this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on this ___ day of _____ 2023.

FOR THE CAPITAL DISTRICT TRANSPORTATION COMMITTEE	FOR THE TOWN OF ROTTERDAM

Executive Director	Supervisor

RESOLUTION NO. 166.23
TO AMEND THE SCHEDULE OF FEES

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 revised schedule of fees in chapter 267 Water, Letter I - Water from a Hydrant, Section 1 - Deposit for Meter as listed below:

Chapter 267, Water.

A. Private well permit and inspection	$25.00 every three yrs.
B. Water service permit	$35.00
Water Department installed	
(1) One inch tap, same side of street	$1,100.00, plus $4.00/ft
(2) One inch tap, opposite side of street	$1,500.00, plus $4.00/ft
(3) Contractor certified installation (greater than 1")	$1,650.00
C. Water District 3 and 4 user rates	
(1) Residential users rent/dwelling unit	1 unit/dwelling unit
(2) Nonmetered commercial users rent/tenant space	1 unit/tenant space

Consumption (gallons)	Rate/Unit
First 75,000 Each additional 75,000 gal. or portion thereof	$650.71

Rates as determined by the adopted Town Board budget for the year.

D. Water District 5 user rates	
(1) Residential users rent/dwelling unit	1 unit/dwelling unit
(2) Nonmetered commercial users rent/tenant space	1 unit/dwelling unit

Consumption (gallons)	Rate/Unit
First 75,000 Each additional 75,000 gal. or portion thereof	$134.85

Rates as determined by the adopted Town Board budget for the year.

E. Advertising and printing notices for sewer district extension	Actual Cost
F. Advertising and printing notices for water district extension	Actual Cost
G. Underground sprinkler system permits	$75.00
H. Fire suppression system	$50.00
I. Water from a Hydrant	
(1) Deposit for meter	~~$1,500.00~~ $4,000.00
(2) Minimum Charge	$250.00
(3) After 15,000 gallons	$.25/2 gallons

TOWN OF ROTTERDAM

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

LEGISLATIVE REQUEST FORM

DATE:	May 3, 2023
TO:	Mollie Collins, Town Supervisor
FROM:	James Keith, Sr. Building Inspector
TITLE OF REQUEST:	Schedule of Fees updates
TOWN BOARD MEETING(S):	May 10, 2023
Background Information:	The Department of Public Works (Building Department, Water Departments) is looking to update its Schedule of Fees. The last time the departments fees were updated for applications was in 2023.
Evaluation/Analysis:	The Building & Water departments have reviewed the Deposit for the Hydrant Meter use in the Schedule of Fees and have changed the fee to cover the cost of the meter, backflow preventor and the locks for the meter.
Attachment/Document(s):	Rotterdam Schedule of Fees
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	N/A
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

RESOLUTION NO. 167.23

TO ENTER INTO AN AGREEMENT WITH CONSTRUCTION TECHNOLOGY FOR CONSTRUCTION MATERIALS INSPECTION AND TESTING SERVICES FOR THE SALT STORAGE FACILITY

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 Construction Technology, located at 4 William Street, Ballston Lake, New York 12019, for construction materials inspection and testing services for the Salt Storage Facility, in an amount not to exceed seven thousand five hundred ($7,500.00) dollars.

SECTION 2. This resolution shall become effective May 10, 2023.

DATED: May 10, 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

LEGISLATIVE REQUEST FORM

DATE:	May 5, 2023
TO:	Town Board
FROM:	Larry Lamora, Highway Superintendent
TITLE OF REQUEST:	To Enter into Agreement with Construction Technology for Construction Materials Inspection and Testing Services to the Salt Storage Facility
TOWN BOARD MEETING:	May 10, 2023
Background Information:	On April 22, 2020, the Town entered into agreement with Barton and Loguidice to provide engineering services in the construction of a Salt Storage Facility.
Evaluation/Analysis:	During construction of the Salt Storage Facility, the need for inspection of construction material, testing and laboratory evaluations are required.
Recommendation(s):	To enter into an agreement with Construction Technology for construction materials inspection and testing services for the salt storage facility.
Attachment/Document(s):	Agreement with Construction Technology
Compliance with Purchasing Policy:	Yes
Effect(s) on Existing Law(s):	General Municipal Law 103
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

CONSTRUCTION TECHNOLOGY

INSPECTION & TESTING DIVISION, P.D.& T.S., INC.
4 William Street, Ballston Lake, New York 12019
Phone: (518) 399-1848 Email: constructiontech@live.com

May 1, 2023

TOWN OF ROTTERDAM
1100 Sunrise Blvd.
Schenectady, New York 12306

Att'n: Mr. Larry Lamora

Re: **SALT STORAGE FACILITY: ROTTERDAM, NEW YORK**
Construction Materials Inspection and Testing Services

Dear Mr. Lamora,

CONSTRUCTION TECHNOLOGY is pleased to submit the following fee schedule and proposal to provide all the necessary labor, equipment, tools, and supplies to complete the construction materials inspection, testing and laboratory evaluations required of the referenced project.

From our understanding, we anticipate our services may include:

I. FIELD SERVICES:

* SOIL FILLS AND BACKFILLS: Services of a Senior Materials Technician to provide onsite soil compaction verification. Testing and evaluation of fill and backfill materials shall be in accordance with ASTM D-1556: Sand Cone Method or ASTM D-2922: Nuclear Gauge Density Method.

* CONCRETE STEEL REINFORCEMENT: Services of a Senior Materials Technician to provide onsite concrete reinforcing steel verification. Evaluation of reinforcement installations shall include bar size; welding, bending and fabrication techniques; lapped and tied connections, cleanliness, alignment, spacing and formwork clearances. Evaluation and recordation shall be in accordance with the American Concrete Institute (ACI) and the Concrete Reinforcing Steel Institute (CRSI).

* PORTLAND CEMENT CONCRETE: Services of a Senior Materials Technician, certified as required in ASTM C-94, by the American Concrete Institute (ACI) to Grade I, Field Technician. Services shall include tests for slump, entrained air, temperatures, unit weight/yield and fabrication of test specimens. Recordation of placement shall be in accordance with applicable ASTM Standards and ACI Specifications.

* STRUCTURAL STEEL & BOLTED CONNECTIONS: Services of a Senior Materials Technician to provide onsite inspection of structural steel. Services include dimensioning, plumbness and alignment of columns and beams; and torque evaluation of bolted connections in accordance with the American Institute of Steel Construction (AISC).

* MORTAR, GROUT & UNIT MASONRY: Services of a Senior Materials Technician to provide inspection of unit masonry structures. Services include fabrication of mortar test cubes, prism assemblages and grout specimens with documentation in accordance with applicable ASTM Standards.

May 1, 2023
TOWN OF ROTTERDAM
Re: **SALT STORAGE FACILITY: ROTTERDAM, NEW YORK**
Construction Materials Inspection and Testing Services

I. FIELD SERVICES continued:

* Concrete test cylinder and construction materials pickup.

Technician hourly rate for above listed services	$	49.50
Transportation per mile portal-to-portal		0.75

II. LABORATORY SERVICES:

Soil Particle Size Analysis (Sieve Analysis), per sample	$	75.00
Soil Moisture/Density Relation (Proctor), per sample		115.00
Compression Test of Concrete Test Cylinders, per cylinder		10.50

III. EQUIPMENT CHARGES:

Nuclear Soil/Asphalt Density Gauge, per day	$	75.00

IV. STRUCTURAL STEEL NON-DESTRUCTIVE TESTING SERVICES:

* CERTIFIED WELD INSPECTOR SERVICES: Services of an American Welding Society Certified Weld Inspector (AWS-CWI) to provide fabrication shop and field weld fabrication inspection in accordance with the AWS Structural Welding Code – Steel (AWS D1.4).

CWI/NDT Technician, HALF-DAY rate	$	400.00
CWI/NDT Technician, FULL-DAY rate		750.00
Vehicle transportation, per mile		0.75
Ultrasonic Scope charges, per day		100.00

Not To Exceed: The maximum amount billable under this proposal shall be **$7,500** unless specifically authorized by client. This not to exceed amount is based on our understanding of the project stated above. Actual billable will be based on the actual use of services.

All listed fees **INCLUDE** administrative review and typed report distribution to our client and those parties designated by project specification.

We appreciate your interest in our firm. We look forward to serving the construction materials inspection, testing and laboratory requirements of the **TOWN OF ROTTERDAM.**
If there are any questions, or when we may be of assistance, please contact this office immediately.
Respectfully,

CONSTRUCTION TECHNOLOGY

Robert Behan

Robert Behan, (NICET)

Manager Technical Services

Client's Signature:_____ Date:_____

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 05/08/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER

Hopmeier Evans Gage Agency
2330 Broadway
Schenectady, NY 12306

CONTACT NAME: Angela Temple
PHONE (A/C, No, Ext): (518)377-7414 FAX (A/C, No): (518)346-5767
E-MAIL ADDRESS: angela@yourownagent.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Hartford Insurance Co.	30104
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED

Product Development & Technical Serv Inc T&A
DBA Construction Technology & Robert B Behan
2-4 William Street
Ballston Lake, NY 12019-

COVERAGES CERTIFICATE NUMBER: 00002906-0 REVISION NUMBER: 126

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			01SBAAH4LG0	11/03/2022	11/03/2023	EACH OCCURRENCE	$ 2,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 1,000,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 4,000,000
	X POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 4,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$
	DED RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						PER STATUTE OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) N/A						E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Construction Material Testing and inspection

CERTIFICATE HOLDER

Town of Rotterdam
1100 Sunrise Blvd
Schenectady, NY 12306

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

(AMT)

© 1988-2015 ACORD CORPORATION. All rights reserved.

NYSIF
New York State Insurance Fund

PO Box 66699, Albany, NY 12206
| nysif.com

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

^^^^^^ 141646158
HOPMEIER-EVANS-GAGE AGENCY INC
2330 BROADWAY
SCHENECTADY NY 12306

SCAN TO VALIDATE
AND SUBSCRIBE

POLICYHOLDER	CERTIFICATE HOLDER
PRODUCT DEVELOPMENT & TECHNICAL SERV INC DBA CONSTRUCTION TECH 4 WILLIAM ST BALLSTON LAKE NY 12019	TOWN OF ROTTERDAM 1100 SUNRISE BLVD SCHENECTADY NY 12306

POLICY NUMBER	CERTIFICATE NUMBER	POLICY PERIOD	DATE
A1346 561-2	288350	03/06/2023 TO 03/06/2024	5/8/2023

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 1346 561-2, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW, AND, WITH RESPECT TO OPERATIONS OUTSIDE OF NEW YORK, TO THE POLICYHOLDER'S REGULAR NEW YORK STATE EMPLOYEES ONLY.

IF YOU WISH TO RECEIVE NOTIFICATIONS REGARDING SAID POLICY, INCLUDING ANY NOTIFICATION OF CANCELLATIONS, OR TO VALIDATE THIS CERTIFICATE, VISIT OUR WEBSITE AT HTTPS://WWW.NYSIF.COM/CERT/CERTVAL.ASP. THE NEW YORK STATE INSURANCE FUND IS NOT LIABLE IN THE EVENT OF FAILURE TO GIVE SUCH NOTIFICATIONS.

THIS POLICY DOES NOT COVER CLAIMS OR SUITS THAT ARISE FROM BODILY INJURY SUFFERED BY THE OFFICERS OF THE INSURED CORPORATION.

PRESIDENT
ROBERT B BEHAN
1 OF 1 EXECUTIVE OFFICER OF PRODUCT
DEVELOPMENT &TECHNICAL SERVICES INC

THE POLICY INCLUDES A WAIVER OF SUBROGATION ENDORSEMENT UNDER WHICH NYSIF AGREES TO WAIVE ITS RIGHT OF SUBROGATION TO BRING AN ACTION AGAINST THE CERTIFICATE HOLDER TO RECOVER AMOUNTS WE PAID IN WORKERS' COMPENSATION AND/OR MEDICAL BENEFITS TO OR ON BEHALF OF AN EMPLOYEE OF OUR INSURED IN THE EVENT THAT, PRIOR TO THE DATE OF THE ACCIDENT, THE CERTIFICATE HOLDER HAS ENTERED INTO A WRITTEN CONTRACT WITH OUR INSURED THAT REQUIRES THAT SUCH RIGHT OF SUBROGATION BE WAIVED.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS NOR INSURANCE COVERAGE UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY.

NEW YORK STATE INSURANCE FUND

DIRECTOR,INSURANCE FUND UNDERWRITING

VALIDATION NUMBER: 1059420074

RESOLUTION NO. 168.23

TO ACCEPT AND AWARD BID FOR ONE (1) GRAPPLE TRUCK

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 Tuesday, May 5, 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:

ONE (1) GRAPPLE TRUCK

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam does hereby accept and award the bid to purchase and deliver One (1) Grapple Truck for the Town of Rotterdam to Don Baskin Truck Sales, LLC, located at 1870 Highway 51 South Covington, Tennessee 38019, at the mutual consent of both the Town and Don Baskin Truck Sales, LLC, in an amount not to exceed one hundred and forty-five thousand and five hundred ($145,500.00) dollars.

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

SECTION 3. This resolution shall become effective May 10, 2023.

DATED: May 10, 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

LEGISLATIVE REQUEST FORM

DATE:	May 5, 2023
TO:	Town Board
FROM:	Larry Lamora, Highway Superintendent
TITLE OF REQUEST:	To Accept and Award Bid for One (1) Grapple Truck
TOWN BOARD MEETING:	May 10, 2023
Background Information:	The Town Board called for bids for One (1) Grapple Truck on April 26, 2023.
Evaluation/Analysis:	Proper Bidding Process
Recommendation(s):	Award bid for One (1) Grapple Truck to Don Baskin Truck Sales, LLC, 1870 Highway 51 South Covington, Tennessee 38019, as they were the only bidder.
Attachment/Document(s):	Bid Results
Compliance with Purchasing Policy:	Yes
Effect(s) on Existing Law(s):	General Municipal Law 103 and Town Purchasing Policy
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

Town of Rotterdam

Request for Bids

ONE (1) GRAPPLE TRUCK

Bid Opening:

Friday, May 5, 2023

@ 10:00 A.M.

Phone (901) 476-9990 Fax (901) 476-9091

DON BASKIN TRUCK SALES, LLC

USA WATS 1-800 331-7110
1870 Highway 51 South
Covington, Tennessee 38019

Customer's Order No.

Date 5-2 2023

Name Town of Rotterdam

Address 1100 Sunrise Blvd.

City Schenectady State NY 12306

SOLD BY	CASH	CHECK	DEPOSIT	BANK WIRE	CHARGE	ON ACCT	MDSE RETD	PAID OUT
Skip								

YEAR	VIN #	AMOUNT
2021	5KKAAUFE2MPMN2619	$140,000.00
	Western Star	
	4700	
	delivery	$5,500.00
	AS IS NO WARRANTY	
	*Customer aware of previous	
	damage. REBUILT title*	
	TAX	OUT OF STATE
	TOTAL	$145,500.00

NO CASH REFUND

I have read and understand and agree to the terms, conditions and warranty provisions set forth on the reverse side, all of which are incorporated herein by my signature below. If this ticket is for the sale of a vehicle, I have read and agree to the additional terms on the bill of sale.

BUYER X

ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS BILL

REC'D BY _____

CORE RETURN POLICY: 0-30 DAYS - FULL CREDIT OVER 30 DAYS - NO CREDIT

Phone (901) 476-9990 Fax (901) 476-9091

DON BASKIN TRUCK SALES, LLC

USA WATS 1-800 331-7110
1870 Highway 51 South
Covington, Tennessee 38019

Customer's Order No. Date 5-2 20 23

Name Town of Rotterdam

Address 1100 Sunrise Blvd.

City Schenectady State NY 12306

SOLD BY	CASH	CHECK	DEPOSIT	BANK WIRE	CHARGE	ON ACCT	MDSE RETD	PAID OUT
Skip								

YEAR	VIN #	AMOUNT
2021	5KKAAUFE2MPMN2619 Western Star 4700	$140,000.00
	AS IS NO WARRANTY *Customer aware of previous damage/REBUILT title*	

NO CASH REFUND

I have read and understand and agree to the terms, conditions and warranty provisions set forth on the reverse side, all of which are incorporated herein by my signature below. If this ticket is for the sale of a vehicle. I have read and agree to the additional terms on the bill of sale.

TAX	OUT OF STATE
TOTAL	$140,000.00

BUYER

ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS BILL

REC'D BY

CORE RETURN POLICY: 0-30 DAYS - FULL CREDIT OVER 30 DAYS - NO CREDIT

DON BASKIN
TRUCK SALES LLC

2021 WESTERN STAR 4700

USD $140,000

Seller Information

Baskin Truck Sales LLC.
Contact: Sales Staff
Phone: (901) 401-7024
Covington, Tennessee 38019
(901) 401-7024
Video Chat

Hide Thumbnails

Description

very nice truck, like new, PETERSON TL3 boom and grapple, double frame, dump bed, differential lock, air brakes, air seat, *TITLE STATES PREVIOUS DAMAGE DUE TO FRAME ISSUE THAT HAS BEEN FIXED

Specifications

Year	2021	**Manufacturer**	WESTERN STAR
Model	4700	**VIN**	5KKAAUFE2MPMN2619
Condition	Used	**Stock Number**	21WSGRAPPLE
Mileage	18,053 mi	**Horsepower**	270 HP
Engine Manufacturer	CUMMINS	**Engine Model**	L9
Engine Serial Number	74651283	**Engine Arrangement**	D563025BB05
Engine Displacement	9 l	**Fuel Type**	Diesel
Turbo	Yes	**Transmission**	Automatic
Transmission Manufacturer	ALLISON	**Ratio**	4.89
Differential Lock	Yes	**Drive**	4x2
Gross Vehicle Weight Rating	Class 7: 26,001 - 33,000 pounds	**Gross Vehicle Weight**	33,000 lb
Front Axle Weight	12,000 lb	**Rear Axle Weight**	21,000 lb
Wheelbase	253 in	**Drive Side**	Left Hand Drive
A/C	Yes	**Composition**	Steel

Show As Paragraph

BID FORM

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

ONE (1) GRAPPLE TRUCK

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

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

Johnnie Regenold
Signature

Don Baskin Truck Sales, LLC
Name of Company or Corporation

1870 Hwy 51 S
Address

Covington TN 38019
City *State* *Zip*

Town of Rotterdam

Detailed Specifications:

Grapple Truck

Qty	Description
1	• 2019 or Newer Kenworth T370 Grapple Truck – or similar • 30,000 or less miles • 33,000 GVW(gross vehicle weight) • Auto Transmission • PAC-MAC 20' Grapple Loader KBF-20H with 6' x 20' Dump Body – or similar Bidder agrees to deliver or have an agreed pick-up date of all products and services within 30 days from the awarded bid date scheduled for May 10th, 2023. **NOTE: Questions should be submitted in writing to Larry LaMora, Town of Rotterdam Highway Superintendent llamora@rotterdamny.org or by calling 518-355-7722.**

INSTRUCTIONS TO BIDDERS

1. All bids must be submitted before **10:00 a.m. on May 5, 2023,** the day of opening.
2. Electronic and in person proposals for the furnishing and delivery of goods/services as required for the Town of Rotterdam, as set forth in the specifications prepared by the Town Board and

received by **10:00 a.m. May 5, 2023** will be opened electronically and in person at that time, via Empire State Purchasing Group on the BidNet website (http://www.bidnetdirect.com/townofrotterdam). The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet by the close of business the same day, of all bid submissions received. Additionally, the official bid report and all bids shall be available in the Office of the Town Clerk for public inspection during regular business hours.

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

4. Purchases made by the Town of Rotterdam are not subject to State or local taxes or Federal excise taxes. Exemption certificates will be furnished upon request.

5. An "Affidavit of Non-Collusion" is attached and forms a part of this bid proposal. By submission of this bid, each bidder and each person signing on behalf of any bidder, certifies under penalty of perjury, that to the best of his/her knowledge and belief that the prices of the bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter related to such prices with any other bidder or competitor; that the prices quoted have not and will not be disclosed prior to opening, directly or indirectly, to any other bidder or competitor; that no attempt has been or will be made to induce any other person, partnership or corporation to submit or not submit a bid for the purpose of restricting competition. Each bidder must state that no officer of the Town of Rotterdam or member of the Town Board is directly or indirectly interested in the proposal. Failure to sign this statement will constitute grounds for rejection of bid.

6. Each bidder must acknowledge receipt of and comply with the Town's Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace policy.

7. Bid proposals shall remain firm, pending bid award, for a period not to exceed thirty (30) days from the bid opening date.

8. The Town Board reserves the right to reject any or all bids and re-advertise.

9. All bids are to be on the basis of delivery prepaid to destination, which shall be buildings of the Town of Rotterdam as specified (if applicable).

10. Delivery(if applicable): Time is of the essence. Material is required as soon as possible and guaranteed date of delivery may be taken into consideration in making award. Upon failure to make delivery as promised, the Town Board of the Town of Rotterdam, New York, may consider the contract breached and will then feel free to go into the open market and to maintain

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

11. Where items or articles or equipment or supplies are designated as manufactured by a specific manufacturer, it is to be understood that the articles as specified represent an accepted standard. Where certain brands of materials, apparatus, or equipment are specified, such goods have been selected in order to establish a standard for the particular service required, but it is not the intention to limit competition thereby. If the bidder proposes to furnish the article which is specified, he is to fill in the amount on the line indicated. If he desires to bid on a substitute for the article specified, which is claimed to be equivalent to the standard specified, the amount should be recorded and also identified as "substitute" bid and furnish the required information relating to the manufacturer. In cases where the bid is based upon a substitute article, the bidder will be asked to submit a sample. Samples will be returned, if desired, as soon as the award is made.

12. The Town Board of the Town of Rotterdam reserves the right to waiver any informalities on bids received, and to accept reasonable substitutes for specified items as long as such substitutes in no way affect the performance of the item for which the bid has been requested.

13. The approximate quantities shown in the bidding documents are not meant to imply that said quantities will in fact be purchased. Payment will be based on an "as delivered" basis at the facilities listed using actual quantities received.

14. Failure to adequately and fully complete the bid packet and/or questions contained in the RFP shall be disqualified and the bid shall be rejected.

NON-COLLUSION BIDDING CERTIFICATION

A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, an in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

B. A bid shall not be considered for award nor shall any award be made where (A), (1), (2), and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certificating, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reason therefore. Where (A), (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made or his designee, determines that such disclosure was not made for the purpose of restricting competition.

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

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

Name of Firm: Don Baskin Truck Sales, LLC

Signed by: Johnna Regenold Title: title clerk

Signature: Johnna Regenold Date: 5-1-23

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

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

The foregoing is a true and correct copy of the resolution adopted by _____ _____ corporation at a meeting of its board of directors held on the ____ day of _____ _____, 20__.

(SEAL OF THE CORPORATION)

Johnna Regenold
Signature of Secretary

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

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

Johnna Regenold
Signature of Individual

5-1-23
Date

TOWN OF ROTTERDAM WAIVER ON IMMUNITY CLAUSE

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

Name of Firm: Don Baskin Truck Sales, LLC
Signed by: Johnna Regenold Title: title clerk
Signature: Johnna Regenold Date: 5-1-23

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

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

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

Prohibited harassment (including sexual harassment) is not limited to the physical workplace itself. It can occur while Elected Officials, employees or other individuals covered by this policy are traveling for Town business or at Town sponsored events or parties. Calls, texts, emails, and social media usage by employees or other individuals covered by this policy can constitute workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

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

- Harassment: Unwanted, unreasonable verbal or physical conduct directed toward or affecting another person that disturbs, frightens, insults, threatens, intimidates, demeans, or offends that other person, that continues or is repeated after a request to cease, and that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities. Harassment includes offensive or inappropriate images or written materials or electronic communications (e.g. letters, e-mail, text messages, or graffiti) as well as bias-based harassment and sexual harassment (see below).

- Bias-Based Harassment: Harassment that denigrates, offends or shows hostility or aversion toward an individual on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic

violence victim status, or any other protected status. Bias-based harassment includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written, electronic, or graphic material that denigrates, ridicules, objectifies, or shows hostility, aversion or contempt toward an individual or group and that is placed on walls, bulletin boards, lockers or elsewhere on or in the Town's premises, vehicles, or equipment, or is circulated in the workplace, including through electronic means.

- Discrimination: The Town of Rotterdam is an Equal Opportunity Employer. The Town does not unlawfully discriminate on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Unlawful discrimination based on membership in these categories is prohibited by applicable federal, state, or local laws. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, assignments, compensation, promotion, transfer, training, leave of absence, and termination.

Definition of Sexual Harassment – This policy places special attention on the prohibition of sexual harassment in the workplace.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

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

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

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

New York State Division of Human Rights (DHR)

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

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

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

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

Contact the Rotterdam Police Department

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

RESOLUTION NO. 169.23

TO APPROVE BUDGET TRANSFERS TO THE 2023 BUDGET

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

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

Fund	***Account No.***		***Title***	***Amount***
Highway	DA 0909	FROM:	Fund Balance	-145,500.00
Highway	DA5110 2000	INTO:	Highway Equipment	+145,500.00

SECTION 2. This resolution shall become effective May 10, 2023.

DATED: May 10, 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

LEGISLATIVE REQUEST FORM

DATE:	May 8, 2023
TO:	Town Board
FROM:	Larry Lamora, Highway Superintendent
TITLE OF REQUEST:	Budget Transfer to Purchase one (1) Grapple Truck
TOWN BOARD MEETING:	May 10, 2023
Background Information:	The Town put out to bid for one (1) grapple truck.
Evaluation/Analysis:	Upon award of bid to Don Baskin Truck Sales, LLC., 1870 Highway 51 South Covington, Tennessee 38019, for the cost of one hundred forty-five thousand five hundred dollars.
Recommendation(s):	To transfer one hundred forty-five thousand five hundred dollars from the Highway Fund Balance to DA5110-2000 Highway Equipment for the purchase of one (1) 2021 Western Star 4700 Series Grapple Truck.
Attachment/Document(s):	Memo from Comptrollers office
Compliance with Purchasing Policy:	Yes
Effect(s) on Existing Law(s):	General Municipal Law 103 and Town Purchasing Policy
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

MEMO

DATE: 05/8/2023

TO: Mollie Collins, Supervisor

CC: Town Board

FROM: Marcus Montgomery, Comptroller

SUBJECT: Budget Transfer for Purchase of Grapple Truck

Please include the following budget transfer on the May 10, 2023 agenda:

Highway	DA 0909	FROM:	Highway Fund Balance	-$145,500.00
Highway	DA5110 2000	INTO:	Highway Equipment	+$145,500.00

RESOLUTION NO. 170.23

REQUESTING BIDS FOR WORKERS COMPENSATION INSURANCE FOR THE TOWN OF ROTTERDAM

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to call for bids for Workers Compensation Insurance for the Town of Rotterdam.

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

TOWN OF ROTTERDAM
NOTICE TO BIDDERS

PLEASE TAKE NOTICE: That all bids received by the Town Board of the Town of Rotterdam, by Friday, the 2nd day of June 2023, at 10:00 A.M., will be opened electronically and in person at that time. The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet (http://www.bidnetdirect.com/townofrotterdam) by the close of business the next day, of all bid submissions received pursuant to this notice. Additionally, the official bid report and all bids shall be available in the office of the town clerk for public inspection during regular business hours, for the purchase by the Town of Rotterdam of the following:

WORKERS COMPENSATION INSURANCE FOR THE TOWN OF ROTTERDAM

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 10:00 A.M., FRIDAY JUNE 2, 2023

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: May 10, 2023
BidNet: Please publish on May 12, 2023
Daily Gazette: Please publish once on May 13, 2023
Town Clerk Post

SECTION 3. This resolution shall become effective May 10, 2023

DATED: May 10, 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

LEGISLATIVE REQUEST FORM

DATE: May 5, 2023

TO: Supervisor's Office

FROM: Comptroller's Office

TITLE OF REQUEST: Workers' Compensation RFP

TOWN BOARD MEETING: March 10, 2023

Background Information: Currently Workers' Compensation coverage is currently provided through the Comp Alliance as a result of a request for proposal in 2021 for a two-year period ending June 30, 2023.

Evaluation/Analysis: The Comptroller's Office should again solicit competitive proposals prior to the expiration of the coverage.

Recommendation(s): Put out a request for proposals for coverage effective July 1, 2023 with an option for both one and two years of coverage.

Attachment/Document(s): Bid packet RFP Workers Compensation Insurance

Compliance with Purchasing Policy: Yes

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

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

Town of Rotterdam

Request for Bids

Workers Compensation Insurance

Bid Opening:

Friday, June 2, 2023

@ 10:00 A.M.

TOWN OF ROTTERDAM

BID FORM

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

Workers Compensation Insurance for an effective date of July 1, 2023

Total Cost for 1-year period: _____

Total Cost for 2-year period: _____

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

_____

Signature

_____

Name of Company or Corporation

_____

Address

_____

City ***State*** ***Zip***

_____

Email

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

Detailed Specifications:
Town of Rotterdam Workers Compensation Insurance

PROPOSAL FORMAT

The scope of services to be performed is outlined below. Proposals should be submitted in the following format:

1. STATEMENT OF SCOPE/PROPOSED SERVICES

State in precise terms your areas of coverage presented in your response by this RFP.

a. Prepare estimated premium as shown using renewal payroll figures for a total cost of a 1-year period, and a total cost of a 2-year period.
b. Specific statements concerning area of coverage and why carrier should be selected.

2. BUSINESS ORGANIZATION

State the full name and address of your organization and include information about your organization.

3. RESPONDENT'S REFERENCES

List a minimum of five (5) references where similar coverage is provided, preferably to similar municipal clients.

4. PAYMENT PLAN AND COST OF INSURANCE

The Town requires that proposals include a payment schedule which itemizes the payment plan and any finance charges. All Respondent proposal bids are required to be offered for a term not less than one year in duration. Any services that will be provided need to be itemized and described in detail, preferably with a schedule of events, i.e., loss control visits.

5. AUTHORIZED NEGOTIATIONS

Include the names and phone numbers of personnel of your organization authorized to negotiate the proposed contract with the Issuing Office.

SELECTION CRITERIA

The Town will evaluate each proposal submitted. These evaluations will be based on the following evaluation criteria:

A. Compliance to Specifications
    1. Proposal Requirements
    2. Submission deadline compliance
    3. Proposal format
    4. Completeness of information supplied
B. Insurance Coverage
C. Cost/Fee
    1. Initial fee for services
    2. Payment Terms
D. Experience
    1. Overall experience
    2. Experience with similar organizations

NOTE: All questions should be submitted in writing to Marcus Montgomery, Comptroller – mmontgomery@rotterdamny.org and Paul Sebesta, Deputy Comptroller– psebesta@rotterdamny.org

INSTRUCTIONS TO BIDDERS

1. All bids must be submitted before **10:00 a.m. on June 2, 2023,** the day of opening.

2. Electronic and in person proposals for the furnishing and delivery of goods/services as required for the Town of Rotterdam, as set forth in the specifications prepared by the Town Board and received by **10:00 a.m. June 2, 2023** will be opened electronically and in person at that time, via Empire State Purchasing Group on the BidNet website (http://www.bidnetdirect.com/townofrotterdam). The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet by the close of business the same day, of all bid submissions received. Additionally, the official bid report and all bids shall be available in the Office of the Town Clerk for public inspection during regular business hours.

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

4. Purchases made by the Town of Rotterdam are not subject to State or local taxes or Federal excise taxes. Exemption certificates will be furnished upon request.

5. An "Affidavit of Non-Collusion" is attached and forms a part of this bid proposal. By submission of this bid, each bidder and each person signing on behalf of any bidder, certifies under penalty of perjury, that to the best of his/her knowledge and belief that the prices of the bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter related to such prices with any other bidder or competitor; that the prices quoted have not and will not be disclosed prior to opening, directly or indirectly, to any other bidder or competitor; that no attempt has been or will be made to induce any other person, partnership or corporation to submit or not submit a bid for the purpose of restricting competition. Each bidder must state that no officer of the Town of Rotterdam or member of the Town Board is directly or indirectly interested in the proposal. Failure to sign this statement will constitute grounds for rejection of bid.

6. Each bidder must acknowledge receipt of and comply with the Town's Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace policy.

7. Bid proposals shall remain firm, pending bid award, for a period not to exceed thirty (30) days from the bid opening date.

8. The Town Board reserves the right to reject any or all bids and re-advertise.

9. All bids are to be on the basis of delivery prepaid to destination, which shall be buildings of the Town of Rotterdam as specified (if applicable).

10. Delivery(if applicable): Time is of the essence. Material is required as soon as possible and guaranteed date of delivery may be taken into consideration in making award. Upon failure to make delivery as promised, the Town Board of the Town of Rotterdam, New York, may consider the contract breached and will then feel free to go into the open market and to maintain an action against the contractor to recover any differences which the Town Board might stand to lose between the contract price and the market price.

11. Where items or articles or equipment or supplies are designated as manufactured by a specific manufacturer, it is to be understood that the articles as specified represent an accepted standard. Where certain brands of materials, apparatus, or equipment are specified, such goods have been selected in order to establish a standard for the particular service required, but it is not the intention to limit competition thereby. If the bidder proposes to furnish the article which is specified, he is to fill in the amount on the line indicated. If he desires to bid on a substitute for the article specified, which is claimed to be equivalent to the standard specified, the amount should be recorded and also identified as "substitute" bid and furnish the required information relating to the manufacturer. In cases where the bid is based upon a substitute article, the bidder will be asked to submit a sample. Samples will be returned, if desired, as soon as the award is made.

12. The Town Board of the Town of Rotterdam reserves the right to waiver any informalities on bids received, and to accept reasonable substitutes for specified items as long as such substitutes in no way affect the performance of the item for which the bid has been requested.

13. The approximate quantities shown in the bidding documents are not meant to imply that said quantities will in fact be purchased. Payment will be based on an "as delivered" basis at the facilities listed using actual quantities received.

14. Failure to adequately and fully complete the bid packet and/or questions contained in the RFP shall be disqualified and the bid shall be rejected.

NON-COLLUSION BIDDING CERTIFICATION

A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, an in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

B. A bid shall not be considered for award nor shall any award be made where (A), (1), (2), and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certificating, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reason therefore. Where (A), (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made or his designee, determines that such disclosure was not made for the purpose of restricting competition.

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

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

Name of Firm: _____

Signed by: _____ Title: _____

Signature: _____ Date: _____

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

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

The foregoing is a true and correct copy of the resolution adopted by _____ _____ corporation at a meeting of its board of directors held on the _____ day of _____ _____, **20__.**

(SEAL OF THE CORPORATION)

_____

Signature of Secretary

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

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

_____ _____

Signature of Individual Date

TOWN OF ROTTERDAM WAIVER ON IMMUNITY CLAUSE

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

Name of Firm:_____

Signed by:_____ Title: _____

Signature:_____ Date:_____

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

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

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

Prohibited harassment (including sexual harassment) is not limited to the physical workplace itself. It can occur while Elected Officials, employees or other individuals covered by this policy are traveling for Town business or at Town sponsored events or parties. Calls, texts, emails, and social media usage by employees or other individuals covered by this policy can constitute workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

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

- Harassment: Unwanted, unreasonable verbal or physical conduct directed toward or affecting another person that disturbs, frightens, insults, threatens, intimidates, demeans, or offends that other person, that continues or is repeated after a request to cease, and that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities. Harassment includes offensive or inappropriate images or written materials or electronic communications (e.g. letters, e-mail, text messages, or graffiti) as well as bias-based harassment and sexual harassment (see below).

- Bias-Based Harassment: Harassment that denigrates, offends or shows hostility or aversion toward an individual on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion,

disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Bias-based harassment includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written, electronic, or graphic material that denigrates, ridicules, objectifies, or shows hostility, aversion or contempt toward an individual or group and that is placed on walls, bulletin boards, lockers or elsewhere on or in the Town's premises, vehicles, or equipment, or is circulated in the workplace, including through electronic means.

- Discrimination: The Town of Rotterdam is an Equal Opportunity Employer. The Town does not unlawfully discriminate on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Unlawful discrimination based on membership in these categories is prohibited by applicable federal, state, or local laws. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, assignments, compensation, promotion, transfer, training, leave of absence, and termination.

Definition of Sexual Harassment – This policy places special attention on the prohibition of sexual harassment in the workplace.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

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

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

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory

remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

New York State Division of Human Rights (DHR)

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

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

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an

administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

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

Contact the Rotterdam Police Department

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

RESOLUTION NO. 171.23

TO ACCEPT AND AWARD BID FOR SENIOR CENTER KITCHEN EQUIPMENT

WHEREAS, Pursuant to notice duly published according to Section One Hundred Three of the General Municipal Law of the State of New York, the Town of Rotterdam on Friday, May 5, 2023 posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (http://bidnetdirect.com/townofrotterdam). Additionally, the official bid report and all bids were made available in the Office of the Town Clerk for public inspection upon request, for the purchase by the Town of Rotterdam of the following:

SENIOR CENTER KITCHEN EQUIPMENT

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam does hereby accept and award the bid for Senior Center Kitchen Equipment to Nino's Equipment Inc. located at 1110 Mitchell Road, Schenectady, New York 12303, for a total lump sum not to exceed twenty five thousand nine hundred thirteen and 38/100 ($25,913.38) dollars.

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

SECTION 3. This resolution shall become effective May 10, 2023.

DATED: May 10, 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

LEGISLATIVE REQUEST FORM

DATE:	May 5, 2023
TO:	Town Board
FROM:	Morgan Coryer, Coordinator of Parks & Senior Programs
TITLE OF REQUEST:	To Accept and Award Bid for Senior Center Kitchen Equipment
TOWN BOARD MEETING:	May 10, 2023
Background Information:	The Town Board called for bids on kitchen equipment to be delivered to the Senior Center as part of renovating and complying with NYS DOH standards.
Evaluation/Analysis:	Proper bidding process took place. Bids were opened May 5, 2023 at 10:15am. A total of 5 bids were submitted. The lowest possible bid that came in used substitution items that were not specific to the bid packet. Nino's Equipment Inc. came in with the next lowest bid with all the items as requested in the bid packet.
Recommendation(s):	Award bid to Nino's Equipment Inc. for being the lowest bidder on all items in the specification bid packet.
Attachment/Document(s):	Bid Results
Compliance with Purchasing Policy:	Yes
Effect(s) on Existing Law(s):	General Municipal Law 103 and Town Purchasing Policy
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

Megan Griffin

From: Lloyd Denny Jr.
Sent: Monday, May 8, 2023 2:14 PM
To: Diane Marco; Mollie Collins
Cc: Megan Griffin; James Keith; Tammy Whelan; Morgan Coryer
Subject: RE: Kitchen Bids reviewed

I have completed my review of the bids received May 5, 2023, for the Kitchen Equipment for the Rotterdam Senior Center. The low bidder, Singer Kittredge with a value of $19,158.88 has included multiple substitutions and has not bid on the equipment as specified. The second low bidder, Nino's Equipment Inc. with a value of $25,913.38 has included no substitutions and bid all the equipment as specified.

A cursory review of all other bidders shows each has bid the specified equipment except for the high bidder who substituted minor shelving items in lieu of the specified.

I had estimated the kitchen equipment to be $25,700 which places the 2nd low bidder within 0.8 % high of our budget.

Therefore, I recommend we reject the low bidder, Singer Kittredge and award to the 2nd low bidder, Nino's Equipment Inc. with a bid of $25, 913.38 for the kitchen equipment.

Let me know if you have any questions.

Lloyd H Denny Jr, RA., CEO
Building Inspector/Code Enforcement
Town of Rotterdam
Dept of Public Works
1100 Sunrise Blvd
Rotterdam, NY 12306
518-355-7575 ext 330

From: Diane Marco <dmarco@rotterdamny.org>
Sent: Friday, May 5, 2023 11:45 AM
To: Lloyd Denny Jr. <ldenny@rotterdamny.org>; Morgan Coryer <mcoryer@rotterdamny.org>
Cc: Mollie Collins <mcollins@rotterdamny.org>; Megan Griffin <mgriffin@rotterdamny.org>; James Keith <jkeith@rotterdamny.org>
Subject: Kitchen Bids attached for all
Importance: High

To all;
Attached is the 5 bids for the Kitchen at the Senior Center. If anyone else needs the bids let me know.
Thank you
Diane M. Marco
Rotterdam Town Clerk
1100 Sunrise Blvd.
Rotterdam, NY 12306
518-355-7575 Ext. 318
dmarco@rotterdamny.org

BID FOR RFP 2023 KITCHEN EQUIPMENT

BID FOR: Kitchen Equipment
DATE OF TB MTG. & RESOLUTION #: 4/26/2023 Res. No #159.23
DATE BID PACKETS BECOME AVAILABLE: 4/27/2023

DATE PUBLISHED IN NEWSPAPER: 4/29/2023
DATE & TIME BIDS TO BE OPENED: 5/5/2023 at 10:15 am

# Rec	Dropped off & Time Received @TC Office	Initials	Company/Firm/Email	Address	Contact	Phone #	Contract #s	BID Amount	Comments
1	Dropped off 5/5/23 @ 9.55 AM	JB	Nino's Equiptment & Concessions Paper & More	1110 Mitchell Road Schenectady, NY 12303	Ron Puglisi	518-370-3423		$25,913.38	Attached
2	Bidnet	DM/MG	Chefs Depot Culinary Deport	67 Route 59 Spring Valley, NY 10177	Yitzi Shaps	888-845-8200 845-414-2402		$26,424.66	Attached
3	Bidnet	DM/MG	Pueblo Hotel Supply/Gradys	170 Greenhorn Drive Pueblo, CO 81104	Abby Lucero	719-542-8853 719-404-4535		$29,384.38	Attached
4	Bidnet	DM/MG	Singer MA, LLC	100 Bowles Road Agawam, MA 01001	Aaron Dell	413-304-4100		$19,158.88	Attached
5	Bidnet	DM/MG	Taza Supplies	16940 Vincennes Avenue South Holland, IL 60473	Mariam Essy	877-817-2841		$31,725.60	Attached

BidPacket elatedItems/AllBidDoc/BidSheetTemplate

Ninos Eq. Inc

Nines Eq. Inc

Town of Rotterdam

Request for Bids

SENIOR CENTER KITCHEN EQUIPMENT

Bid Opening:

Friday, May 5, 2023

@ 10:15 A.M.

TOWN OF ROTTERDAM

BID FORM

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

SENIOR CENTER KITCHEN EQUIPMENT

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

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

Signature

Nino's Equipment, Inc.
Name of Company or Corporation

1110 Mitchell Road
Address

Schenectady, N.Y. 12303
City State Zip

Town of Rotterdam

Detailed Specifications:

SENIOR CENTER KITCHEN EQUIPMENT

	Description
	See Attached Bid Item ***Equipment List*** pgs. 1-5 Bidder agrees to deliver all items and place inside the Town of Rotterdam Senior Center located at 2639 Hamburg Street, Schenectady, NY 12303. **NOTE: Questions should be submitted in writing to Lloyd Denny, Department of Public Works at ldenny@rotterdamny.org, or by calling 518-355-7575 Ext. 330.**

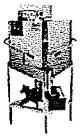
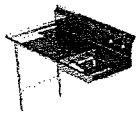
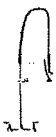
Quote

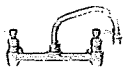
05/05/2023

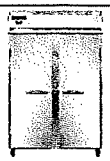
Project:
TOWN OF ROTTERDAM

From:
Nino's Equipment Inc.
Ronald Puglisi
1110 Mitchell Rd.
Schenectady, NY 12303-2254
(518)370-3423
(518)370-3423 (Contact)

Item	Qty	Description	Sell	Sell Total
1	1 ea	**TWO (2) COMPARTMENT SINK** Sapphire Manufacturing Model No. SMS2424-2 Sink, 2-compartment, 53"W x 29-1/2"D x 44-1/4"H overall size, (2) 24"W x 24" front-to-back x 14" deep compartments, 9-3/4"H backsplash, (1) set of splash mount faucet holes with 8" centers, 1-1/2" rounded edge on working sides, 18/304 stainless steel construction, galvanized steel legs, 1" adjustable plastic bullet feet, KD, NSF	$866.96	$866.96
	1 kt	SM-SLS18 Stainless Steel Legs in Lieu of Standard Galvanized, 19"H, with stainless steel adjustable foot, set of (4) (for use with compartment sinks with 14" deep bowls ONLY), NSF (UPCHARGE)	$89.51	$89.51
			ITEM TOTAL:	**$956.47**
1.1	1 ea	**FAUCET CONTROL VALVE** Fisher Model No. 64769 Control Valve, backsplash mount, 8" centers, EZ install adapters, 12" swing spout, lever handles with color coded indexes, 1/2" inlets, stainless steel seats, brass construction	$163.52	$163.52
			ITEM TOTAL:	**$163.52**
1.2	2 ea	**DRAIN, LEVER / TWIST WASTE** Fisher Model No. 22209 DrainKing Waste Valve, with flat strainer, 12 GPM drain rate, dual teflon seals, stainless steel ball, cast red brass body	$122.27	$244.54
			ITEM TOTAL:	**$244.54**
1.3	2 ea	**SHELVING WALL MOUNTS** Thunder Group Model No. WBSV014 Packed 4 ea Wall Bracket, 14"D, single, chrome plated finish, NSF	$13.43	$26.86
			ITEM TOTAL:	**$26.86**
1.4	2 ea	**WIRE SHELVING** Sapphire Manufacturing Model No. SMWCS14-48 Shelf, (14" x 48") includes: (4) sleeve clips per shelf, wire, chrome plated finish, NSF (per pack = 2 each)	$35.82	$71.64
			ITEM TOTAL:	**$71.64**
2	1 ea	**DISHWASHER, DOOR TYPE** CMA Dishmachines Model No. E-C Energy Mizer® Dishwasher, door type, 25-3/4" W, low temperature chemical sanitizing, top mounted controls, corner design, (40) racks/hour, external sump, Poly Pro™ scrap accumulator, auto	$4,425.72	$4,425.72

Item	Qty	Description	Sell	Sell Total
		start/stop, stainless steel construction, 17" door opening, includes (1) open & (1) peg rack, 1 HP wash pump, ETL-Sanitation, cULus		
	1 ea	115v/60/1-ph, 16.0 amps, standard		
			ITEM TOTAL:	**$4,425.72**
2.1	1 ea	**DISHWASHER, DOOR TYPE**	$4,425.72	<Optional>
		CMA Dishmachines Model No. E-C Energy Mizer® Dishwasher, door type, 25-3/4" W, low temperature chemical sanitizing, top mounted controls, corner design, (40) racks/hour, external sump, Poly Pro™ scrap accumulator, auto start/stop, stainless steel construction, 17" door opening, includes (1) open & (1) peg rack, 1 HP wash pump, ETL-Sanitation, cULus		
	1 ea	220v/60/1-ph, 7 amps (without plug)	$240.35	<Optional>
			ITEM TOTAL: <Optional>	**$4,666.07**
2.1	1 ea	**SOILED DISHTABLE**	$796.39	$796.39
		Sapphire Manufacturing Model No. SMSDT-36L Soiled Dishtable, straight, left-to-right operation, 36"W x 30"D x 44-1/2"H overall size, (1) 20"W x 20" front-to-back x 5" deep pre-rinse sink (includes pre-rinse basket & 3-1/2" drain basket), 10-1/2"H backsplash, (1) set of splash mount faucet holes with 8" centers, 1-1/2" rolled front & side rims, 16/304 stainless steel top, stainless steel legs with welded cross brace & adjustable bullet feet, KD, NSF		
			ITEM TOTAL:	**$796.39**
2.2	1 ea	**PRE-RINSE FAUCET ASSEMBLY**	$339.33	$339.33
		Fisher Model No. 2210-WB Pre-Rinse Assembly, 8" adjustable centers, wall-mounted mixing valve, with spring action flexible gooseneck, with Ultra-Spray™/PLUS spray valve (1.15 gallons per minute @ 60 PSI), with wall bracket		
			ITEM TOTAL:	**$339.33**
2.3	1 ea	**CLEAN DISHTABLE**	$433.28	$433.28
		Sapphire Manufacturing Model No. SMCDT-36R Clean Dishtable, straight, left-to-right operation, 36"W x 30"D x 44-1/2"H overall size, 10-1/2"H backsplash, 1-1/2" rolled front & side rims, 16/304 stainless steel top, stainless steel legs with welded cross brace & adjustable bullet feet, KD, NSF		
			ITEM TOTAL:	**$433.28**
3	1 ea	**HAND SINK**	$129.67	$129.67
		Sapphire Manufacturing Model No. SMHS-01 Hand Sink, wall-mounted, open sided, 17"W x 15"D x 14"H overall, with a 14"W x 10"D (front to back) bowl that is 5-1/2" deep, 4" OC splash mount faucet holes, 8-1/2" backsplash and raised edges. Includes a 3-1/2" gooseneck faucet (Tap item # TWMF-435G) with a two-year warranty, basket drain and wall mounting clip. Constructed of 20/304 stainless steel, NSF		
			ITEM TOTAL:	**$129.67**
4/5	1 ea	**WORK TABLE, STAINLESS STEEL TOP**	$837.55	$837.55
		Sapphire Manufacturing Model No. SMTB-3096S Work Table, 96"W x 30"D, 18/400 stainless steel reinforced top, 1-1/2" rounded front edge, flat edge on both ends, 5" backsplash, adjustable stainless steel undershelf, (6) stainless steel tubular legs, 1" adjustable stainless steel bullet feet, KD, NSF		
	1 ea		$399.97	$399.97

Item	Qty	Description	Sell	Sell Total
		SMDOS-1296 Overshelf, table mounted, double, 96"W x 12"D, rolled rim edges at front and rear, flat edge at ends, adjustable bottom shelf, 18/400 series stainless steel construction, 1" stainless steel tubular posts, KD, NSF		
			ITEM TOTAL:	**$1,237.52**
6	1 ea	**ONE (1) COMPARTMENT SINK**	$496.33	$496.33
		Sapphire Manufacturing Model No. SMS2424 Sink, 1-compartment, 29"W x 29-1/2"D x 44-1/4"H overall size, (1) 24"W x 24" front-to-back x 14" deep compartment, 9-3/4"H backsplash, (1) set of splash mount faucet holes with 8" centers, 1-1/2" rounded edge on working sides, 18/304 stainless steel construction, galvanized steel legs, 1" adjustable plastic bullet feet, KD, NSF		
	1 kt	SM-SLS18 Stainless Steel Legs in Lieu of Standard Galvanized, 19"H, with stainless steel adjustable foot, set of (4) (for use with compartment sinks with 14" deep bowls ONLY), NSF (UPCHARGE)	$93.09	$93.09
			ITEM TOTAL:	**$589.42**
6.1	1 ea	**WALL / SPLASH MOUNT FAUCET**	$177.41	$177.41
		 Fisher Model No. 64750 Faucet, backsplash mount, 8" centers, 10" swing spout, lever handles with color coded indexes, 1/2" NPT male inlets, with EZ Install Adapters, brass, CSA, ADA Compliant		
	1 ea	1 year warranty against defects in materials or workmanship, standard		
			ITEM TOTAL:	**$177.41**
7	1 ea	**WORK TABLE, STAINLESS STEEL TOP**	$476.06	$476.06
		Sapphire Manufacturing Model No. SMT-2472S Work Table, 72"W x 24"D, 18/400 stainless steel reinforced top, 1-1/2" rounded edge on front & rear, flat edge on both ends, adjustable stainless steel undershelf, (4) stainless steel tubular legs, 1" adjustable stainless steel bullet feet, KD, NSF		
	1 ea	SMDOS-1272 Overshelf, table mounted, double, 72"W x 12"D, rolled rim edges at front and rear, flat edge at ends, adjustable bottom shelf, 18/400 series stainless steel construction, 1" stainless steel tubular posts, KD, NSF	$287.11	$287.11
	1 st	SM-CS229 Stem Caster, for (4) leg tables/equipment stands, 5" polyurethane wheel, 250 lbs. wheel load capacity, adds 6" to height, set of (4) (2 with locks), retail boxed	$70.46	$70.46
			ITEM TOTAL:	**$833.63**
8	1 ea	**MEGA TOP SANDWICH / SALAD PREPARATION REFRIGERATOR**	$4,737.05	$4,737.05
		Continental Refrigerator Model No. SW48N18M Mighty Top Sandwich Unit, 48"W, 13.4 cu ft capacity, two-section, (18) 1/6 size x 4" deep pans with 8" cutting board, (2) field rehingeable doors, stainless steel top, front & end panels, aluminum back & interior, rear mounted self-contained refrigeration, automatic hot gas condensate evaporator, R290 hydrocarbon refrigerant, 1/4 hp, cETLus, NSF		
	1 ea	Standard warranty (for the United States & Canada Only): 3 year parts and labor; additional 4 year compressor part		
	1 ea	115v/60/1-ph, 4.5 amps, cord, NEMA 5-15P, standard		
	1 ea	Left Door hinged on left & right door hinged on right, standard		
	1 ea	Casters, 5" standard		
			ITEM TOTAL:	**$4,737.05**
12	1 ea	**REACH-IN REFRIGERATOR**	$5,285.34	$5,285.34
		Continental Refrigerator Model No. 2RN Refrigerator, reach-in, two-section, self-contained refrigeration, stainless steel front, aluminum interior & ends, standard depth, full-		

Item	Qty	Description	Sell	Sell Total
		 height solid doors, cylinder locks, electronic control with digital display, hi-low alarm, electric condensate evaporator, R290 hydrocarbon refrigerant, 1/3 HP, cETLus, NSF, ENERGY STAR®		
	1 ea	Standard warranty (for the United States & Canada Only): 3 year parts and labor; additional 4 year compressor part		
	1 ea	115v/60/1-ph, 6.9 amps, cord, NEMA 5-15P, standard		
	1 ea	Left Door hinged on left & right door hinged on right, standard		
	1 ea	5" Casters, standard		
			ITEM TOTAL:	**$5,285.34**
13	1 ea	**REACH-IN FREEZER**	$4,970.85	$4,970.85
		Continental Refrigerator Model No. 1FN Freezer, reach-in, one-section, 20 cu. ft., self-contained refrigeration, stainless steel front, aluminum interior & ends, standard depth, full-height solid door, cylinder lock, LED interior lighting, electronic control with digital display, unit can be adjusted to operate as low as -10°F, hi-low alarm, electric condensate evaporator, R290 Hydrocarbon refrigerant, 1/2 HP, cETLus, NSF, ENERGY STAR®		
	1 ea	Standard warranty (for the United States & Canada Only): 3 year parts and labor; additional 4 year compressor part		
	1 ea	115v/60/1-ph, 7.6 amps, cord, NEMA 5-15P, standard		
	1 ea	Door hinged on left		
	1 ea	5" Casters, standard		
			ITEM TOTAL:	**$4,970.85**
14	5 ea	**WIRE SHELVING**	$35.82	$179.10
		Sapphire Manufacturing Model No. SMWCS18-42 Shelf, (18" x 42") includes: (4) sleeve clips per shelf, wire, chrome plated finish, NSF (per pack = 2 each)		
	4 ea	SMCP-74 Post, (74") for wire shelving, with non-skid, adjustable foot, chrome-plated finish , NSF (per pack = 4 each)	$14.48	$57.92
			ITEM TOTAL:	**$237.02**
15	5 ea	**WIRE SHELVING**	$39.96	$199.80
		Sapphire Manufacturing Model No. SMWCS18-48 Shelf, (18" x 48") includes: (4) sleeve clips per shelf, wire, chrome plated finish, NSF (per pack = 2 each)		
	4 ea	SMCP-74 Post, (74") for wire shelving, with non-skid, adjustable foot, chrome-plated finish , NSF (per pack = 4 each)	$14.48	$57.92
			ITEM TOTAL:	**$257.72**
			Subtotal	$25,913.38
			Total	$25,913.38

ALL ABOVE PUT INSIDE AND SET UP READY FOR FINAL INSTALL BY OTHER
ALL WIRE SHELVING INSTALL BY OTHER
ALL OPENING CUSTOMER RESPONSIBILITY TO MAKE SURE EQUIPMENT WILL FIT
PRICE SUBJECT TO CHANGE WITH FACTORY PRICE CHANGES
IF PAID BY CREDIT CARD ADD ON 3.5% TOTAL TOTAL.

Acceptance: _____ Date: _____

Printed Name: _____

INSTRUCTIONS TO BIDDERS

1. All bids must be submitted before **10:15 a.m. on May 5, 2023,** the day of opening.

2. Electronic and in person proposals for the furnishing and delivery of goods/services as required for the Town of Rotterdam, as set forth in the specifications prepared by the Town Board and received by **10:15 a.m. May 5, 2023** will be opened electronically and in person at that time, via Empire State Purchasing Group on the BidNet website (http://www.bidnetdirect.com/townofrotterdam). The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet by the close of business the same day, of all bid submissions received. Additionally, the official bid report and all bids shall be available in the Office of the Town Clerk for public inspection during regular business hours.

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

4. Purchases made by the Town of Rotterdam are not subject to State or local taxes or Federal excise taxes. Exemption certificates will be furnished upon request.

5. An "Affidavit of Non-Collusion" is attached and forms a part of this bid proposal. By submission of this bid, each bidder and each person signing on behalf of any bidder, certifies under penalty of perjury, that to the best of his/her knowledge and belief that the prices of the bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter related to such prices with any other bidder or competitor; that the prices quoted have not and will not be disclosed prior to opening, directly or indirectly, to any other bidder or competitor; that no attempt has been or will be made to induce any other person, partnership or corporation to submit or not submit a bid for the purpose of restricting competition. Each bidder must state that no officer of the Town of Rotterdam or member of the Town Board is directly or indirectly interested in the proposal. Failure to sign this statement will constitute grounds for rejection of bid.

6. Each bidder must acknowledge receipt of and comply with the Town's Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace policy.

7. Bid proposals shall remain firm, pending bid award, for a period not to exceed thirty (30) days from the bid opening date.

8. The Town Board reserves the right to reject any or all bids and re-advertise.

9. All bids are to be on the basis of delivery prepaid to destination, which shall be buildings of the Town of Rotterdam as specified (if applicable).

10. Delivery(if applicable): Time is of the essence. Material is required as soon as possible and guaranteed date of delivery may be taken into consideration in making award. Upon failure to make delivery as promised, the Town Board of the Town of Rotterdam, New York, may consider the contract breached and will then feel free to go into the open market and to maintain an action against the contractor to recover any differences which the Town Board might stand to lose between the contract price and the market price.

11. Where items or articles or equipment or supplies are designated as manufactured by a specific manufacturer, it is to be understood that the articles as specified represent an accepted standard. Where certain brands of materials, apparatus, or equipment are specified, such goods have been selected in order to establish a standard for the particular service required, but it is not the intention to limit competition thereby. If the bidder proposes to furnish the article which is specified, he is to fill in the amount on the line indicated. If he desires to bid on a substitute for the article specified, which is claimed to be equivalent to the standard specified, the amount should be recorded and also identified as "substitute" bid and furnish the required information relating to the manufacturer. In cases where the bid is based upon a substitute article, the bidder will be asked to submit a sample. Samples will be returned, if desired, as soon as the award is made.

12. The Town Board of the Town of Rotterdam reserves the right to waiver any informalities on bids received, and to accept reasonable substitutes for specified items as long as such substitutes in no way affect the performance of the item for which the bid has been requested.

13. The approximate quantities shown in the bidding documents are not meant to imply that said quantities will in fact be purchased. Payment will be based on an "as delivered" basis at the facilities listed using actual quantities received.

14. Failure to adequately and fully complete the bid packet and/or questions contained in the RFP shall be disqualified and the bid shall be rejected.

NON-COLLUSION BIDDING CERTIFICATION

A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, an in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

B. A bid shall not be considered for award nor shall any award be made where (A), (1), (2), and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certificating, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reason therefore. Where (A), (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made or his designee, determines that such disclosure was not made for the purpose of restricting competition.

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

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

Name of Firm: Nino's Equipment, Inc.

Signed by: Noah Lugo Title: President

Signature: Noah Lugo Date: 5/4/2023

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

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

The foregoing is a true and correct copy of the resolution adopted by Nino's Equipment Inc. corporation at a meeting of its board of directors held on the 15 day of June, 2015.

(SEAL OF THE CORPORATION)

Signature of Secretary

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

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

Signature of Individual _____ Date _____

TOWN OF ROTTERDAM
WAIVER ON IMMUNITY CLAUSE

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

Name of Firm: Nino's Equipment, Inc.
Signed by: Ronald Puglisi Title: President
Signature: _____ Date: 5/4/23

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

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

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

Prohibited harassment (including sexual harassment) is not limited to the physical workplace itself. It can occur while Elected Officials, employees or other individuals covered by this policy are traveling for Town business or at Town sponsored events or parties. Calls, texts, emails, and social media usage by employees or other individuals covered by this policy can constitute workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

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

- Harassment: Unwanted, unreasonable verbal or physical conduct directed toward or affecting another person that disturbs, frightens, insults, threatens, intimidates, demeans, or offends that other person, that continues or is repeated after a request to cease, and that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities. Harassment includes offensive or inappropriate images or written materials or electronic communications (e.g. letters, e-mail, text messages, or graffiti) as well as bias-based harassment and sexual harassment (see below).

- Bias-Based Harassment: Harassment that denigrates, offends or shows hostility or aversion toward an individual on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Bias-based harassment includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written, electronic, or graphic material that denigrates, ridicules, objectifies, or shows hostility, aversion or contempt toward an individual or group and that is placed on walls, bulletin boards, lockers or elsewhere on or in the Town's premises, vehicles, or equipment, or is circulated in the workplace, including through electronic means.

- Discrimination: The Town of Rotterdam is an Equal Opportunity Employer. The Town does not unlawfully discriminate on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Unlawful discrimination based on membership in these categories is prohibited by applicable federal, state, or local laws. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, assignments, compensation, promotion, transfer, training, leave of absence, and termination.

Definition of Sexual Harassment – This policy places special attention on the prohibition of sexual harassment in the workplace.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

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

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;

- Such conduct is made either explicitly or implicitly a term or condition of employment; or

- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

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

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

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

- Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
- Sabotaging an individual's work;
- Bullying, yelling, name-calling.

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

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

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

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

Reporting of Discrimination and Harassment (including Sexual Harassment) – Reports of alleged discrimination and/or harassment (including sexual harassment) or retaliation may be made verbally or in writing. A form for the submission of a written complaint is attached to this policy and individuals are encouraged to use this form. If an individual chooses to submit a verbal complaint, such complaint will be recorded by the receiver of this complaint on this form. Employees are encouraged to report incidents of discrimination, harassment (including sexual harassment), or retaliation to their Department Head and/or the Town Supervisor as soon as possible after their occurrence. If the employee's Department Head is believed to be involved in the incident, or if the employee is not comfortable in addressing the incident with the Department Head, the report should be made directly to the Town Supervisor. If the Town Supervisor is believed to be involved in the incident or the employee is not comfortable reporting the incident

to the Town Supervisor, the employee should report the incident to a member of the Town Board. Employees who believe they have been discriminated against or harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, their Department Head, the Town Supervisor, or any member of the Town Board. Employees who work during off-hours are encouraged to contact their supervisor, their Department Head, the Town Supervisor, or any member of the Town Board at home if these individuals do not work during the employee's shift. Non-employees are encouraged to report incidents of alleged discrimination and harassment (including sexual harassment) to either the Department Head of the department where services are being provided, the Town Supervisor, or a member of the Town Board.

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

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

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

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

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

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

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

New York State Division of Human Rights (DHR)

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

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

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

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

Contact the Rotterdam Police Department

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

Chefs Depot

Culinary Depot

Chefs Depot Culinary Depot

Town of Rotterdam

Request for Bids

SENIOR CENTER KITCHEN EQUIPMENT

Bid Opening:

Friday, May 5, 2023

@ 10:15 A.M.

TOWN OF ROTTERDAM

BID FORM

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

SENIOR CENTER KITCHEN EQUIPMENT

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

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

	Signature		
Chefs Depot			
Name of Company or Corporation			
67 NT 59			
Address			
Spring Valley		NY	10977
City		***State***	***Zip***

Town of Rotterdam

Detailed Specifications:

SENIOR CENTER KITCHEN EQUIPMENT

	Description
	See Attached Bid Item ***Equipment List*** pgs. 1-5 Bidder agrees to deliver all items and place inside the Town of Rotterdam Senior Center located at 2639 Hamburg Street, Schenectady, NY 12303. **NOTE: Questions should be submitted in writing to Lloyd Denny, Department of Public Works at ldenny@rotterdamny.org, or by calling 518-355-7575 Ext. 330.**

Culinary DEPOT
BECAUSE THE RIGHT EQUIPMENT IS EVERYTHING™

www.culinarydepotinc.com

Office Locations: Monsey, NY | Lakewood, NJ | Columbia, SC | Miami, FL | Las Vegas, NV

05/04/2023

523398

Quote

Project: 05052023b

From: Culinary Depot
Yitzi Shaps
67 NY-59
Spring Valley, NY 10977
(888) 845-8200
845-414-2402 (Contact)

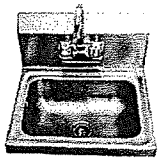
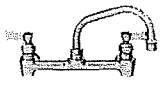
Job Reference Number: 142106

Item	Qty	Description	Sell	Sell Total
1	1 ea	**TWO (2) COMPARTMENT SINK** Sapphire Manufacturing SMS2424-2 Sink, 2-compartment, 53"W x 29-1/2"D x 44-1/4"H overall size, (2) 24"W x 24" front-to-back x 14" deep compartments, 9-3/4"H backsplash, (1) set of splash mount faucet holes with 8" centers, 1-1/2" rounded edge on working sides, 18/304 stainless steel construction, galvanized steel legs, 1" adjustable plastic bullet feet, KD, NSF	$832.28	$832.28
	1 kt	SM-SLS18 Stainless Steel Legs in Lieu of Standard Galvanized, 19"H, with stainless steel adjustable foot, set of (4) (for use with compartment sinks with 14" deep bowls ONLY), NSF (UPCHARGE)	$85.92	$85.92
			Extended Total:	**$918.20**
2	1 ea	**FAUCET CONTROL VALVE** Fisher 64769 Control Valve, backsplash mount, 8" centers, EZ install adapters, 12" swing spout, lever handles with color coded indexes, 1/2" inlets, stainless steel seats, brass construction	$139.19	$139.19
			Extended Total:	**$139.19**
3	2 ea	**DRAIN, LEVER / TWIST WASTE** Fisher 22209 (22209__1109) DrainKing Waste Valve, with flat strainer, 12 GPM drain rate, dual teflon seals, stainless steel ball, cast red brass body	$108.71	$217.42
			Extended Total:	**$217.42**

Initial: _____

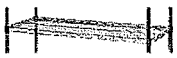
Item	Qty	Description	Sell	Sell Total
4	2 ea	**SHELVING BRACKET, POST MOUNT** 1880 Hospitality FPMB14SCH Packed 2 ea Focus Foodservice - Post Mount Wall Brackets, for wire shelving, single, for 14" deep shelf, includes: chromate shelf caps & plastic split sleeves, for dry storage, chromate finish	$25.83	$51.66
		Extended Total:		**$51.66**
5	1 ea	**WIRE SHELVING** 1880 Hospitality FF1448C Packed 4 ea Focus Foodservice - Wire Shelf, 800 lb. weight capacity, 14"W x 48"L, for dry storage, zinc plated steel wire, chromate finish, clear coat, NSF	$42.33	$42.33
		Extended Total:		**$42.33**
6	1 ea	**DISHWASHER, DOOR TYPE** CMA Dishmachines E-C (E-C__13016) Energy Mizer® Dishwasher, door type, 25-3/4" W, low temperature chemical sanitizing, top mounted controls, corner design, (40) racks/hour, external sump, Poly Pro™ scrap accumulator, auto start/stop, stainless steel construction, 17" door opening, includes (1) open & (1) peg rack, 1 HP wash pump, ETL-Sanitation, cULus	$3,911.95	$3,911.95
	1 ea	115v/60/1-ph, 16.0 amps, standard		
		Extended Total:		**$3,911.95**
7	1 ea	**SOILED DISHTABLE** Sapphire Manufacturing SMSDT-36L Soiled Dishtable, straight, left-to-right operation, 36"W x 30"D x 44-1/2"H overall size, (1) 20"W x 20" front-to-back x 5" deep pre-rinse sink (includes pre-rinse basket & 3-1/2" drain basket), 10-1/2"H backsplash, (1) set of splash mount faucet holes with 8" centers, 1-1/2" rolled front & side rims, 16/304 stainless steel top, stainless steel legs with welded cross brace & adjustable bullet feet, KD, NSF	$764.54	$764.54
		Extended Total:		**$764.54**
8	1 ea	**PRE-RINSE FAUCET ASSEMBLY** Fisher 2210-WB Pre-Rinse Assembly, 8" adjustable centers, wall-mounted mixing valve, with spring action flexible gooseneck, with Ultra-Spray™/PLUS spray valve (1.15 gallons per minute @ 60 PSI), with wall bracket	$288.84	$288.84
		Extended Total:		**$288.84**
9	1 ea	**CLEAN DISHTABLE** Sapphire Manufacturing SMCDT-36R Clean Dishtable, straight, left-to-right operation, 36"W x 30"D x 44-1/2"H overall size, 10-1/2"H backsplash, 1-1/2" rolled front & side rims, 16/304 stainless steel top, stainless steel legs with welded cross brace & adjustable bullet feet, KD, NSF	$415.95	$415.95
		Extended Total:		**$415.95**

Initial: _____

Item	Qty	Description	Sell	Sell Total
10	1 ea	**HAND SINK**	$124.48	$124.48
		Sapphire Manufacturing SMHS-01 Hand Sink, wall-mounted, open sided, 17"W x 15"D x 14"H overall, with a 14"W x 10"D (front to back) bowl that is 5-1/2" deep, 4" OC splash mount faucet holes, 8-1/2" backsplash and raised edges. Includes a 3-1/2" gooseneck faucet (Tap item # TWMF-435G) with a two-year warranty, basket drain and wall mounting clip. Constructed of 20/304 stainless steel, NSF		
			Extended Total:	**$124.48**
11	1 ea	**WORK TABLE, STAINLESS STEEL TOP**	$744.49	$744.49
		Sapphire Manufacturing SMTB-3096S Work Table, 96"W x 30"D, 18/400 stainless steel reinforced top, 1-1/2" rounded front edge, flat edge on both ends, 5" backsplash, adjustable stainless steel undershelf, (6) stainless steel tubular legs, 1" adjustable stainless steel bullet feet, KD, NSF		
	1 ea	SMDOS-1296 Overshelf, table mounted, double, 96"W x 12"D, rolled rim edges at front and rear, flat edge at ends, adjustable bottom shelf, 18/400 series stainless steel construction, 1" stainless steel tubular posts, KD, NSF	$355.53	$355.53
			Extended Total:	**$1,100.02**
12	1 ea	**ONE (1) COMPARTMENT SINK**	$458.15	$458.15
		Sapphire Manufacturing SMS2424 Sink, 1-compartment, 29"W x 29-1/2"D x 44-1/4"H overall size, (1) 24"W x 24" front-to-back x 14" deep compartment, 9-3/4"H backsplash, (1) set of splash mount faucet holes with 8" centers, 1-1/2" rounded edge on working sides, 18/304 stainless steel construction, galvanized steel legs, 1" adjustable plastic bullet feet, KD, NSF		
	1 kt	SM-SLS18 Stainless Steel Legs in Lieu of Standard Galvanized, 19"H, with stainless steel adjustable foot, set of (4) (for use with compartment sinks with 14" deep bowls ONLY), NSF (UPCHARGE)	$85.92	$85.92
			Extended Total:	**$544.07**
13	1 ea	**WALL / SPLASH MOUNT FAUCET**	$151.01	$151.01
		Fisher 64750 Faucet, backsplash mount, 8" centers, 10" swing spout, lever handles with color coded indexes, 1/2" NPT male inlets, with EZ Install Adapters, brass, CSA, ADA Compliant		
	1 ea	1 year warranty against defects in materials or workmanship, standard		
			Extended Total:	**$151.01**

Initial: _____

Item	Qty	Description	Sell	Sell Total
14	1 ea	**WORK TABLE, STAINLESS STEEL TOP** Sapphire Manufacturing SMT-2472S Work Table, 72"W x 24"D, 18/400 stainless steel reinforced top, 1-1/2" rounded edge on front & rear, flat edge on both ends, adjustable stainless steel undershelf, (4) stainless steel tubular legs, 1" adjustable stainless steel bullet feet, KD, NSF	$439.44	$439.44
	1 ea	SMDOS-1272 Overshelf, table mounted, double, 72"W x 12"D, rolled rim edges at front and rear, flat edge at ends, adjustable bottom shelf, 18/400 series stainless steel construction, 1" stainless steel tubular posts, KD, NSF	$265.03	$265.03
	1 st	SM-CS229 Stem Caster, for (4) leg tables/equipment stands, 5" polyurethane wheel, 250 lbs. wheel load capacity, adds 6" to height, set of (4) (2 with locks), retail boxed	$65.04	$65.04
			Extended Total:	**$769.51**
15	1 ea	**MEGA TOP SANDWICH / SALAD PREPARATION REFRIGERATOR** Continental Refrigerator SW48N18M Mighty Top Sandwich Unit, 48"W, 13.4 cu ft capacity, two-section, (18) 1/6 size x 4" deep pans with 8" cutting board, (2) field rehingeable doors, stainless steel top, front & end panels, aluminum back & interior, rear mounted self-contained refrigeration, automatic hot gas condensate evaporator, R290 hydrocarbon refrigerant, 1/4 hp, cETLus, NSF	$4,487.27	$4,487.27
	1 ea	Standard warranty (for the United States & Canada Only): 3 year parts and labor; additional 4 year compressor part		
	1 ea	115v/60/1-ph, 4.5 amps, cord, NEMA 5-15P, standard		
	1 ea	Left Door hinged on left & right door hinged on right, standard		
	1 ea	Casters, 5" standard		
			Extended Total:	**$4,487.27**
16	1 ea	**REACH-IN REFRIGERATOR** Continental Refrigerator 2RN Refrigerator, reach-in, two-section, self-contained refrigeration, stainless steel front, aluminum interior & ends, standard depth, full-height solid doors, cylinder locks, electronic control with digital display, hi-low alarm, electric condensate evaporator, R290 hydrocarbon refrigerant, 1/3 HP, cETLus, NSF, ENERGY STAR®	$5,006.66	$5,006.66
	1 ea	Standard warranty (for the United States & Canada Only): 3 year parts and labor; additional 4 year compressor part		
	1 ea	115v/60/1-ph, 6.9 amps, cord, NEMA 5-15P, standard		
	1 ea	Left Door hinged on left & right door hinged on right, standard		
	1 ea	5" Casters, standard		
			Extended Total:	**$5,006.66**

Item	Qty	Description	Sell	Sell Total
17	1 ea	**REACH-IN FREEZER**	$4,708.74	$4,708.74
		Continental Refrigerator 1FN Freezer, reach-in, one-section, 20 cu. ft., self-contained refrigeration, stainless steel front, aluminum interior & ends, standard depth, full-height solid door, cylinder lock, LED interior lighting, electronic control with digital display, unit can be adjusted to operate as low as -10°F, hi-low alarm, electric condensate evaporator, R290 Hydrocarbon refrigerant, 1/2 HP, cETLus, NSF, ENERGY STAR®		
	1 ea	Standard warranty (for the United States & Canada Only): 3 year parts and labor; additional 4 year compressor part		
	1 ea	115v/60/1-ph, 7.6 amps, cord, NEMA 5-15P, standard		
	1 ea	Door hinged on right, standard		
	1 ea	5" Casters, standard		
			Extended Total:	**$4,708.74**
18	5 ea	**WIRE SHELVING**	$49.21	$246.05
		1880 Hospitality FF1842C Packed 4 ea Focus Foodservice - Wire Shelf, 800 lb. weight capacity, 18"W x 42"L, for dry storage, zinc plated steel wire, chromate finish, clear coat, NSF		
	4 ea	FG074C Focus Foodservice - Post, 74"H, stationary, grooved at 1" increments, zinc plated leveling feet, for dry storage, chromate finish, NSF	$17.59	$70.36
			Extended Total:	**$316.41**
19	5 ea	**WIRE SHELVING**	$49.21	$246.05
		1880 Hospitality FF1848C Packed 4 ea Focus Foodservice - Wire Shelf, 800 lb. weight capacity, 18"W x 48"L, for dry storage, zinc plated steel wire, chromate finish, clear coat, NSF		
	4 ea	FG074C Focus Foodservice - Post, 74"H, stationary, grooved at 1" increments, zinc plated leveling feet, for dry storage, chromate finish, NSF	$17.59	$70.36
			Extended Total:	**$316.41**
20	1 ea	**INSTALL** Custom inside delivery/uncrate/set in place for all items	$2,150.00	$2,150.00
			Extended Total:	**$2,150.00**
			Total	$26,424.66

Acceptance: _____ Date: _____

Printed Name: _____

Project Grand Total: $26,424.66

INSTRUCTIONS TO BIDDERS

1. All bids must be submitted before **10:15 a.m. on May 5, 2023,** the day of opening.

2. Electronic and in person proposals for the furnishing and delivery of goods/services as required for the Town of Rotterdam, as set forth in the specifications prepared by the Town Board and received by **10:15 a.m. May 5, 2023** will be opened electronically and in person at that time, via Empire State Purchasing Group on the BidNet website (http://www.bidnetdirect.com/townofrotterdam). The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet by the close of business the same day, of all bid submissions received. Additionally, the official bid report and all bids shall be available in the Office of the Town Clerk for public inspection during regular business hours.

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

4. Purchases made by the Town of Rotterdam are not subject to State or local taxes or Federal excise taxes. Exemption certificates will be furnished upon request.

5. An "Affidavit of Non-Collusion" is attached and forms a part of this bid proposal. By submission of this bid, each bidder and each person signing on behalf of any bidder, certifies under penalty of perjury, that to the best of his/her knowledge and belief that the prices of the bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter related to such prices with any other bidder or competitor; that the prices quoted have not and will not be disclosed prior to opening, directly or indirectly, to any other bidder or competitor; that no attempt has been or will be made to induce any other person, partnership or corporation to submit or not submit a bid for the purpose of restricting competition. Each bidder must state that no officer of the Town of Rotterdam or member of the Town Board is directly or indirectly interested in the proposal. Failure to sign this statement will constitute grounds for rejection of bid.

6. Each bidder must acknowledge receipt of and comply with the Town's Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace policy.

7. Bid proposals shall remain firm, pending bid award, for a period not to exceed thirty (30) days from the bid opening date.

8. The Town Board reserves the right to reject any or all bids and re-advertise.

9. All bids are to be on the basis of delivery prepaid to destination, which shall be buildings of the Town of Rotterdam as specified (if applicable).

10. Delivery(if applicable): Time is of the essence. Material is required as soon as possible and guaranteed date of delivery may be taken into consideration in making award. Upon failure to make delivery as promised, the Town Board of the Town of Rotterdam, New York, may consider the contract breached and will then feel free to go into the open market and to maintain an action against the contractor to recover any differences which the Town Board might stand to lose between the contract price and the market price.

11. Where items or articles or equipment or supplies are designated as manufactured by a specific manufacturer, it is to be understood that the articles as specified represent an accepted standard. Where certain brands of materials, apparatus, or equipment are specified, such goods have been selected in order to establish a standard for the particular service required, but it is not the intention to limit competition thereby. If the bidder proposes to furnish the article which is specified, he is to fill in the amount on the line indicated. If he desires to bid on a substitute for the article specified, which is claimed to be equivalent to the standard specified, the amount should be recorded and also identified as "substitute" bid and furnish the required information relating to the manufacturer. In cases where the bid is based upon a substitute article, the bidder will be asked to submit a sample. Samples will be returned, if desired, as soon as the award is made.

12. The Town Board of the Town of Rotterdam reserves the right to waiver any informalities on bids received, and to accept reasonable substitutes for specified items as long as such substitutes in no way affect the performance of the item for which the bid has been requested.

13. The approximate quantities shown in the bidding documents are not meant to imply that said quantities will in fact be purchased. Payment will be based on an "as delivered" basis at the facilities listed using actual quantities received.

14. Failure to adequately and fully complete the bid packet and/or questions contained in the RFP shall be disqualified and the bid shall be rejected.

NON-COLLUSION BIDDING CERTIFICATION

A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, an in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

B. A bid shall not be considered for award nor shall any award be made where (A), (1), (2), and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certificating, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reason therefore. Where (A), (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made or his designee, determines that such disclosure was not made for the purpose of restricting competition.

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

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

Name of Firm: Chris Depot

Signed by: Mitch Skaps Title: Sales

Signature: Date: 5/4/23

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

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

The foregoing is a true and correct copy of the resolution adopted by Chefs Depot corporation at a meeting of its board of directors held on the 1st day of Jan, 2023.

(SEAL OF THE CORPORATION)

Signature of Secretary

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

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

Signature of Individual

5/4/23
Date

TOWN OF ROTTERDAM WAIVER ON IMMUNITY CLAUSE

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

Name of Firm: Chefs Depot

Signed by: Yitzi Shapiro Title: Sales

Signature: Date: 5/4/23

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

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

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

Prohibited harassment (including sexual harassment) is not limited to the physical workplace itself. It can occur while Elected Officials, employees or other individuals covered by this policy are traveling for Town business or at Town sponsored events or parties. Calls, texts, emails, and social media usage by employees or other individuals covered by this policy can constitute workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

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

- Harassment: Unwanted, unreasonable verbal or physical conduct directed toward or affecting another person that disturbs, frightens, insults, threatens, intimidates, demeans, or offends that other person, that continues or is repeated after a request to cease, and that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities. Harassment includes offensive or inappropriate images or written materials or electronic communications (e.g. letters, e-mail, text messages, or graffiti) as well as bias-based harassment and sexual harassment (see below).

- Bias-Based Harassment: Harassment that denigrates, offends or shows hostility or aversion toward an individual on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Bias-based harassment includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written, electronic, or graphic material that denigrates, ridicules, objectifies, or shows hostility, aversion or contempt toward an individual or group and that is placed on walls, bulletin boards, lockers or elsewhere on or in the Town's premises, vehicles, or equipment, or is circulated in the workplace, including through electronic means.

- Discrimination: The Town of Rotterdam is an Equal Opportunity Employer. The Town does not unlawfully discriminate on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Unlawful discrimination based on membership in these categories is prohibited by applicable federal, state, or local laws. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, assignments, compensation, promotion, transfer, training, leave of absence, and termination.

Definition of Sexual Harassment – This policy places special attention on the prohibition of sexual harassment in the workplace.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

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

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;

- Such conduct is made either explicitly or implicitly a term or condition of employment; or

- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

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

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

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

- Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
- Sabotaging an individual's work;
- Bullying, yelling, name-calling.

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

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

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

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

Reporting of Discrimination and Harassment (including Sexual Harassment) – Reports of alleged discrimination and/or harassment (including sexual harassment) or retaliation may be made verbally or in writing. A form for the submission of a written complaint is attached to this policy and individuals are encouraged to use this form. If an individual chooses to submit a verbal complaint, such complaint will be recorded by the receiver of this complaint on this form. Employees are encouraged to report incidents of discrimination, harassment (including sexual harassment), or retaliation to their Department Head and/or the Town Supervisor as soon as possible after their occurrence. If the employee's Department Head is believed to be involved in the incident, or if the employee is not comfortable in addressing the incident with the Department Head, the report should be made directly to the Town Supervisor. If the Town Supervisor is believed to be involved in the incident or the employee is not comfortable reporting the incident

to the Town Supervisor, the employee should report the incident to a member of the Town Board. Employees who believe they have been discriminated against or harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, their Department Head, the Town Supervisor, or any member of the Town Board. Employees who work during off-hours are encouraged to contact their supervisor, their Department Head, the Town Supervisor, or any member of the Town Board at home if these individuals do not work during the employee's shift. Non-employees are encouraged to report incidents of alleged discrimination and harassment (including sexual harassment) to either the Department Head of the department where services are being provided, the Town Supervisor, or a member of the Town Board.

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

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

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

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

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

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

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

New York State Division of Human Rights (DHR)

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

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

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

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

Contact the Rotterdam Police Department

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

Pueblo Hotel Supply/ Gradys