

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**

December 14, 2022

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 Julius Boreali
- Presentation honoring the Rotterdam Police Department

PUBLIC HEARING

- For the potential enactment of Introductory Local Law No. 9 of 2022 to amend Chapter 270 of the Town Code of the Town of Rotterdam, Zoning, relating to designating zoning districts in which adult-use cannabis retail dispensaries and adult-use cannabis on-site consumption facilities shall be permissible and adopting regulations for such uses.
- For the potential enactment of Introductory Local Law No. 10 of 2022 relating to the establishment of a 12-month moratorium on solar farms and solar power plants.

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

- 328.22** To accept Town Board meeting minutes.
- 329.22** To appoint a part time confidential records management liaison.
- 330.22** To appoint Nicholas Tietz to water and sewer maintenance worker.
- 331.22** To appoint Peter Greisler to water and sewer maintenance worker.
- 332.22** To authorize change order two(2) for the Wellfield chlorination building with Brunswick Electric, Inc.
- 333.22** To authorize a release of retainage to Brunswick Electric Inc.
- 334.22** To authorize a permanent easement to National Grid for the Inghams Rotterdam Project.
- 335.22** To authorize an agreement with Ausfeld and Waldruff Land Surveyors LLP.
- 336.22** To authorize an agreement with R.M Dalrymple Company, Inc.
- 337.22** Accept and award contract for the purchase of two(2) Navistar Model HV507 SFA single axle trucks equipped with snow equipment & dump body.
- 338.22** Accept and award contract for vehicle repair and maintenance services for the Rotterdam Police Department vehicles.
- 339.22** Accept and award contract for car wash services for the Rotterdam Police Department vehicles.
- 340.22** Accept and award contract for dry cleaning services for the Rotterdam Police Department.
- 341.22** To accept revenue for Town Clerk's office for October 2022.
- 342.22** To approve budget transfers to the 2022 and 2023 budget.
- 343.22** To authorize a first amendment to MJ Engineering Consultant.
- 344.22** To authorize an agreement with Rotterdam Heating and Air Conditioning.
- 345.22.** Resolution for a SEQRA Determination of Significance for adoption of the Comprehensive Plan.
- 346.22** Adoption of the Town of Rotterdam Comprehensive Plan.
- 347.22** To enact Introductory Local Law No. 10 of 2022; Establish a 12-month moratorium on solar farms and solar power plants.

348.22 To authorize the purchase of one Kubota tractor for the Parks Department.

349.22 To authorize healthcare insurance contracts for 2023.

350.22 To call for a Public Hearing concerning the applications of Beukendaal Temple Association, Cyprus Shriners, Schenectady Shrine Club, and Notre Dame Bishop Gibbons School for a hardship determination and licensing in connection with conducting bingo/games of chance operations within the Town of Rotterdam.

LIAISON REPORTS

MISCELLANEOUS

EXECUTIVE SESSION

- Personnel matter relating to employee No. 12142022 with invited guest, Labor Attorney Nathaniel J. Nichols.

ADJOURNMENT

Mollie A. Collins, Supervisor

12/14/2022

PUBLIC HEARING

#1

- **For the potential enactment of Introductory Local Law No. 9 of 2022 to amend Chapter 270 of the Town Code of the Town of Rotterdam, Zoning, relating to designating zoning districts in which adult-use cannabis retail dispensaries and adult-use cannabis on-site consumption facilities shall be permissible and adopting regulations for such uses.**

RESOLUTION NO. 301.22

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, October 26, 2022, at 7:00 p.m., the following resolution was duly adopted:

**TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW NO. 9
OF 2022 AND AUTHORIZING COMMENCEMENT OF THE REVIEW AND
ADOPTION PROCESS**

**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. 9 of 2022, which would designate zoning districts in which adult-use cannabis retail dispensaries and adult-use on-site consumption facilities would be permissible and would regulate same.

SECTION 2. The Town Board hereby determines that the proposed enactment of Local Law No. 9 of 2022 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 establishes itself as lead agency for purposes of conducting the SEQRA review.

SECTION 3. The Town Board hereby authorizes the Town Senior Planner to prepare, file, publish, and distribute all documents necessary to comply with 6 NYCRR Part 617 (SEQRA).

SECTION 4. The Town Board hereby authorizes and directs the Town Senior Planner to refer Introductory Local Law No. 9 of 2022 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

SECTION 5. The Town Board hereby authorizes and directs the Town Senior Planner to refer Introductory Local Law No. 9 of 2022 to the Schenectady County Department of Economic Development & Planning pursuant to N.Y. General Municipal Law § 239-m and to circulate such other notices as may be required by law.

SECTION 6. The Town Clerk is hereby directed to publish in the official newspaper of the Town of Rotterdam not less than ten (10) days prior to the date designated for the public hearing provided for hereby the following notice:

**TOWN OF ROTTERDAM
NOTICE OF HEARING**

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a public hearing at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 at 7:00 p.m. on the 14th day of December, 2022 for the following purpose:

For receipt of comment on the potential enactment of Introductory Local Law No. 9 of 2022 to amend Chapter 270 of the Town Code of the Town of Rotterdam, Zoning, relating to designating zoning districts in which adult-use cannabis retail dispensaries and adult-use cannabis on-site consumption facilities shall be permissible and adopting regulations for such uses.

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

DATED: October 26, 2022
Daily Gazette: Please publish once on December 1, 2022
Town Clerk
Post

SECTION 7. This resolution shall become effective October 26, 2022.

DATED: October 26, 2022

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on October 26, 2022, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this October 28, 2022.



Diane M. Marco

Diane M. Marco, Town Clerk

Type text here

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

Introductory Local Law No. 9 of the year 2022

**A LOCAL LAW TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE OF
THE TOWN OF ROTTERDAM**

Be it enacted by the Town Board of the Town of Rotterdam as follows:

See attached.

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

TOWN OF ROTTERDAM

INTRODUCTORY LOCAL LAW NO. 9 OF THE YEAR 2022

A LOCAL LAW TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE OF THE TOWN OF ROTTERDAM

SECTION 1 – TITLE

This local law shall be referred to as “A Local Law to Amend Chapter 270, Zoning, of the Town Code of the Town of Rotterdam”.

SECTION 2 – AUTHORITY

This local law is enacted by the Town Board of the Town of Rotterdam pursuant to the N.Y. Municipal Home Rule Law, N.Y. Town Law Article 16, and N.Y. Cannabis Law § 131.

SECTION 3 – AMENDMENTS

Chapter 270, Zoning, of the Town Code of the Town of Rotterdam shall be amended as follows:

- A. Section 270-5, relating to definitions of terms, is hereby amended to add the following definitions of terms, to be inserted in proper alphabetical order:

LICENSED ADULT-USE CANNABIS ON-SITE CONSUMPTION FACILITY

A facility or business at which the consumption of cannabis is allowed pursuant to a lawfully issued license for an adult-use cannabis on-site consumption location under the N.Y. Cannabis Law and regulations promulgated thereunder.

LICENSED ADULT-USE CANNABIS RETAIL DISPENSARY

A facility or business engaged in the acquisition, possession, sale and delivery of cannabis to cannabis consumers pursuant to a lawfully issued license for an adult-use cannabis retail dispensary under the N.Y. Cannabis Law and regulations promulgated thereunder, and not including any licensed adult-use cannabis on-site consumption facility.

B. Section 270-65, relating to special uses permissible within the B-2 General Business zoning district, is hereby amended to add a new Paragraph O to read in its entirety as follows:

O. Licensed adult-use cannabis retail dispensaries.

C. Section 270-73, relating to special uses permissible within the I-1 Light Industrial zoning district, is hereby amended to add new Paragraphs P and Q to read in their entirety as follows:

P. Licensed adult-use cannabis retail dispensaries.

Q. Licensed adult-use cannabis on-site consumption facilities.

D. Paragraph C of Section 270-75, relating to prohibited uses in the I-1 Light Industrial zoning district, is hereby amended to read in its entirety as follows:

C. All uses listed in the I-2 District, except those uses listed in this article as permitted.

E. Paragraph A of Section 270-83, relating to uses permitted as of right in the I-2 Heavy Industrial zoning district, is hereby amended to read in its entirety as follows:

A. All principal permitted and special uses listed in the I-1 District use regulations, except towers, licensed adult-use cannabis retail dispensaries, and licensed adult-use cannabis on-site consumption facilities.

F. Section 270-84, relating to special uses permissible within the I-2 Heavy Industrial zoning district, is hereby amended to add new Paragraphs H and I to read in their entirety as follows:

H. Licensed adult-use cannabis retail dispensaries.

I. Licensed adult-use cannabis on-site consumption facilities.

G. Paragraph G of Section 270-157, relating to prohibited home occupations, is hereby amended to add new subparagraphs (9) and (10) to read in their entirety as follows:

(9) Licensed adult-use cannabis retail dispensaries.

(10) Licensed adult-use cannabis on-site consumption facilities.

H. Article XVIII, relating to specific use regulations, is hereby amended to add a new Section 270-162.1, entitled “Licensed Adult-Use Cannabis Retail Dispensaries and On-Site Consumption Facilities”, to immediately follow Section 270-162 and to read in its entirety as follows:

§ 270-162.1. Licensed Adult-Use Cannabis Retail Dispensaries and On-Site Consumption Facilities.

A. Permissible locations of licensed adult-use cannabis retail dispensaries and licensed adult-use cannabis on-site consumption facilities.

(1) Licensed adult-use cannabis retail dispensaries are permissible in the B-2 General Business, I-1 Light Industrial, and I-2 Heavy Industrial Zoning Districts in the Town of Rotterdam upon issuance of a special use permit and site plan approval by the Planning Commission.

(2) Licensed adult-use cannabis on-site consumption facilities are permissible in the I-1 Light Industrial, and I-2 Heavy Industrial Zoning Districts in the Town of Rotterdam upon issuance of a special use permit and site plan approval by the Planning Commission.

B. All applications for licensed adult-use cannabis retail dispensaries and licensed adult-use cannabis on-site consumption facilities shall be reviewed and determined in accordance with the procedures and standards set forth in Article XVII (Site Plan Approval) and Article XIX (Special Use Permits) of this chapter. In addition, the following provisions shall apply:

(1) Licensed adult-use cannabis retail dispensaries and licensed adult-use cannabis on-site consumption facilities shall not open before 9 AM nor remain open after 9 PM Mondays through Saturdays and shall not open before 12 PM nor remain open after 6 PM on Sundays.

(2) Licensed adult-use cannabis retail dispensaries and licensed adult-use cannabis on-site consumption facilities shall comply with all location, distance and separation requirements imposed by state regulations and licensing.

(3) An applicant for a special use permit and site plan approval under this section shall demonstrate, through competent technical proof, that its proposal includes sufficient off-street parking to fully support the

anticipated parking load for the proposed use. Such competent technical proof shall include an assessment of parking loads at other established similar adult-use cannabis uses within the region (including, where appropriate, outside of New York State).

(4) An applicant for a special use permit and site plan approval under this section shall demonstrate that its proposal and the surrounding neighborhood includes sufficient pedestrian facilities and amenities (including as appropriate and without limitation, sidewalks, crosswalks, traffic signals, paths, bike lanes, benches, bus stops, and adequate lighting) to provide invitees a safe and efficient means to access the site through means other than by motor vehicle.

(5) An applicant for a special use permit and site plan approval under this section shall demonstrate that its proposal includes sufficient ingress and egress points designed to permit safe and efficient access from adjoining public streets and to avoid traffic congestion.

(6) An applicant for a special use permit and site plan approval under this section shall demonstrate that its proposed use will not cause discernable odors beyond the property line, or where the proposed use is permissible as one of multiple uses on the same lot, beyond the boundary of the area designated specifically for the proposed adult-use cannabis use (e.g., the tenant space).

(7) Any special use permit approval or site plan approval shall be deemed to be conditioned upon the applicant securing and continuously maintaining the appropriate state license for its proposed use. No applicant shall begin adult-use cannabis retail dispensary or adult-use cannabis on-site consumption facility operations until such state license has been issued, and proof thereof has been provided to the enforcement official of the Town. Any special use permit approval or site plan approval shall be deemed to expire upon the suspension, revocation, termination, non-renewal, or expiration of any such state license that results in any period of time during which the use lacks a current, effective and valid state license for such use.

I. Paragraph A of Section 270-169, relating to expiration of special use permits, is hereby amended to read in its entirety as follows:

A. Expiration. In addition to any other provisions set forth in this chapter relating to expiration of a special use permit, the following provisions shall apply:

(1) In any case where a special use is not in operation within one year after the date of granting thereof, the special use or authorization thereof shall be null and void.

(2) A special use permit shall expire if such use shall cease for more than six consecutive months for any reason.

- J. Article XXI, relating to miscellaneous provisions, is hereby amended to add a new Section 270-183.1, entitled “Severability”, to immediately follow Section 270-183 and to read in its entirety as follows:

§ 270-183.1. Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

SECTION 4 – SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this local law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this local law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 5 – EFFECTIVE DATE

This Local Law shall become effective upon filing with the New York Secretary of State.

(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 2022 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board of the Town of Rotterdam on _____, 2022 in accordance with the applicable 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 ____ in accordance with 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) (repassed after disapproval) by the _____ on _____ 20 ____.

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) (repassed after disapproval) by the _____ on _____ 20 ____.

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 ____, in accordance with the applicable provisions of law.

* 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 _____ 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 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 1, above.

Diane Marco, Town of Rotterdam Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: _____

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Introductory Local Law No. 9 of 2022 - A Local Law To Amend Chapter 270, Zoning, of the Town of Rotterdam Town Code (Cannabis)		
Project Location (describe, and attach a general location map): Town of Rotterdam		
Brief Description of Proposed Action (include purpose or need): Adult-use cannabis retail dispensaries and adult-use cannabis on-site consumption facilities are anticipated to be sited within the Town of Rotterdam. Introductory Local Law No. 9 of 2022 would designate the B-2 (General Business), I-1 (Light Industrial), and I-2 (Heavy Industrial) zoning districts as the zoning districts in which adult-use cannabis retail dispensaries would be permissible (by special use permit and site plan approval). It would also designate I-1 (Light Industrial) and I-2 (Heavy Industrial) as the zoning districts in which adult-use cannabis on-site consumption facilities would be permissible (by special use permit and site plan approval). Both such uses would be prohibited as home occupations. Both such uses would be subject to regulation, including restricted hours of operation, location/distancing requirements, and the life of the special use permit of any such use would be coterminous with the life of the appropriate state license for such use.		
Name of Applicant/Sponsor: Town Board of the Town of Rotterdam		Telephone: 518-355-7575
		E-Mail: mcollins@rotterdamny.org
Address: 1100 Sunrise Boulevard		
City/PO: Rotterdam	State: NY	Zip Code: 12306
Project Contact (if not same as sponsor; give name and title/role): Peter Comenzo, Senior Planner		Telephone: 518-355-7575
		E-Mail: pcomenzo@rotterdamny.org
Address: 1100 Sunrise Boulevard		
City/PO: Rotterdam	State: NY	Zip Code: 12306
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, ☒ Yes ☐ No or Village Board of Trustees	Town Board - Enactment of Local Law	10/26/2022
b. City, Town or Village ☐ Yes ☐ No Planning Board or Commission		
c. City, Town or ☐ Yes ☐ No Village Zoning Board of Appeals		
d. Other local agencies ☐ Yes ☐ No		
e. County agencies ☐ Yes ☐ No		
f. Regional agencies ☐ Yes ☐ No		
g. State agencies ☐ Yes ☐ No		
h. Federal agencies ☐ Yes ☐ No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		☐ Yes ☒ No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		☐ Yes ☒ No
iii. Is the project site within a Coastal Erosion Hazard Area?		☐ Yes ☒ No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☒ Yes ☐ No	
- If Yes, complete sections C, F and G. - If No, proceed to question C.2 and complete all remaining sections and questions in Part 1	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	☒ Yes ☐ No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	☒ Yes ☐ No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	☒ Yes ☐ No
If Yes, identify the plan(s): Remediation Sites:447001, Remediation Sites:447024, Remediation Sites:V00063, Remediation Sites:V00649, Remediation Sites:447027, Remediation Sites:447031, Remediation Sites:V00011, Remediation Sites:447005, Remediation Sites:447006, Remediation Sites:447004, NYS Heritage Areas:Mohawk Valley Heritage Corridor, NYS Heritage Areas:Schenectady	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	☒ Yes ☐ No
If Yes, identify the plan(s): _____ _____ _____	

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? B-2 (General Business), I-1 (Light Industrial), I-2 (Heavy Industrial)	☒ Yes ☐ No
b. Is the use permitted or allowed by a special or conditional use permit?	
☒ Yes ☐ No	
c. Is a zoning change requested as part of the proposed action? If Yes,	
☒ Yes ☐ No	
i. What is the proposed new zoning for the site? The local law would designate zoning districts for and regulate adult-use cannabis uses.	
C.4. Existing community services.	
a. In what school district is the project site located? Schalmont, Rotterdam-Mohonasen, Schenectady	
b. What police or other public protection forces serve the project site? Rotterdam Police Department, Schenectady County Sheriff's Office, New York State Police	
c. Which fire protection and emergency medical services serve the project site? FD# 1 Rotterdam Jct, FD# 2 Curry Rd, FD # 3 Carman, FD # 4 Pattersonville, FD # 5 Pine Grove, FD #6 S. Schenectady, FD#7 Schonowe, FD #8 Plotterki	
d. What parks serve the project site? Boxwood Park, Erie Canal Lock Parks, Eunice O. Esposito Park, Fiero Park, Juracka Park, Kiwanis Park, Leonard C. White Park, Memorial Park, Pansy Park, Plotter Kill Nature Preserve, Rotterdam Junction, Woestina Park	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?	
b. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres	
c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No If Yes,	
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)	
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No	
i. If No, anticipated period of construction: _____ months	
ii. If Yes:	
• Total number of phases anticipated _____ • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year • Anticipated completion date of final phase _____ month _____ year • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____	

f. Does the project include new residential uses? ☐ Yes ☐ No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☐ No If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No If yes, describe. _____ _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? ☐ Yes ☐ No ix. Summarize site reclamation goals and plan: _____ _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____ _____	

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

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

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

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

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

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

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

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

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

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

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

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

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

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

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

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

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

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

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

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

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	☐ Yes ☐ No ☐ Yes ☐ No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____	
If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____	
If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____	
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____	
• If to surface waters, identify receiving water bodies or wetlands: _____	
• Will stormwater runoff flow to adjacent properties? _____	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____	
If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____	
If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☐ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: _____	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
n. Will the proposed action have outdoor lighting? ☐ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____ _____ _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____ _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No If Yes: i. Describe proposed treatment(s): _____ _____ _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ • Operation: _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ • Operation: _____	

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

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

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

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

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No
i. If Yes: explain: _____

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

e. Does the project site contain an existing dam? ☐ Yes ☐ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

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

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☒ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☒ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☒ Yes – Environmental Site Remediation database Provide DEC ID number(s): 447001, 447024, V00063, V00...
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☒ Yes ☐ No
If yes, provide DEC ID number(s): 447001, 447021, 447024, V00063, V00649, 447027,...
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No	
• If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No • Explain: _____	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? ☐ Yes ☐ No	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ %	
_____ %	
_____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: ☐ Well Drained: _____ % of site	
☐ Moderately Well Drained: _____ % of site	
☐ Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____ % of site	
☐ 10-15%: _____ % of site	
☐ 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? ☒ Yes ☐ No	
If Yes, describe: Plotterkill Preserve - Rotterdam, Scotia Sand & Stone Company	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☒ Yes ☐ No	
ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams:	Name <u>863-640, 863-686, 863-687, 863-691, 876-99, 876...</u> Classification <u>A, C, C(T), B, B(T)</u>
• Lakes or Ponds:	Name <u>863-686, 876-98, 876-101</u> Classification <u>C</u>
• Wetlands:	Name <u>Federal Waters, NYS Wetland, Federal Waters, Fe...</u> Approximate Size <u>NYS Wetland (in a...</u>
• Wetland No. (if regulated by DEC)	<u>RJ-1, P-12, P-13, S-117, S...</u>
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☒ Yes ☐ No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
Name - Pollutants - Uses: Minor Tribs to Mohawk River – Unknown Toxicity – Recreation; Habitat/Hydrology; Aquatic Life	
i. Is the project site in a designated Floodway? ☒ Yes ☐ No	
j. Is the project site in the 100-year Floodplain? ☒ Yes ☐ No	
k. Is the project site in the 500-year Floodplain? ☒ Yes ☐ No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☒ Yes ☐ No	
If Yes:	
i. Name of aquifer: <u>Principal Aquifer, Primary Aquifer, Sole Source Aquifer Names: Schenectady-Niskayuna SSA</u>	

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____	
n. Does the project site contain a designated significant natural community? ☒ Yes ☐ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ Pitch Pine-Oak Forest, Pine Barrens Vernal Pond ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ 2819.0, 0.53 acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☒ Yes ☐ No If Yes: i. Species and listing (endangered or threatened): _____ Side Oats Grama, Brown Bog Sedge, Bald Eagle, Karner Blue, Carey's Smartweed	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☒ No If Yes: i. Species and listing: _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No If yes, give a brief description of how the proposed action may affect that use: _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☒ Yes ☐ No If Yes, provide county plus district name/number: SCHE001	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☒ Yes ☐ No If Yes: i. CEA name: Aquifer Area Overlay Zone ii. Basis for designation: Conserve, improve, protect natural resources iii. Designating agency and date: Agency: Rotterdam, Town of, Date: 4-5-85	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☒ Yes ☐ No	
If Yes: i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District ii. Name: Eligible property: Rotterdam Fire District No. 7, Eligible property: Rotterdam Area Maintenance Support Activity #8, El... iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☒ Yes ☐ No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No	
If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☐ No	
If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☒ No	
If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No	

F. Additional Information

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

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

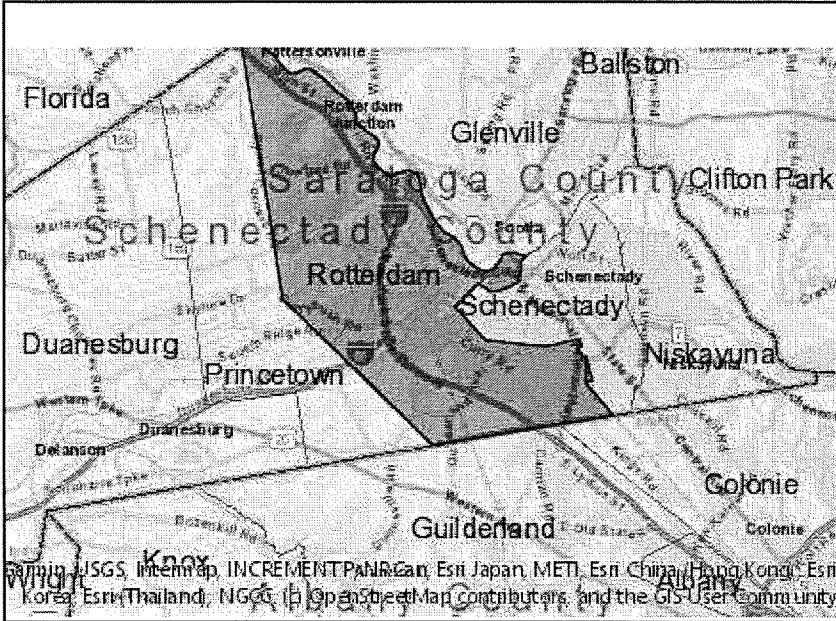
G. Verification

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

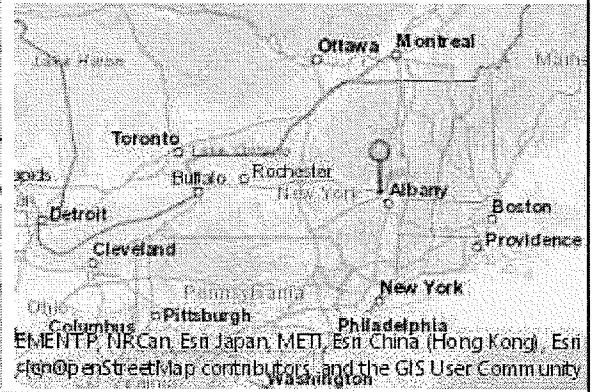
Applicant/Sponsor Name Town Board of the Town of Rotterdam Date October 20, 2022

Signature _____ Title Town Supervisor

PRINT FORM



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



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:447001, Remediation Sites:447024, Remediation Sites:V00063, Remediation Sites:V00649, Remediation Sites:447027, Remediation Sites:447031, Remediation Sites:V00011, Remediation Sites:447005, Remediation Sites:447006, Remediation Sites:447004, NYS Heritage Areas:Mohawk Valley Heritage Corridor, NYS Heritage Areas:Schenectady
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	447001, 447024, V00063, V00649, 447027, 447031, V00011, 447005, 447006, 447004
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	447001, 447021, 447024, V00063, V00649, 447027, 447031, V00011, 447005, 447006, 447004, 447007, 447026, E447035, 447047, B00167
E.2.g [Unique Geologic Features]	Yes
E.2.g [Unique Geologic Features]	Plotterkill Preserve - Rotterdam, Scotia Sand & Stone Company
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.

E.2.h.iv [Surface Water Features - Stream Name]	863-640, 863-686, 863-687, 863-691, 876-99, 876-102, 876-110, 876-111, 876-113, 876-106, 876-105, 876-8, 876-103, 876-109, 876-108, 876-39, 863-688, 863-690, 863-689, 876-98, 876-101, 876-100, 876-7
E.2.h.iv [Surface Water Features - Stream Classification]	A, C, C(T), B, B(T)
E.2.h.iv [Surface Water Features - Lake/Pond Name]	863-686, 876-98, 876-101
E.2.h.iv [Surface Water Features - Lake/Pond Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):34.7, NYS Wetland (in acres):12.1, NYS Wetland (in acres):43.1, NYS Wetland (in acres):93.7, NYS Wetland (in acres):1.9, NYS Wetland (in acres):158.4, NYS Wetland (in acres):27.6, NYS Wetland (in acres):157.1
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	RJ-1, P-12, P-13, S-117, S-13, S-4, S-118, S-115
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Minor Tribs to Mohawk River – Unknown Toxicity – Recreation;Habitat/Hydrology;Aquatic Life
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer, Primary Aquifer, Sole Source Aquifer Names:Schenectady-Niskayuna SSA
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Pitch Pine-Oak Forest, Pine Barrens Vernal Pond
E.2.n.i [Natural Communities - Acres]	2819.0, 0.53
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Side Oats Grama, Brown Bog Sedge, Bald Eagle, Karner Blue, Carey's Smartweed
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	SCHE001
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	Yes
E.3.d [Critical Environmental Area - Name]	Aquifer Area Overlay Zone
E.3.d.ii [Critical Environmental Area - Reason]	Conserve, improve, protect natural resources
E.3.d.iii [Critical Environmental Area – Date and Agency]	Agency:Rotterdam, Town of, Date:4-5-85
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.

E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:Rotterdam Fire District No. 7, Eligible property:Rotterdam Area Maintenance Support Activity #8, Eligible property:SCHERMERHORN HOUSE, Eligible property:THE ARENT SAMUELSE BRADT HOUSE, Eligible property:NEWBERRY HOUSE, Eligible property:THE PUTNAM HOUSE, Eligible property:Van Wormer farm, Eligible property:Enlarged Erie Canal Lock 25, Eligible property:VEDDER HOUSE 300P, Eligible property:Five-bay Frame Farmhouse, Barn Complex, Eligible property:Frame Farmhouse and Barn, Eligible property:Former Schoolhouse No. 11, ca. 1866/1960s, Eligible property:SUPPLY DEPOT HOUSING (?), Eligible property:Former Schenectady General Reserve Depot, Eligible property:VAN SLYKE HOUSE, Eligible property:Aaron Bradt House/Keepers of the Circle, Eligible property:GIFFORD HOUSE, Eligible property:R. Bradshaw house, New York State Barge Canal Historic District, Mabee House, Dellemont-Wemple Farm, Enlarged Double Lock No. 23, Old Erie Canal, Hotel Van Curler, Stockade Historic District, General Electric Research Laboratory
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



Town of Rotterdam
Office of the Planning Commission

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

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

Resolution Number Planning Commission 56-2022

Moved by Mrs. Flansburg seconded by Mr. Collins

**Resolution Adopting a Report and Recommendation on
Introductory Local Law No. 9 of 2022 – A Local Law to Amend Chapter 270 ("Zoning") to Address
Adult-Use Cannabis Retail Dispensaries and On-Site Consumption Facilities**

WHEREAS, the Town Board of the Town of Rotterdam ("Town Board") is currently considering an amendment to Chapter 270 of the Town Code of the Town of Rotterdam, which would address adult-use cannabis retail dispensaries and on-site consumption facilities; and

WHEREAS, the Town Board referred the proposed amendment to the Planning Commission on October 26, 2022 for a report and recommendation thereon; and

WHEREAS, the Planning Commission reviewed the proposed amendment at its regularly scheduled meeting held on November 1, 2022; and

WHEREAS, the Planning Commission has deliberated on the proposed amendment;

NOW, THEREFORE, upon motion of Member Flansburg, seconded by Member Collins,

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

1. The Planning Commission hereby adopts the following as its report on the proposed amendment:

In 2021, New York State passed legislation legalizing the growing, processing, distribution, and retail sale of adult-use cannabis (commonly referred to as recreational marijuana). Under the State legislation, the State has authority to issue licenses for (among other uses) adult-use retail dispensaries (selling cannabis products at retail, for off-site consumption) and adult-use on-site consumption facilities (selling cannabis products for on-site consumption).

The State legislation provides that all municipal governments are prohibited from adopting laws pertaining to the operation or licensure of adult-use cannabis licenses, with two exceptions:

- (1) Prior to December 31, 2021, municipalities were permitted to adopt a local law to opt-out of allowing adult-use cannabis uses within their boundaries; and
- (2) Municipalities may pass local laws and regulations governing the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries and/or on-site consumption facilities, provided such local laws and regulations do "not make

the operation of such licensed retail dispensaries or on-site consumption sites unreasonably impracticable”.

The Town of Rotterdam did not adopt a local law prior to December 31, 2021 to opt-out of allowing either retail dispensaries or on-site consumption facilities. Accordingly, it is reasonable to anticipate that these types of uses may begin to operate within the Town’s boundaries. The proposed amendment, Introductory Local Law No. 9 of 2022, would address licensed adult-use cannabis retail dispensaries and on-site consumption facilities by making zoning amendments to regulate the time, place and manner of operation of these uses.

First, the proposed amendment would provide definitions for each of licensed adult-use cannabis retail dispensaries and licensed adult-use cannabis on-site consumption facilities. Each of those uses would be defined in a way that tracks the State’s definition and licensing of those uses.

Next, the proposed amendment would designate zoning districts in which these two types of uses would be permissible. Under the proposed amendment, licensed adult-use cannabis retail dispensaries would be permissible within the B-2 (General Business), I-1 (Light Industrial), and I-2 (Heavy Industrial) zoning districts, and licensed adult-use on-site consumption facilities would be permissible within the I-1 (Light Industrial) and I-2 (Heavy Industrial) zoning districts. To further minimize the potential for siting these types of uses in residentially zoned neighborhoods, the proposed amendment would also make clear that these two uses would not be permissible as “home occupations”.

Within the designated zoning districts, these newly defined uses would be subject to special use permit review and site plan approval. Accordingly, the Planning Commission would be empowered to require applicants for these uses to demonstrate that they meet the standards applicable to all special use permits (which are essentially designed to minimize the impact of such uses on the neighborhood), and to demonstrate that they meet the standards for site plan approval (which are essentially designed to make sure that the site design is safe and functional for the use proposed).

In addition to the otherwise applicable special use permit and site plan review standards, both of these uses would also be subject to additional standards. These uses would be restricted to particular hours of operation (9AM to 9PM, Monday through Saturday, 12PM to 6PM Sunday), and further would be required to comply with state-imposed distance/separation requirements (including not locating within 500 feet of school grounds or within 200 feet of houses of worship).

Additionally, an applicant for special use permit and site plan approval for these two types of newly defined uses would be required to demonstrate:

- That its proposal includes sufficient off-street parking to support the anticipated parking load for the use;
- That its proposal and the surrounding neighborhood includes sufficient pedestrian facilities and amenities (such as sidewalks, crosswalks, traffic signals, paths, bike lanes, benches, bus stops, and lighting) to provide invitees a safe and efficient means of accessing the site through means other than by motor vehicle;
- That its proposal includes sufficient ingress and egress points designed to permit safe and efficient access from adjoining public streets to avoid traffic congestion; and

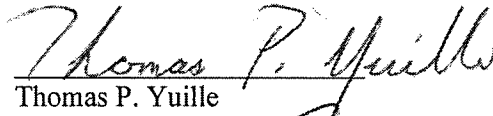
- That its proposal will not cause discernable odors beyond the property line, or where the proposed use is permissible as one of multiple uses on the same lot, beyond the boundary of the area designated specifically for the proposed adult-use cannabis use (e.g., the tenant space).

Finally, the proposed zoning amendments would deem any special use permit or site plan approval for these two newly defined uses to be conditioned upon the operator securing and continuously maintaining the appropriate state license for its use. Upon a lapse of the state license, the local zoning approvals would likewise be deemed to expire.

2. The Planning Commission hereby adopts a **positive recommendation** on the proposed amendment. The Planning Commission believes that it is important for the Town to have in place a land use regulatory structure in anticipation of property owners/applicants seeking to establish adult-use cannabis retail dispensaries and adult use cannabis on-site consumption facilities.

<u>Member</u>	<u>Aye</u>	<u>Nay</u>
John Denny III	X	
Wayne Calder	X	
Mark D'Alessandro	X	
Clark Collins	X	
Joseph Signore		X
Lynn Flansburg	X	
Thomas Yuille	X	


 Peter J. Comenzo
 Senior Planner


 Thomas P. Yuille
 Planning Commission Chairman

ZONING COORDINATION REFERRAL

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING
Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

For Use By SCDEDP

Received 11-1-22
Case No. R-21-22
Returned 11-10-22

FROM: ☒ Legislative Body
☐ Zoning Board of Appeals
☐ Planning Board

Municipality:
Town of Rotterdam

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) 382-5539
Received
Schenectady County

ACTION: ☒ Zoning Code/Law Amendment
☐ Zoning Map Amendment
☐ Subdivision Review
☐ Site Plan Review

☐ Special Permit
☐ Use Variance
☐ Area Variance
☒ Other (specify) Local Law - Cannabis

NOV 01 2022

Economic Development
and Planning Dept

PUBLIC HEARING OR MEETING DATE: December 14, 2022

SUBJECT: Town of Rotterdam – Code Amendment. Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code of the Town of Rotterdam in regards to Adult -Use Cannabis Retail Dispensaries and Adult Use Cannabis On-Site Consumption Facilities.

RECEIVED

NOV 16 2022

REQUIRED ENCLOSURES: 1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the town in order to make its determination of significance pursuant to the state environmental quality review act.

TOWN OF ROTTERDAM
PUBLIC WORKS

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:
 - ☐ the boundary of any city, village or town;
 - ☐ the boundary of any existing or proposed County or State park or other recreation area;
 - ☐ the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
 - ☐ the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
 - ☐ the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
 - ☐ the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

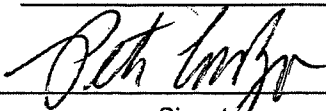
Name: Peter Comenzo

Title: Sr. Planner

Address: 1100 Sunrise Boulevard Schenectady, NY 12306

E-mail: pcomenzo@rotterdamny.org

Phone: 518-355-7575 Ext 338



Signature

Date: 10 27 22



PLANNING & ZONING COORDINATION REFERRAL

Case No. R-21-22

Applicant Town Board

Referring Officer Peter Comenzo

Municipality Rotterdam

Considerations: Proposed zoning code amendment to allow adult use Cannabis Retail Dispensaries in the B-2 General Business District, I-1 Light Industrial District and I-2 Heavy Industrial District by special use permit and allow adult use cannabis on-site consumption facilities in the I-2 District only.

RECOMMENDATION

Receipt of zoning referral is acknowledged on November 1, 2022. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

- ☐ *Approve of the proposal.
- ☒ Defer to local consideration (No significant county-wide or inter-community impact)
- ☐ Modify/Conditionally Approve. Conditions:

☐ Advisory Note:

☐ Disapprove. Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

11/1/22
Date

Ray Gillen
Ray Gillen, Commissioner
Economic Development and Planning

12/14/2022

PUBLIC HEARING

#2

- **For the potential enactment of Introductory Local Law No. 10 of 2022 relating to the establishment of a 12-month moratorium on solar farms and solar power plants.**

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

Introductory Local Law No. 10 of the year 2022

**A LOCAL LAW TO ESTABLISH A 12-MONTH MORATORIUM ON SOLAR FARMS
AND SOLAR POWER PLANTS**

Be it enacted by the Town Board of the Town of Rotterdam as follows:

See attached.

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

TOWN OF ROTTERDAM

INTRODUCTORY LOCAL LAW NO. 10 OF THE YEAR 2022

A LOCAL LAW TO ESTABLISH A 12-MONTH MORATORIUM ON SOLAR FARMS AND SOLAR POWER PLANTS

SECTION 1 - TITLE

This local law shall be referred to as “A Local Law to Establish a 12-Month Moratorium on Solar Farms and Solar Power Plants”.

SECTION 2 - PURPOSE

The Town of Rotterdam is currently engaged in a process to update its current Comprehensive Plan, which was adopted in 2001. The process to update the current Comprehensive Plan began in 2019, when a Comprehensive Plan Advisory Committee was established and a planning consultant was engaged. Since that time, the Comprehensive Plan Advisory Committee, with the assistance of the planning consultant and Town of Rotterdam staff, has worked on collecting data and input from a number of sources, including from the public, developing a draft vision, goals, and recommendations. The Comprehensive Plan Advisory Committee held a public hearing on the draft Comprehensive Plan Update and ultimately sent the draft Comprehensive Plan Update to the Town Board for commencement of the adoption process. The Town Board has conducted a public hearing on the draft Comprehensive Plan Update over the course of several months, at which it became clear that while residents supported the draft Comprehensive Plan Update, they were increasingly concerned that large solar farm/solar power plant projects could be in conflict with the goals of the draft Comprehensive Plan Update, once adopted.

In addition and separately from the Comprehensive Plan Update process, in July, 2022, the Town Board authorized retention of a consultant for purposes of providing technical assistance in updating the Town of Rotterdam’s existing land use regulations for solar energy projects.

As the Town was engaged in the Comprehensive Plan Update process, which is not yet complete, and while it has engaged a consultant to provide technical

assistance to the Town in updating the Town's existing regulations governing solar energy projects, the Town has also witnessed increased pressure from developers seeking approval to construct solar farms/solar power plants, which are currently permissible under the Town's current zoning in the A Agricultural, I-1 Light Industrial, and I-2 Heavy Industrial zoning districts upon issuance of a special use permit and site plan approval by the Town Planning Commission. Although the Town's zoning law includes certain performance standards that are intended to minimize the impact of solar farm/solar power plant developments, those performance standards were developed at a time when the scale of solar farm/solar power plants that were under consideration in the Town of Rotterdam was much smaller than today. Over the course of the past two years, the scale of proposed solar farm/solar power plants has increased substantially, and the existing performance standards may no longer be sufficient to adequately protect the neighborhood or community character from the impacts of such large-scale solar developments.

Development of solar farms/solar power plants of such substantial size under performance standards that are ill-equipped to address them will lead to long-term, potentially irreversible impacts that could conflict with the character of the surrounding area.

In light of the current status of the Comprehensive Plan update process and the Town's current work on seeking to update its solar energy project regulations, along with the increasing pressure from increasingly large solar farm/solar power plant proposals, the Town Board finds it to be prudent to impose a temporary moratorium on accepting, processing, and deciding land use applications for solar farms/solar power plants and on the construction of solar farms/solar power plants that were not or are not subject to local land use review, in order to provide the Town Board with time to consider whether, where, and under what circumstances solar farms/solar power plants should be permissible in the Town of Rotterdam and whether and to what extent additional or different performance standards should be adopted.

SECTION 3 – AUTHORITY

This local law is enacted by the Town Board of the Town of Rotterdam pursuant to the N.Y. Municipal Home Rule Law.

SECTION 4 – MORATORIUM

- A. For a period of twelve (12) months following the effective date of this local law, unless earlier repealed by the Town Board, no person shall file, and no Board, body, officer, department, or employee of the Town of Rotterdam shall consider, entertain, or accept for review, continue to review, hold a hearing upon, make any decision or determination upon, or issue any approval upon, any application for special use permit or site plan approval for any solar farm or solar power plant, as those terms are defined under the Town of Rotterdam Zoning Code. This moratorium shall apply to all such applications or proposals, whether pending or received prior to or after the effective date of this local law. Any statutory or locally-enacted time periods for processing and making decisions on all aspects of the aforesaid applications are hereby suspended and stayed while this local law is in effect.
- B. For a period of twelve (12) months following the effective date of this local law, unless earlier repealed by the Town Board, no person shall file, and no Board, body, officer, department, or employee of the Town of Rotterdam shall consider, entertain, or accept for review, continue to review, make any decision or determination upon, or issue any approval or permit upon, any application for site development or building permits for any solar farm or solar power plant, as those terms are defined under the Town of Rotterdam Zoning Code, unless such solar farm or solar power plant underwent a review by the Town of Rotterdam Planning Commission for special use permit and site plan approval and was granted a special use permit and site plan approval (conditional or final) prior to the effective date of this local law. Accordingly, where a solar farm/solar power plant received special use permit or site plan approval (conditional or final) from the Town of Rotterdam Planning Commission prior to the effective date of this local law, site development and building permits may be issued. However, where a solar farm/solar power plant did not receive a special use permit or site plan approval from the Town of Rotterdam Planning Commission prior to the effective date of this local law, even if such approvals were not otherwise required, site development and building permits therefor may not be issued during the term of this moratorium. This moratorium shall apply to all such applications or proposals, whether pending or received prior to or after the effective date of this local law. Any statutory or locally-enacted time periods for processing and making decisions on all aspects of the aforesaid applications are hereby suspended and stayed while this local law is in effect.

SECTION 5 – WAIVER

The Town Board of the Town of Rotterdam shall have the power to waive, in whole or in part, or modify the application of, any provision of this local law upon a determination, in its absolute legislative discretion, after public hearing and notice, that this local law would impose extraordinary hardship upon the party seeking such waiver and that a waiver from this local law will not adversely affect the health, safety, and general welfare of the Town of Rotterdam. Any request for a waiver, along with an application fee of \$250.00, shall be filed in writing with the Town of Rotterdam Department of Public Works, which shall forward such written request to the Town Board. Following receipt of any such written request for a waiver, the Town Board shall, upon deeming the application complete, refer such written request to the Planning Commission. The Planning Commission shall issue a recommendation on the waiver within sixty (60) days of the Planning Commission's receipt of such request. The Town Board shall hold a public hearing within thirty (30) days after the receipt of the Planning Commission's recommendation, upon five (5) days' notice published in the official newspaper of the Town. At such public hearing, the party requesting the waiver and any other parties wishing to present evidence with regard to the waiver request shall have a reasonable opportunity to be heard. The Town Board may continue the public hearing as it deems necessary, in its sole discretion. The Town Board shall render a decision on such waiver request within sixty (60) days following the close of the public hearing. If the Town Board determines that (1) the party making the waiver request will suffer an extraordinary hardship if this local law is strictly applied to the particular property, and (2) that a waiver from this local law will not adversely affect the health, safety, and general welfare of the Town of Rotterdam or the surrounding neighborhood, then the Town Board shall waive the application of this local law to the extent necessary to mitigate the extraordinary hardship to the applicant, while still protecting the health, safety, and general welfare of the Town of Rotterdam and the surrounding neighborhood. A mere delay in an application review or approval process shall not be deemed to be an extraordinary hardship.

SECTION 6 - VIOLATIONS

Except to the extent that a waiver is granted by the Town Board pursuant to Section 5, above, any action while this local law is in effect by any Board, body, official, department, or employee of the Town of Rotterdam that is contrary to

the provisions of this local law shall constitute a violation of this local law, and such action shall be deemed ultra vires and shall be null and void. This local law may be enforced through an action seeking declaratory, injunctive, and/or equitable relief in a court of competent jurisdiction.

SECTION 7 - SUPERSESSION

To the extent this local law is inconsistent with any state or local statute or regulation, it is the intent of this local law to supersede such statute or regulation, including without limitation the following: (i) Town Law § 274-a with respect to procedures and timeframes for processing applications for site plan review for solar farms/solar power plants; (ii) Town of Rotterdam Code, Chapter 270, § 270-153; (iii) Town of Rotterdam Code, Chapter 270, Article XVII, with respect to procedures and timeframes for processing applications for site plan review for solar farms/solar power plants; (iv) Town of Rotterdam Code, Chapter 270, Article XIX, with respect to procedures and timeframes for processing applications for special use permit review for solar farms/solar power plants; (v) Town Law §§ 267, 267-a, and 267-b, with respect to procedures and timeframes for processing applications for use variances, waivers or other relief from the Town of Rotterdam Code with respect to solar farms/solar power plants; (vi) Town of Rotterdam Code, Chapter 270, § 270-177, with respect to procedures and timeframes for processing applications for use variances, waivers or other relief from the Town of Rotterdam Code with respect to solar farms/solar power plants; and (vii) Town of Rotterdam Code, Chapter 270, §§ 270-18(M), 270-73(O), and 270-84(G).

SECTION 8 - SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 9 – EFFECTIVE DATE

This Local Law shall become effective upon filing with the New York Secretary of State.

(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 2022 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board of the Town of Rotterdam on _____, 2022 in accordance with the applicable 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____ in accordance with 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) (repassed after disapproval) by the _____ on _____ 20____.

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) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* 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 _____ 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 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 1, above.

Diane Marco, Town of Rotterdam Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: _____

ZONING COORDINATION REFERRAL SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.		For Use By SCDEDP Received <u>11-29-22</u> Case No. <u>R-25-22</u> Returned <u>12-8-22</u>
FROM: ☒ Legislative Body ☐ Zoning Board of Appeals ☐ Planning Board	Municipality: Town of Rotterdam	
TO: Schenectady County Department of Economic Development and Planning Schaffer Heights, 107 Nott Terrace, Suite 303 Schenectady, NY 12308	(tel.) 386-2223 (fax) 382-5539 NOV 29 2022 Received Schenectady County Economic Development and Planning Dept.	
ACTION: ☒ Zoning Code/Law Amendment ☐ Zoning Map Amendment ☐ Subdivision Review ☐ Site Plan Review	☐ Special Permit ☐ Use Variance ☐ Area Variance ☒ Other (specify) <u>Local Law - Solar Farms</u>	Economic Development and Planning Dept.
PUBLIC HEARING OR MEETING DATE: <u>December 14, 2022</u>		
SUBJECT: Town of Rotterdam – Code Amendment. Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code of the Town of Rotterdam in regards to a 12 month moratorium on Solar Farms and Solar Power Plants.		
REQUIRED ENCLOSURES: 1. Public hearing notice & copy of the application. 2. Map of property affected. (Including Tax Map I.D. number if available) 3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.		
1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State. 2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following: ☐ the boundary of any city, village or town; ☐ the boundary of any existing or proposed County or State park or other recreation area; ☐ the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway; ☐ the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines; ☐ the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated; ☐ the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.		
SUBMITTED BY: Name: <u>Peter Comenzo</u> Title: <u>Sr. Planner</u> Address: <u>1100 Sunrise Boulevard Schenectady, NY 12306</u> E-mail: <u>pcomenzo@rotterdamny.org</u> Phone: <u>518-355-7575 Ext 338</u> Signature Date: <u>11 21 22</u>		



PLANNING & ZONING COORDINATION REFERRAL

Case No. R-25-22

Applicant Town Board

Referring Officer Peter Comenzo

Municipality Rotterdam

Considerations: Town Board proposing a 12-month moratorium on the review and/or approval of solar farms and solar power plants. Site development and building permits may be issued for solar farms/power plants that have received a special use permit and site plan approval from the Town prior to the effective date of the moratorium.

RECOMMENDATION

Receipt of zoning referral is acknowledged on November 29, 2022. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

- ☐ *Approve of the proposal.
- ☒ Defer to local consideration (No significant county-wide or inter-community impact)
- ☐ Modify/Conditionally Approve. Conditions:

☐ Advisory Note:

☐ Disapprove. Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

12/7/22
Date

Ray Glen / sp
Ray Glen, Commissioner
Economic Development and Planning



Town of Rotterdam
Office of the Planning Commission

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

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

Resolution Number PC61-2022
Moved by Mr. Collins seconded by Mr. Calder

**Resolution Adopting a Report and Recommendation on
Introductory Local Law No. 10 of 2022 – A Local Law to Establish a 12-Month Moratorium on
Solar Farms and Solar Power Plants**

WHEREAS, the Town Board of the Town of Rotterdam ("Town Board") is currently considering Introductory Local Law No. 10 of 2022, a local law to establish a 12-month moratorium on solar farms and solar power plants; and

WHEREAS, the Town Board referred the proposed local law to the Planning Commission on November 18, 2022 for a report and recommendation thereon; and

WHEREAS, the Planning Commission reviewed the proposed local law at its regularly scheduled meeting held on December 6, 2022; and

WHEREAS, the Planning Commission has deliberated on the proposed amendment;

NOW, THEREFORE, upon motion of Member Collins, seconded by Member Calder,

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

1. The Planning Commission hereby adopts the following as its report on the proposed local law:

The proposed local law would establish a 12-month moratorium on the acceptance, review, continued review, holding of a hearing, or decision, on any application seeking approval under the Town of Rotterdam Zoning Code for solar farms or solar power plants, as those terms are defined in the Town's Zoning Code. In addition, the proposed local law would establish a 12-month moratorium on the acceptance, consideration, review, continued review, and decision upon any site development permits or building permits for any solar farm or solar power plant, unless the solar farm or solar power plant underwent a review by the Town Planning Commission for special use permit and site plan approval and was granted those approvals prior to the effective date of the local law.

The purpose of the proposed moratorium, as set forth in Section 2 of the local law, is to provide the Town Board with time, free of development pressure, to consider whether, where, and under what circumstances solar farms/solar power plants should be permissible and whether and to what extent additional or different performance standards should be adopted, particularly in light of the Town's process to update the Town's Comprehensive Plan, which is nearing completion; the Town's decision in July 2022 to retain a consultant for the purpose of providing technical assistance in updating the Town's existing land use regulations for

solar energy projects; and the increasing size of solar farm/solar power plant proposals over the last few years in relation to the Town's existing performance standards.

The proposed local law would provide for a process that would allow the Town Board to waive the applicability of the moratorium with respect to any given particular proposal where the moratorium imposed an extraordinary hardship on the applicant and the waiver from the moratorium would not adversely affect the health, safety and general welfare of the Town of Rotterdam. The proposed moratorium spells out the process for an applicant to seek, and the Town Board to consider, a waiver in any given case. This waiver process would permit a project applicant seeking approval for a solar farm or solar power plant during the 12-month term of the moratorium to, upon approval of the waiver request, proceed through the normal land use review process, notwithstanding the moratorium, where the Town Board determines (1) that the party making the waiver request will suffer an extraordinary hardship if the moratorium is strictly applied to the particular property, and (2) that a waiver from the moratorium will not adversely affect the health, safety and general welfare of the Town of Rotterdam or the surrounding neighborhood.

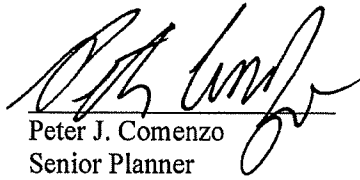
2. The Planning Commission hereby adopts a **positive recommendation** on the proposed local law for the following reasons:

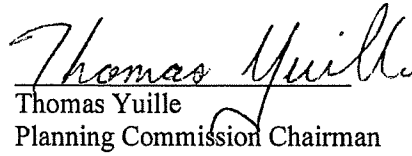
The Planning Commission believes the moratorium is necessary to give the Town time to assess whether large scale solar farms and solar projects provide benefits to the Town and its residents; to assess whether large scale solar farms and solar projects impact property values; to consider whether the Town should adopt legislation, similar to that adopted elsewhere in the area, concerning host community benefits from large scale solar farms and solar projects; to assess the sufficiency of the Town's current regulations concerning performance standards, decommissioning and decommissioning security; to provide additional education to Planning Commission members to arm them with the knowledge needed to make prudent decisions concerning solar farm/solar power plant applications; to investigate and consider adoption of legal mechanisms to ensure that revenue is generated from such projects.

The Planning Commission has seen the scale of proposed solar farms/solar power plants increase substantially and the technology of solar energy projects change dramatically over the past few years, and the performance standards currently in place are in need of review and revision to keep pace with these changes.

The Planning Commission further believes this moratorium is appropriate in light of the status of the Comprehensive Plan Update process, which is before the Town Board for potential action in the near future.

<u>Member</u>	<u>Aye</u>	<u>Nay</u>
John Denny III (ABSENT)		
Wayne Calder	X	
Mark D'Alessandro	X	
Clark Collins	X	
Joseph Signore	X	
Lynn Flansburg	X	
Thomas Yuille	X	


Peter J. Comenzo
Senior Planner


Thomas Yuille
Planning Commission Chairman

Town of Rotterdam Planning Commission

Verbatim Minutes of December 6, 2022 Meeting

Town of Rotterdam – Code Amendment. Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code of the Town of Rotterdam in regards to a 12-month moratorium on Solar Farms and Solar Power Plants.

The Rotterdam Planning Commission held a meeting on Tuesday, December 6, 2022 at 7:30 p.m. at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306.

Present:	Thomas Yuille, Chairman	Excused: John Denny, III
	Lynn Flansburg, Vice Chairman	
	Clark Collins	
	Mark D'Alessandro	
	Wayne Calder	
	Joseph Signore	
	Peter Comenzo, Town Planner	
	Jonathon Tingley, Attorney	
	Marlo Carter, Secretary	

Town of Rotterdam – Code Amendment. Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code of the Town of Rotterdam in regards to a 12-month moratorium on Solar Farms and Solar Power Plants.

Chairman Yuille: Mr. Tingley, are you going to present this?

Mr. Tingley: I will certainly explain it. So, the Town Board has introduced a proposed 12-month moratorium on solar farms and solar power plants and that has been provided in your packet and like any local law that affects the applicability of zoning, either through amendment or by a suspension of that zoning, which is what this would do, it is referred to the Planning Commission for report and recommendation. I have transmitted to the Board Members a template report and recommendation which recites essentially what the moratorium would do. As I have always said in the past, it is up to the Board on whether it is in a position to act tonight or not. If the Board is inclined to act tonight on that, I would suggest that I take down notes as to whether you are in favor or against the moratorium and we can adopt a positive or negative recommendation this evening. Alternatively, as I have said in the past, the Board can direct me to prepare one and we can address it at a future meeting. It has generally been this Board's practice over the last few or so referrals to attempt to address it the night that it is on the agenda, but again that is within the Board's discretion.

So, I assume everybody has received the template report and recommendation that I have provided. Essentially, the 12-month moratorium would suspend the acceptance review, continued review, holding of hearings, decisions, or issuance of any approvals on any application seeking approval under the zoning code for solar farms or solar power plants as those terms are defined in the Town Zoning Code. In addition, the proposed local law would establish a 12-month moratorium on the acceptance, consideration, review, continued review and decision upon any site development permits or building permits for any solar farm or solar power plant unless the solar farm or solar power plant underwent a review by the Town Planning Commission for special use permit and site plan approval and was granted those approvals prior to the effective date of the local law if the Town Board chooses to enact it.

The purpose of the proposed moratorium as set forth in Section II of the Local Law is to provide the Town Board with time, free of development pressure to consider whether, where and under what circumstances solar farms and solar power plants should be permissible and whether and to what extent additional or different performance standards should be adopted particularly in light of the Town's process to update the town's Comprehensive Plan which is nearing completion. The Town's decision in July of 2022 to retain a consultant for the purpose of providing technical assistance and updating the town's existing land use regulations for solar energy projects and the increasing size of solar farms and solar power plant proposal over the last few years in relation to the Town's existing performance standards.

The proposed local law would provide for a process to allow the Town Board to waive the applicability of the moratorium with respect to any given particular proposal where the moratorium imposed an extraordinary hardship on the applicant and the waiver from the moratorium would not adversely affect the health, safety and general welfare of the Town of Rotterdam or the neighborhood. The moratorium spells out a process for an applicant to seek that waiver and provides a standard for the Town Board to consider in deciding those waivers.

So, at this point, it's really up to the Planning Commission as to whether or not it wants to adopt the recommendation certainly after they have a discussion on it.

Chairman Yuille: Mr. D'Alessandro?

Mr. D'Alessandro: I've got a lot of things written down that I would really like to go over. Myself, I am in favor of the moratorium. It seems like we go through phases a lot. It started off with apartments 3 years ago, 2 years ago it went to storage facilities and now it's solar farms. I think if we do a recommendation, these are some of the recommendations that the Town Board should address.

What is the benefit to the town resident and what is the benefit to the Town of Rotterdam. What is the impact of property values? I'm sure if you have 2 houses, one that doesn't have 50,000 solar panels on it and one that does, I'm sure if you went to go and sell that house, especially with kids, I'm sure people aren't going to want to move in. They should look at

the contribution requirement that the Town of Glenville has if they do go forward with this where it's a certain price per acre. I'm sure all of us got the book and we read it. I think that's a good idea. The decommission plan where money is guaranteed hopefully, but as we all know, inflation goes up, labor goes up, parts go up, so that money that they put in today is not going to be worth what it is going to be in 20 years from now. In the end, I think the most important thing is what is important to the residents of Rotterdam. That is all I have.

Chairman Yuille: Thank you. Mr. Calder?

Mr. Calder: Well, obviously Mark did a heck of a job putting that together and I wholeheartedly agree with him. I am absolutely for a moratorium against solar at least until we get straightened out. We are getting "Inaudible" with it now and he hit it right on the head we went from apartments to the facilities for storage and now we are hitting solar. It's taking us all by, I meant by surprise because we see it happening, but it's in an area that we are not as knowledgeable about as we should be to be able to discuss solar and I, for one, am not knowledgeable about it. I would not want it next to me, to be honest with you, 100% "Inaudible". I'm for the moratorium. I hope we can find our way to pass this tonight and send it forward and do it as soon as possible. That is all I have.

Chairman Yuille: Mr. Collins?

Mr. Collins: I agree. I think it is time that we did a moratorium because it's not that it is getting out of hand, but, like Wayne said and Mark, but it comes in waves and that one article about Glenville, I think it was roughly \$10,000 that had to be paid that went to the parks fund. Right now, I'm not really sure how much we really get revenue from putting a quarter acre solar array up. So, I think that should be addressed and also even with the apartments, I was for the moratorium. It's all about the residents. It's their town and they have to live here. They pay taxes and they do have a voice and I know some people think we don't listen up here, but we really do listen, and we take it to heart. Sometimes people don't think we do, but I can assure we all have our, Tom and I go on and on and he pulls a Yuille, and I pull a Collins and we go crazy, I think it's time we did it and for the Town to take a breath. That is all that I have, Mr. Chairman.

Chairman Yuille: Mrs. Flansburg?

Mrs. Flansburg: I agree with all that has been said so far. I think in the handout that was provided to us one of the last four sentences where it says over the course of the past 2 years, the scale of the proposed solar farm, solar power plants has increased substantially and the existing performance standards may no longer be sufficient. Well, I say they are no longer, not "may" no longer be sufficient. It's come at a quicker wave than our code and performance standards have been able to keep up. I think we need to pause and take a look at it a little bit closer without the pressures of applications continuing to come forward.

Also, as a member of the Comprehensive Plan Advisory Committee, knowing the stage that we are at in that process where it is with the Town Board, and I think it would be best to pause and hear and let the Comprehensive Plan to continue through to its final phases so that we make sure it reflects also what we are looking to do here in the Town.

Chairman Yuille: Mr. Signore?

Mr. Signore: I'm in favor of the 12-month moratorium and one of the reasons is living here all my life I saw where the apartments, I think, got a little ahead of the Town and I think this could be subject for the same thing to happen. I definitely think a 12-month moratorium, so we know the total impact of these solar farms and power plants on the towns. I don't think many people are happy with all the apartments and I think this could possibly go down the same road as that. I'm in favor of the moratorium.

Chairman Yuille: I agree with all the Board members also. I think it's time that we take a pause because this solar technology has changed so rapidly. I watched people put a few panels on the roof of their house or their garage and now we are looking at these massive solar farms and we have these large projects where we are now doing storage batteries where we are drawing power of the grid, storing it in batteries and then when we need the power, we put it back onto the grid. We just went through one of those projects. So, at this point we need to pause and get the expertise from companies like Collier Engineering that can tell us what is going on and evaluate the project, but solar is coming and there is no question about it. Just like the electric cars and trucks and everything else so, it's changing faster than we like and unfortunately, we get impacted in certain areas by it.

One thing I want to point out, this is a report and recommendation to the Town Board. The Town Board does not have to accept our recommendation. They usually do, but the last one we made on the chickens, they didn't go with it. They went with the chickens. It doesn't mean that if we say we want the moratorium that it's actually going to go through, but the meeting is on, I believe, the 14th of December so I would like to take that vote tonight is the Board is willing to do that.

Mr. Collins: I agree, Mr. Chairman. Let's move it forward.

Chairman Yuille: At this point, anything that you would like to add?

Mr. Tingley: When you are ready to make a motion to adopt the report and recommendation, I can list in summary form the reasons that were given that I jotted down. If you are comfortable with that, then just say so moved and then second and then you can take a vote.

Mr. Calder: Mr. Chairman, I would like to add one thing, I talked about the education a little bit. We need to be educated. I think we should ask the Town to, not that we want to have more meetings, I understand that we have enough, but I think we should be educated so we can make an educated decision on solar because I don't know much about it and in order for me to get up here and speak and do the right thing, I have to learn...

Chairman Yuille: That is why we hired an engineering firm.

Mr. Calder: I know that and understand that. He may know it really well, but I'm the one that has to vote on it and all of us have to vote on it. I'd like to add that, please.

Chairman Yuille: Mark?

Mr. D'Alessandro: I have one more thing. Just to let everyone know that I am probably the only up here that actually has solar on my roof, but I've had good luck with it, I've had bad luck with it. I already had to replace the roof because the contractor didn't do what they were supposed to do. There is good and bad, and we all know that, but I agree with everybody up here. I think we need to take a step back and think about this and not rush into it. This is all new technology for us, and I think that is what we need to do.

Chairman Yuille: Mr. Comenzo, do you have anything to add?

Mr. Comenzo: No comment.

Chairman Yuille: Anybody else?

At this point, I would entertain a motion on the recommendation.

Mr. Collins: I would like that, Mr. Chairman with all the notes and what the Board has said.

Chairman Yuille: Positive or negative?

Mr. Collins: A positive.

Mr. Tingley: A positive recommendation on the moratorium.

Mr. Collins: A positive recommendation on the moratorium.

Mr. Calder: I would like to second that.

Mr. Tingley: I will just run through, before you second it, I will run through a summary format so that we all know what is going to be...

Chairman Yuille: This is a 12 month because I know there was some confusion that it was reported in the newspaper as an 18 month.

Mr. Tingley: The local law that was introduced was a 12-month moratorium, yes. The moratorium would give time to analyze the benefit to the residents in the Town from solar projects. It would give the Town time to analyze the impact of solar farms and solar power plants on property values. It would give the Town time to consider adopting laws similar to Glenville's to require solar developers to make contribution based on the size of the system. It would give the Town time to analyze the sufficiency of the Town's regulations on decommissioning. It would give the Town time to provide more education to the Planning Commission members so that they are better equipped to decide these applications. It would give the Town to analyze what revenue is potentially could be generated from these types of projects. The scale of solar projects has increased substantially, and the performance standards have not kept pace and need to be reviewed. The Comprehensive Plan is almost complete and should be finalized before decisions are made on large-scale solar projects. The solar technology has changed dramatically in the recent past as has the nature of the projects that have come before the Board for those projects.

Does that all sound acceptable?

Mr. Collins: Yes.

Mr. Tingley: So that is the motion.

Mr. Calder: I second it.

Chairman Yuille: Are there any questions on the motion? Please call the vote.

Marlo Carter: Mr. Collins?

Mr. Collins: Yes.

Marlo Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Marlo Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Marlo Carter: Mr. Calder?

Mr. Calder: Yes.

Marlo Carter: Mr. Signore?

Mr. Signore: Yes.

Marlo Carter: Chairman Yuille?

Chairman Yuille: Yes.

Motion carried. I will remind you and you probably already know that the meeting is on the 14th, a public hearing and that is when you should go in and present your information.

Meeting adjourned at 8:40 p.m.

Motion to adjourn made by Mr. Collins and seconded by Mr. D'Alessandro

Next meeting scheduled for December 20, 2022

Respectfully Submitted,

Marlo L. Carter
Planning Commission Secretary

RESOLUTION NO. 323.22

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Friday, November 18, 2022, at 6:00 p.m., the following resolution was duly adopted:

**TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY
LOCAL LAW NO. 10 OF 2022 AND SCHEDULING A
PUBLIC HEARING THEREON**

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

SECTION 1. The Town Board recognizes the introduction of Introductory Local Law No. 10 of 2022 to establish a twelve (12) month moratorium on solar farms and solar power plants.

SECTION 2. The Town Board hereby determines that the proposed enactment of Local Law No. 10 of 2022 is a Type II action under the State Environmental Quality Review Act pursuant to 6 NYCRR § 617.5 (c) (36), and therefore no further SEQRA review is required.

SECTION 3. The Town Board hereby refers Introductory Local Law No. 10 of 2022 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

SECTION 4. The Town Board hereby authorizes and directs the Senior Planner to refer Introductory Local Law No. 10 of 2022 to the Schenectady County Department of Economic Development & Planning pursuant to N.Y. General Municipal Law 239-m and to circulate such other notices as may be required by law.

SECTION 5. The Town Clerk of the Town of Rotterdam is hereby directed to publish in the official newspaper of the Town of Rotterdam not less than ten (10) days prior to the date designated for the public hearing provided for hereby the following notice:

**TOWN OF ROTTERDAM
NOTICE OF HEARING**

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a public hearing at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 at 7:00 p.m. on the 14th day of December, 2022 for the following purpose:

For the enactment of Introductory Local Law No. 10 of 2022 relating to the establishment of a 12-month moratorium on solar farms and solar power plants.

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

DATED: November 18, 2022

Daily Gazette: Please publish once on November 30, 2022

Town Clerk Post

SECTION 6. This resolution shall become effective November 18, 2022.

DATED: November 18, 2022

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on November 18, 2022, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this November 21, 2022.

Diane M. Marco

Diane M. Marco, Town Clerk



MOTION 45-22

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

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to appoint our counsel Mr. Tingley to create moratorium legislation regarding a moratorium on all solar projects.

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

DATED: November 9, 2022

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion passed by the Town Board of the Town of Rotterdam on November 9, 2022, 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 November 14, 2022.

Diane M. Marco
Diane M. Marco, Town Clerk



RESOLUTION NO. 328.22
TO ACCEPT TOWN BOARD MEETING MINUTES

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby adopts the minutes of the November 18, 2022 Town Board meeting as attached.

SECTION 2. This resolution shall become effective December 14, 2022.

DATED: December 14, 2022

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: **December 6, 2022**

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

FROM: Diane M. Marco, Town Clerk

TITLE OF LEGISLATIVE REQUEST: To adopt meeting minutes from the **November 18, 2022, Town Board Meeting.**

TO BE PLACED ON TOWN BOARD AGENDA OF: **December 14, 2022**

TO BE PLACED ON TOWN BOARD MEETING OF: **December 14, 2022**

Background Information: Attached. To adopt the meeting minutes from the **November 18, 2022, Town Board Meeting.**

Evaluation/Analysis: N/A

Recommendation(s): To place on Town Board agenda and Town Board meeting of **December 14, 2022.**

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

November 21, 2022

Certified Resolution: #-318.22-#327.22 for the year 2022 was duly adopted at the Town Board Special Meeting held at J.F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, NY 12306 that was held Friday, November 18, 2022 at 6:00 p.m. The Town Board Agenda review started at approximately 5:55 p.m. The agenda review was adjourned at approximately 5:56 p.m. All agreed to adjourn the agenda review meeting. The Town Board meeting began at approximately 6:00 p.m. and Motion #46 was made by Dodson and seconded by Christou to go into executive session at approximately 6:40 p.m. The executive session was adjourned by Dodson and seconded by Christou at approximately 7:17 p.m. The Town Board meeting continued and was adjourned at approximately 7:18 p.m. by Councilmember Christou and seconded by Councilmember Dodson. All agreed to adjourn the Town Board Meeting.

Councilmember Miller-Herrera and Joseph Mastroianni were absent

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**

November 18, 2022

6:00 PM

AGENDA REVIEW 5:30 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

SUPERVISOR'S REMARKS: Supervisor Mollie A. Collins

EXECUTIVE SESSION

PROCLAMATIONS/PRESENTATIONS

PUBLIC HEARING

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR:

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

GENERAL RULES OF PROCEDURE FOR PUBLIC HEARINGS & PRIVILEGE OF THE FLOOR:

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

INTRODUCTION OF MOTIONS, ORDERS AND RESOLUTIONS

MOTIONS

46.22 Motion to go into executive session.

RESOLUTIONS

318.22 To accept Town Board Meeting Minutes.

319.22 To appoint an Information Processing Specialist 1.

320.22 To authorize an agreement with Layne Christensen Co. for the cleaning and rehabilitation services of Well No. 2.

321.22 To declare computers obsolete.

322.22 To approve budget transfers to the 2022 budget.

323.22 To recognize the introduction of Introductory Local Law No. 10 of 2022 and scheduling a public hearing thereon.

324.22 To accept a gift from Vincy's Printing

325.22 To Authorize the Highway Superintendent to participate in the Municibid Auction for the purchase of one snow plow.

326.22 To appoint a Police Officer.

327.22 To adopt the 2023 Preliminary Budget as the Annual Budget for the Town of Rotterdam for the fiscal year beginning January 1, 2023.

LIAISON REPORTS

MISCELLANEOUS

EXECUTIVE SESSION

- Collective Bargaining Unit Discussion

ADJOURNMENT

Mollie A. Collins, Supervisor

MOTION 46-22

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Friday, November 18, 2022 at 6:00 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 go into executive session.

SECTION 2. This motion shall become effective November 18, 2022

DATED: November 18, 2022

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion passed by the Town Board of the Town of Rotterdam on November 18, 2022, 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 November 21, 2022.

Diane M. Marco

Diane M. Marco, Town Clerk



RESOLUTION NO. 318.22

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Friday, November 18, 2022, at 6:00 p.m., the following resolution was duly adopted:

TO ACCEPT TOWN BOARD MEETING MINUTES

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 November 9, 2022 Town Board meeting as attached.

SECTION 2. This resolution shall become effective November 18, 2022.

DATED: November 18, 2022

NAME	AYES	NOES	ABSTAIN
Christou	X		
MillerHerrera (Absent)			
Dodson	X		
Mastroianni (Absent)			
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on November 18, 2022, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this November 21, 2022.

Diane M. Marco

Diane M. Marco, Town Clerk



RESOLUTION NO. 319.22

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Friday, November 18, 2022, at 6:00 p.m., the following resolution was duly adopted:

TO APPOINT AN INFORMATION PROCESSING SPECIALIST

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Dawn Green of Schenectady, New York is hereby appointed to the position of Information Processing Specialist 1, full-time, probationary with full time employee benefits, and subject to pre-employment background checks, at an annual salary of thirty-eight thousand three hundred seventy-three dollars and 85/100 (\$38,373.85) commencing December 12, 2022.

SECTION 2. This resolution shall be effective November 18, 2022.

DATED: November 18, 2022

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on November 18, 2022, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this November 21, 2022.

Diane M. Marco

Diane M. Marco, Town Clerk



RESOLUTION NO. 320.22

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Friday, November 18, 2022, at 6:00 p.m., the following resolution was duly adopted:

TO AUTHORIZE AN AGREEMENT WITH LAYNE CHRISTENSEN CO. FOR THE CLEANING AND REHABILITATION SERVICES OF WELL NO. 2

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 negotiate and execute an agreement with Layne Christiansen Co. located at 134-2 Layne Lane Schoharie NY 12157, for the purposes of Cleaning and Rehabilitation of Well No. 2, in the amount not to exceed \$38,300.00 in accordance with the fee schedule attached.

SECTION 2. This resolution shall become effective November 18, 2022.

DATED: November 18, 2022

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on November 18, 2022, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this November 21, 2022.

Diane M. Marco

Diane M. Marco, Town Clerk



RESOLUTION NO. 321.22

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Friday, November 18, 2022, at 6:00 p.m., the following resolution was duly adopted:

TO DECLARE COMPUTERS OBSOLETE

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 declares the following equipment obsolete and authorizes that it be sold at auction:

(1 total) Dell Optiplex 330
(5 total) Dell Optiplex 380
(1 total) Dell Optiplex 390
(1 total) Dell Optiplex 760
(2 total) Dell Optiplex 3010 (Large Form Factor)
(2 total) Dell Optiplex 3010 (Mid-size Form Factor)
(17 total) Dell Optiplex 3020
(6 total) Dell Optiplex 3040
(2 total) Dell Optiplex 5070
(1 total) IBM Netvista model 47U

SECTION 2. This resolution shall be effective November 18, 2022

DATED: November 18, 2022

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on November 18, 2022, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this November 21, 2022.

Diane M. Marco

Diane M. Marco, Town Clerk



RESOLUTION NO. 322.22

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Friday, November 18, 2022, at 6:00 p.m., the following resolution was duly adopted:

TO APPROVE BUDGET TRANSFERS TO THE 2022 BUDGET

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

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 budget transfers to the various accounts for 2022 are hereby audited and approved in accordance with the attached document.

SECTION 2. This resolution shall become effective November 18, 2022

DATED: November 18, 2022

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on November 18, 2022, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this November 21, 2022.

Diane M. Marco

Diane M. Marco, Town Clerk



RESOLUTION NO. 323.22

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Friday, November 18, 2022, at 6:00 p.m., the following resolution was duly adopted:

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW NO. 10 OF 2022 AND SCHEDULING A PUBLIC HEARING THEREON

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

SECTION 1. The Town Board recognizes the introduction of Introductory Local Law No. 10 of 2022 to establish a twelve (12) month moratorium on solar farms and solar power plants.

SECTION 2. The Town Board hereby determines that the proposed enactment of Local Law No. 10 of 2022 is a Type II action under the State Environmental Quality Review Act pursuant to 6 NYCRR § 617.5 (c) (36), and therefore no further SEQRA review is required.

SECTION 3. The Town Board hereby refers Introductory Local Law No. 10 of 2022 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

SECTION 4. The Town Board hereby authorizes and directs the Senior Planner to refer Introductory Local Law No. 10 of 2022 to the Schenectady County Department of Economic Development & Planning pursuant to N.Y. General Municipal Law 239-m and to circulate such other notices as may be required by law.

SECTION 5. The Town Clerk of the Town of Rotterdam is hereby directed to publish in the official newspaper of the Town of Rotterdam not less than ten (10) days prior to the date designated for the public hearing provided for hereby the following notice:

TOWN OF ROTTERDAM NOTICE OF HEARING

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a public hearing at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 at 7:00 p.m. on the 14th day of December, 2022 for the following purpose:

For the enactment of Introductory Local Law No. 10 of 2022 relating to the establishment of a 12-month moratorium on solar farms and solar power plants.

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

DATED: November 18, 2022

Daily Gazette: Please publish once on November 30, 2022
Town Clerk Post

SECTION 6. This resolution shall become effective November 18, 2022.

DATED: November 18, 2022

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on November 18, 2022, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this November 21, 2022.

Diane M. Marco

Diane M. Marco, Town Clerk



RESOLUTION NO. 324.22

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Friday, November 18, 2022, at 6:00 p.m., the following resolution was duly adopted:

TO ACCEPT A GIFT FROM VINCY'S PRINTING

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 accepts the gift of ten (10) signs and ten (10) stakes from Vincy's Printing located at 1832 Curry Rd, Schenectady, NY 12306 for the Town of Rotterdam's Holiday Festival.

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

DATED: November 9, 2022

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on November 18, 2022, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this November 21, 2022.

Diane M. Marco

Diane M. Marco, Town Clerk



RESOLUTION NO. 325.22

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Friday, November 18, 2022, at 6:00 p.m., the following resolution was duly adopted:

TO AUTHORIZE THE HIGHWAY SUPERINTENDENT TO PARTICIPATE IN THE MUNICIPAL AUCTION FOR THE PURCHASE OF ONE SNOW PLOW

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Pursuant to General Municipal Law 103(6), the Town Board of the Town of Rotterdam hereby authorizes the Highway Superintendent to submit one or more bids through Municipal Auction in furtherance of purchasing from another political subdivision one 2007 International 7400 Plow/Sander at a purchase price not to exceed \$45,000, and, in the event such bid is selected as the winning bid for such equipment, the Town Board approves of the Highway Superintendent's consummation of the purchase of such equipment.

SECTION 2. This resolution shall become effective November 18, 2022. The authority granted to the Highway Superintendent to submit one or more bids on such equipment pursuant to this resolution shall expire upon the earlier of the conclusion of the period for the receipt of bids by Municipal Auction for such equipment, or December 15, 2022.

DATED: November 18, 2022

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on November 18, 2022, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this November 21, 2022.

Diane M. Marco

Diane M. Marco, Town Clerk



RESOLUTION NO. 326.22

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Friday, November 18, 2022, at 6:00 p.m., the following resolution was duly adopted:

TO APPOINT A POLICE OFFICER

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Reiana Opalka of Rotterdam, New York is hereby appointed to the position of Police Officer, full-time, probationary with full time employee benefits, and subject to pre-employment background checks, at an annual salary of forty-four thousand three hundred eighty-two and 98/100 (\$44,382.98) dollars, commencing November 28, 2022.

SECTION 2. This resolution shall be effective November 18, 2022.

DATED: November 18, 2022

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on November 18, 2022, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this November 21, 2022.

Diane M. Marco

Diane M. Marco, Town Clerk



RESOLUTION NO. 327.22

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Friday, November 18, 2022, at 6:00 p.m., the following resolution was duly adopted:

TO ADOPT THE 2023 PRELIMINARY BUDGET AS THE ANNUAL BUDGET FOR THE TOWN OF ROTTERDAM FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023

WHEREAS, the Town Board of the Town of Rotterdam accepted, by resolution, the 2023 Tentative Budget, with modifications, as the 2023 Preliminary Budget on October 26, 2022; and

WHEREAS, pursuant to New York State Town Law Section 108, the public hearing was held on November 9, 2022, where comments by the public both in favor and against the 2023 Preliminary Budget, as compiled, and both for and against specific items contained in that budget were heard by the Town Board; NOW

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 modifies the 2023 Preliminary Budget by including therein an as part thereof the estimated fund balances, together with a breakdown of such fund balance estimated for encumbrances, amounts appropriated for the ensuing fiscal year's budget, amounts reserved for stated purposes pursuant to law, including reserve funds established pursuant to the general municipal law, and the remaining estimated unappropriated unreserved fund balance for each fund.

SECTION 2. The Town Board of the Town of Rotterdam hereby adopts the 2023 Preliminary Budget, with the foregoing modification, as the Annual Budget for the Town of Rotterdam for the fiscal year beginning January 1, 2023.

SECTION 3. This resolution shall become effective November 18, 2022.

DATED: November 18, 2022

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on November 18, 2022, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this November 21, 2022.

Diane M. Marco

Diane M. Marco, Town Clerk



RESOLUTION NO. 329.22

**TO APPOINT JASON MURPHY AS A PART TIME CONFIDENTIAL RECORDS
MANAGEMENT LIAISON**

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 appoints Jason Murphy of Schenectady New York to the position of Confidential Records Management Liaison, part-time, provisional, with no employee benefits, and subject to pre-employment background checks, at the hourly rate of thirty dollars (\$30.00) per hour, with a weekly workload not to exceed thirty (30) hours commencing December 15, 2022.

SECTION 2. This resolution shall be effective December 14, 2022.

DATED: December 14, 2022

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: November 30, 2022
TO: Legislative Review Board
FROM: Deputy Chief William Male *W. Male*
TITLE OF REQUEST: Provisionally appoint Jason Murphy to the part time position of Confidential Records Management Liaison.

TOWN BOARD MEETING: December 14, 2022

Background Information: To fulfill the requirements set forth in the NYS Budget, titled Criminal Justice Reform, whereby effective January 1, 2020 article 245 of the CPL will establish timing of discovery. Prosecution evidence must now be disclosed not more than 15 days after a defendant's arraignment on a simplified information, misdemeanor complaint or felony complaint.

Evaluation/Analysis: The rate of pay will be \$30.00 per hour, with a weekly workload not to exceed 30 hours.

Recommendation(s): Appoint Jason Murphy to the position of Confidential Records Management Liaison, part time, provisional, with no employee benefits at an hourly rate of thirty dollars (\$30.00) per hour, with a weekly workload not to exceed thirty (30) hours, effective December 15, 2022.

Attachment/Document(s): N/A

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: RPD

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



Schenectady County

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

APPLICATION FOR EXAMINATION OR EMPLOYMENT

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

CIVIL SERVICE DEPT.
USE ONLY

Date Received _____ Approved _____

Conditional _____ Disapproved _____

1. Confidential Records Mgr

POSITION TITLE

EXAM NUMBER

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

2. Name and Legal Residence

Murphy Jason R

Last Name First Name Middle Initial

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

County City, Town, Village State Zip

Home Phone Number Cell Phone

Email Address:

If mailing address is different:

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

County City, Town, Village State Zip

Social Security Number

3. Police Officer & Firefighter Candidates Only:

Date of Birth (MM/DD/YYYY)

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

	Name	Years	Months
State of:			
County of:			
Village of:			
Town of:			
City of:			
School District			

5. Citizenship

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

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

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

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

Religious ☐ Military ☐ Disability ☐

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

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

License #:	
Restrictions:	
Expiration Date:	
Endorsements:	
Class of License:	
Is this License Currently Valid	YES ☐ NO ☐

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

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

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

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

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

REMARKS: _____

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

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

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

High School						
Have you ever graduated from High School or do you have possession of a High School Equivalency Diploma?						YES ☒ NO ☐
If Yes, Name and Location of High School or Issuing Government Authority:				Mohonasen Sr High School		
Equivalency Diploma Number:						
College, University, Professional or Technical School						
Name of School	Number of College Credits	Degree Earned	Major Subject/ Courses	Did You Graduate?		Date Degree Expected or Received
				Yes	No	
Siena College	120	BA	Marketing Mgmt	X		

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

Length of Employment	Firm Name:	Murphy Digital Services
From: [REDACTED] / [REDACTED] Month/Year (mm/yyyy)	Firm Address:	26 Londonderry Way, Niskayuna, NY 12309
To: [REDACTED] / [REDACTED] Month/Year (mm/yyyy)	Description of Duties: Performed Criminal Discovery for Law Enforcement Agencies.	
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime) 35		
Reason for Leaving		
Job Offer		
Length of Employment	Firm Name:	Town of Rotterdam Police Department
From: [REDACTED] / [REDACTED] Month/Year (mm/yyyy)	Firm Address:	101 Princetown Rd, Rotterdam, NY 12306
To: [REDACTED] / [REDACTED] Month/Year (mm/yyyy)	Description of Duties: Performed Criminal Discovery for the Rotterdam Police Department	
Employment Details		
Your Exact Title Confidential Records Manager		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		
Formed my own business		

Length of Employment		Firm Name:	Rotterdam Police Department
From:		Firm Address:	101 Princetown Road, Rotterdam, NY 12306
To:	Month/Year (mm/yyyy)	Description of Duties: Police Officer	
	Month/Year (mm/yyyy)		
Employment Details			
Your Exact Title			
Lieutenant (Police Officer)			
Name of Your Supervisor			
G.W. Manikas			
Supervisor's Title			
Deputy Chief of Police			
Hours worked / wk. (exclusive of overtime) 40			
Reason for Leaving			
Retired			

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

THIS AFFIRMATION MUST BE COMPLETED

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


Signature of Applicant

Jason R. Murphy
Print Name

12/09/2022
Date

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

RESOLUTION NO. 330.22

**TO APPOINT NICHOLAS TIETZ TO WATER AND SEWER MAINTENANCE
WORKER**

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Nicholas Tietz, of Rotterdam New York 12306, is hereby appointed to the position of Water and Sewer Maintenance Worker, full time, probationary, with full employee benefits, at an annual salary of forty-nine thousand one hundred fifty-six and 95/100(\$49,156.95) dollars, commencing December 19, 2022.

SECTION 2. This resolution shall become effective December 14, 2022.

DATED: December 14, 2022

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: December 7, 2022

TO: Mollie A. Collins, Town Supervisor

FROM: J. Keith, Sr. Building Inspector *JK*

TITLE OF REQUEST: Appoint Nicholas Tietz to the position of Water/Sewer Maintenance Worker

TOWN BOARD MEETING: December 14, 2022

Background Information: Mr. Tietz has worked in the Water/Sewer Maintenance Department since 2021. Mr. Tietz holds a Class B CDL with a tanker endorsement.

Evaluation/Analysis: Mr. Tietz has taken the courses for his distribution license and has been trained on hydrant repair and confined space. Mr. Tietz has responded to call-outs in emergency situations and continues to be an asset to the department. His tanker endorsement will be an asset to the department in helping pump leachate from the former town dump.

Recommendation(s): Recommend to appoint Nicholas Tietz to the position of Water/Sewer Maintenance Worker effective Monday, December 19, 2022.

Attachment/Document(s): See attached documents concerning experience and scope of duties.

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisors Office

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



Schenectady County

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

APPLICATION FOR EXAMINATION OR EMPLOYMENT

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

1. Water & Sewer Maint Worker

POSITION TITLE

EXAM NUMBER

Date Received _____ Approved _____

Conditional _____ Disapproved _____

RECEIVED

NOV 21 2022

Town of Rotterdam
SUPERVISORS OFFICE

CIVIL SERVICE DEPT.
USE ONLY

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

2. Name and Legal Residence

Tietz Nicholas R
Last Name First Name Middle Initial

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

County City, Town, Village State Zip

Home Phone Number Cell Phone

Email Address:

If mailing address is different:

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

County City, Town, Village State Zip

Social Security Number

3. Police Officer & Firefighter Candidates Only:

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

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

	Name	Years	Months
State of:			
County of:			
Village of:			
Town of:			
City of:			
School District			

5. Citizenship

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

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

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

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

Religious ☐ Military ☐ Disability ☐

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

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

License #:	
Restrictions:	
Expiration Date:	7/29/2029
Endorsements:	Tank Vehicles
Class of License:	BM
Is this License Currently Valid	YES ☒ NO ☐

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

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

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

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

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

REMARKS: _____

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

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

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

High School						
Have you ever graduated from High School or do you have possession of a High School Equivalency Diploma?						YES ☒ NO ☐
If Yes, Name and Location of High School or Issuing Government Authority:				Mohonasen High School		
Equivalency Diploma Number:						
College, University, Professional or Technical School						
Name of School	Number of College Credits	Degree Earned	Major Subject/ Courses	Did You Graduate?		Date Degree Expected or Received
				Yes	No	
SCCC	60	Assoc	Liberal Arts	✓		
Hudson Valley	30		Paramedic		✓	
Marist College	30		Nursing		✓	

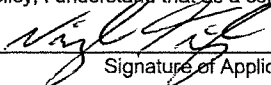
13. Experience: All sections must be filled out completely even if you attach a resume. Begin with the most recent employment. List all employment or military service that shows that you meet the minimum qualifications for the examination. Omissions or vagueness will not be interpreted in your favor.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

Length of Employment		Firm Name:	Town of Rotterdam
From:		Firm Address:	1100 Sunrise Blvd
To:		Description of Duties: Maintaining water infrastructure & sewer infrastructure. Repairing water mains when breaks occur. Cleaning sewers using sewer jet truck whenever problems may occur. Cleaning & maintaining pump stations. Driving the dump truck whenever needed.	
Employment Details			
Your Exact Title	Laborer		
Name of Your Supervisor	Matt Lupi		
Supervisor's Title	Water/Sewer Supervisor		
Hours worked / wk. (exclusive of overtime)	40 / WK		
Reason for Leaving			
Length of Employment		Firm Name:	Hannaford
From:		Firm Address:	180 Delaware Plaza Delmar NY
To:		Description of Duties: Creating schedules & managing employee breaks & lunches. Ordering food & supplies daily. Preparing foods for daily sales. Aiding management w/ inventory monthly.	
Employment Details			
Your Exact Title	Deli Asst Manager		
Name of Your Supervisor	Shemah Carrington		
Supervisor's Title	Deli Manager		
Hours worked / wk. (exclusive of overtime)	40 / WK		
Reason for Leaving			
Better job opportunity			

Length of Employment	Firm Name:	United States Postal Service
From: [REDACTED]	Firm Address:	29 Jay St Schduy NY
To: [REDACTED]	Description of Duties:	
Setting up mail routes every morning in the office. Setting the mail truck up in sequential route order before heading out for delivery. Driving to the route & delivering the mail in an efficient & timely manner. Helping other mail carriers finish their routes to ensure timely delivery.		
Employment Details		
Your Exact Title	Mail Carrier	
Name of Your Supervisor	Anita Grassia	
Supervisor's Title	Station Manager	
Hours worked / wk. (exclusive of overtime)	40/wk	
Reason for Leaving	Better job opportunity w/ benefits	
Length of Employment	Firm Name:	
From:	Firm Address:	
To: Month/Year (mm/yyyy)	Description of Duties:	
To: Month/Year (mm/yyyy)		
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

THIS AFFIRMATION MUST BE COMPLETED

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


Signature of Applicant

Nicholas Tretz
Print Name

11/21/2022
Date

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

RESOLUTION NO. 331.22

**TO APPOINT PETER GREISLER TO WATER AND SEWER MAINTENANCE
WORKER**

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Peter Greisler, of Rotterdam New York 12306, is hereby appointed to the position of Water and Sewer Maintenance Worker, full time, probationary, with full employee benefits, at an annual salary of forty-nine thousand one hundred fifty-six and 95/100(\$49,156.95) dollars, commencing December 19, 2022.

SECTION 2. This resolution shall become effective December 14, 2022.

DATED: December 14, 2022

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: December 7, 2022

TO: Mollie A. Collins, Town Supervisor

FROM: J. Keith, Sr. Building Inspector *JK*

TITLE OF REQUEST: Appoint Peter Griesler to the position of Water/Sewer Maintenance Worker

TOWN BOARD MEETING: December 14, 2022

Background Information: Mr. Griesler has worked in the Water/Sewer Maintenance Department since 2019.

Evaluation/Analysis: Mr. Griesler has taken the courses for his distribution license and has been trained on hydrant repair and confined space. Mr. Griesler has responded to call-outs in emergency situations and continues to be an asset to the department.

Recommendation(s): Recommend to appoint Peter Griesler to the position of Water/Sewer Maintenance Worker effective Monday, December 19, 2022.

Attachment/Document(s): See attached documents concerning experience and scope of duties.

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisors Office

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



Schenectady County

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

APPLICATION FOR EXAMINATION OR EMPLOYMENT

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

1. Water/Sewer Maintenance worker

POSITION TITLE

EXAM NUMBER

Date Received _____ Approved _____

Conditional _____ Disapproved _____

RECEIVED

NOV 18 2022

Town of Rotterdam
SUPERVISORS OFFICE

CIVIL SERVICE DEPT.
USE ONLY

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

2. Name and Legal Residence

Crisples Peter S
Last Name First Name Middle Initial

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

County _____ City, Town, Village _____ State _____ Zip _____

Home Phone Number _____ Cell Phone _____

Email Address _____

If mailing address is different:

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

County _____ City, Town, Village _____ State _____ Zip _____

Social Security Number _____

3. Police Officer & Firefighter Candidates Only:

Date of Birth (MM/DD/YYYY) _____

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

	Name	Years	Months
State of:			
County of:			
Village of:			
Town of:			
City of:			
School District			

5. Citizenship

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

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

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

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

Religious ☐ Military ☐ Disability ☐

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

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

License #:	_____
Restrictions:	_____
Expiration Date:	11/03/2023
Endorsements:	none
Class of License:	class D
Is this License Currently Valid	YES ☒ NO ☐

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

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

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

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

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

REMARKS:

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

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

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

High School	
Have you ever graduated from High School or do you have possession of a High School Equivalency Diploma?	YES ☒ NO ☐
If Yes, Name and Location of High School or Issuing Government Authority:	Schalmont High School Baltimore NY
Equivalency Diploma Number:	

College, University, Professional or Technical School						
Name of School	Number of College Credits	Degree Earned	Major Subject/ Courses	Did You Graduate?		Date Degree Expected or Received
				Yes	No	

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

Length of Employment	Firm Name:	Dagostino Bolding Blocks, Inc.
From: [REDACTED]	Firm Address:	1111 Alhambra Ave.
To: [REDACTED]	Description of Duties:	
Employment Details	Stacking Block	
Your Exact Title	Running Block Machine	
Name of Your Supervisor	Operating Forklift	
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)	40 Hrs.	
Reason for Leaving	To work for the town of Rotterdam	
Length of Employment	Firm Name:	Town of Rotterdam
From: [REDACTED]	Firm Address:	
To: [REDACTED]	Description of Duties:	
Employment Details	Water / Sewer Duties	
Your Exact Title	SR. Laborer	
Name of Your Supervisor	Miguel Lopez	
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)	40 Hrs. weeks	
Reason for Leaving		

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

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

THIS AFFIRMATION MUST BE COMPLETED

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

Peter Carisler

Signature of Applicant

Peter Carisler

Print Name

11/17/22

Date

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

RESOLUTION NO. 332.22

**TO AUTHORIZE CHANGE ORDER TWO(2) FOR THE WELLFIELD
CHLORINATION BUILDING WITH BRUNSWICK ELECTRIC, INC.**

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to execute Change Order No. 2 with Brunswick Electric Inc, located at 290 Hoosick Street, Troy New York, 12180, for an increase in the amount of six hundred sixty and 00/100 dollars (\$660.00), for a total contract amount of one hundred thirty thousand six hundred five and 68/100 (\$130,605.68) dollars, for the Wellfield Chlorination Building.

SECTION 2. This resolution shall become effective December 14, 2022.

DATED: December 14, 2022

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: October 25, 2022

TO: Mollie Collins – Town Supervisor

FROM: Charles Jack Dodson – Deputy Town Supervisor

TITLE OF REQUEST: Authorize the Supervisor to sign Change Order Two (2) for Brunswick Electric, Inc, – Wellfield Chlorination

TOWN BOARD MEETING: November 9, 2022

Background Information: Brunswick Electric, Inc. is the contractor for the Wellfield Chlorination Building.

Evaluation/Analysis: Allow Change Order for Brunswick Electric Inc. on Wellfield Chlorination Building for an increase cost change order of \$660.00 for additional work.

Recommendation(s): Authorize the Supervisor to sign a Change Order for an increase cost change contract for Brunswick Electric, Inc.

Attachment/Document(s): Contract Change Order

Compliance with Purchasing Policy:

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

LEGISLATION WILL BE PREPARED BY: Supervisors Office

CHANGE
ORDER 2

AIA DOCUMENT G701

OWNER ☐
ARCHITECT ☐
CONTRACTOR ☐
FIELD ☐
OTHER ☐

PROJECT: Town of Rotterdam Water System
Improvements Phase 1 Wellfield Chlor.
Contract No. 2 - Electrical
TO CONTRACTOR: Brunswick Electric, Inc.
290 Hoosick Street
Troy, NY 12180
CHANGE ORDER NUMBER: 2
DATE: 9/19/22
ARCHITECT'S PROJECT NO.: 01-1705
CONTRACT DATE: November 1, 2019
CONTRACT FOR: Contract No. 2 - Electric

The Contract is changed as follows:

Change order to install relays to allow vacuum monitors to only operate while chlorine booster pumps are in operation.

Not valid until signed by the Owner, Architect and Contractor.

The original (Contract Sum) (Guaranteed maximum Price) was	\$126,810.00
Net change by previously authorized Change orders	\$3,135.68
The (Contract Sum) (Guaranteed maximum Price) prior to this Change order was	\$129,945.68
The (Contract Sum) (Guaranteed maximum Price) will be (increased) (decreased) (unchanged) by this Change Order in the amount of	\$660.00
The new (Contract Sum) (Guaranteed maximum Price) including this Change order will be	\$130,605.68

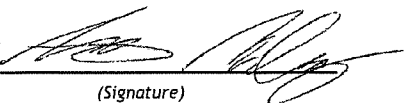
The Contract Time will be (~~increased~~) (~~decreased~~) (unchanged) by 0 days
The date of Substantial Completion as of the date of this Change Order therefore is July 6, 2021

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

PRIME AE Group of NY
ARCHITECT
100 Great Oaks Blvd Suite 114
Address
Albany, NY 12203

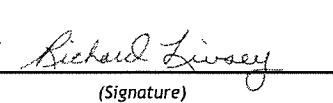
Brunswick Electric, Inc.
CONTRACTOR
290 Hoosick Street
Address
Troy, NY 12180

Town of Rotterdam
OWNER
1100 Sunrise Blvd.
Address
Rotterdam, NY 12306

BY 
(Signature)

BY Brett S. Newberry, PE
(Typed Name)

DATE 9/19/2022

BY 
(Signature)

BY Richard W. Livsey, President
(Typed Name)

DATE 09/28/2022

BY _____
(Signature)

BY _____
(Typed Name)

DATE _____

From: belectric@aol.com
To: [Brett Newberry](#)
Cc: [Doug Cole](#); jpeterson@rotterdamny.org
Subject: Re: Rotterdam Chlorine Building Vac Monitor Outlets
Date: Thursday, April 21, 2022 11:11:33 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image001.png](#)

Brett,

To have the Vac pumps operate when the booster pumps are running.

Cost \$660.00

Includes Labor and relays.

Richard Livsey, President
BRUNSWICK ELECTRIC, INC.
290 Hoosick Street
Troy, NY 12180
518.270.3695 (T)
518.270.4716 (F)

-----Original Message-----

From: Brett Newberry <bnewberry@primeeng.com>
To: belectric@aol.com <belectric@aol.com>
Cc: Doug Cole <dcole@primeeng.com>; jpeterson@rotterdamny.org <jpeterson@rotterdamny.org>
Sent: Mon, Apr 11, 2022 3:19 pm
Subject: RE: Rotterdam Chlorine Building Vac Monitor Outlets

Rich,

Attached is the schematic of the pump panel. It appears that there are a normally open contacts on the pump circuits that also activate the run lights. It seems you would need a relay between the outlet, pump run signal, and power panel so that the circuit for the outlet is only closed and active when the relay picks up a pump run signal.

Sincerely,

Brett S. Newberry, PE

Design Engineer



KB Group of NY, Inc. dba PRIME AE Group of NY
100 Great Oaks Blvd | Suite 114 | Albany, New York 12203
O: 518 348 7866 | bnewberry@primeeng.com
Connecting. Creating. Conserving. Community.
www.primeeng.com

From: belectric@aol.com <belectric@aol.com>

Sent: Friday, April 8, 2022 4:08 PM

To: Brett Newberry <bnewberry@primeeng.com>

Cc: Doug Cole <dcole@primeeng.com>; jpeterson@rotterdamny.org

Subject: Re: Rotterdam Chlorine Building Vac Monitor Outlets

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Brett,

I understand what you're trying to accomplish. Two questions.

Do we need a relay for each run signal in the pump panel?

Is there a dry contact?

Richard Livsey, President

BRUNSWICK ELECTRIC, INC.

290 Hoosick Street

Troy, NY 12180

518.270.3695 (T)

518.270.4716 (F)

-----Original Message-----

From: Brett Newberry <bnewberry@primeeng.com>

To: belectric@aol.com <belectric@aol.com>

Cc: Doug Cole <dcole@primeeng.com>; Justin Peterson <jpeterson@rotterdamny.org>

Sent: Thu, Mar 24, 2022 11:42 am

Subject: Rotterdam Chlorine Building Vac Monitor Outlets

Rich,

It has come to our attention that the vac monitors should have a dedicated outlet that allows the monitors to energize when the well pumps are on and shut off when the pumps shut off. As the vac monitors have latchable alarms, they need to be manually reset when the pumps turn back on in the current set up. Can you please provide a price to provide each of the two vac monitors with a dedicated outlet that will be energized when their respective chlorine booster pump is running? So when the north pump runs, the north vac monitor outlet will energize, and when the pump shuts off, the outlet will not provide any power. Same for the south side. This should be similar to what we did in Well 5 for the chemical pumps tied into the VFD, except we'll take the run signal off the chlorine pump control panel in the chlorine building.

Sincerely,

Brett S. Newberry, PE

Design Engineer



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

100 Great Oaks Blvd | Suite 114 | Albany, New York 12203

O: 518 348 7866 | bnewberry@primeeng.com

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RESOLUTION NO. 333.22

TO AUTHORIZE A RELEASE OF RETAINAGE TO BRUNSWICK ELECTRIC INC.

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to execute the release of retainage and issue final payment no. 4 and change order no. 2, to Brunswick Electric Inc, located at 290 Hoosick Street, Troy New York, 12180, in the total amount of seven thousand one hundred twenty-seven and 28/100 dollars (\$7,127.28), for the Water System Improvements Phase 1-Wellfield Chlorination Contract No. 2.

SECTION 2. This resolution shall become effective December 14, 2022.

DATED: December 14, 2022

NAME	AYES	NOES	ABSTAIN
Christou			
Mastroianni			
Miller-Herrera			
Dodson			
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: November 25, 2022

TO: Mollie Collins – Town Supervisor

FROM: Charles Jack Dodson – Deputy Town Supervisor

CC: Marcus Montgomery-Comptroller

TITLE OF REQUEST: Authorize the release of final payment of retainage and close out paper work for Water System Improvements Phase 1-Contract No. 2-Electrical.

TOWN BOARD MEETING: November 25, 2022

Background Information: Brunswick Electric, Inc is the contractor for the Wellfield Chlorination Building and is requesting release of retainage.

Evaluation/Analysis: Project is substantially complete. Retainage release needs to be authorized by the Town Board in order to issue final payment to the contractor.

Recommendation(s): Authorize the Supervisor and/or the Town Comptroller to execute all documents necessary to release retainage and issue Final Payment #4 and Change Order # 2 to Brunswick Electric, Inc. in the amount of \$7,127.28.

Attachment/Document(s): Letter dated October 7, 2021 from KB Group of NY, Inc.
Brunswick Electric, Inc. Invoice and Voucher.

Compliance with Purchasing Policy:

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

LEGISLATION WILL BE PREPARED BY: Supervisors Office



Albany Office
100 Great Oaks Boulevard | Suite 114 | Albany, New York 12203
P: 518.382.1774

October 25, 2022

Ms. Tammy Whelan
Town of Rotterdam
1100 Sunrise Blvd.
Rotterdam, NY 12306

**Re: Town of Rotterdam
Water System Improvements Phase 1 – Wellfield Chlorination
Contract No. 2 – Electrical Application for Payment #4
Our Project No. 01-1705**

Dear Ms. Whelan:

Attached for your review and approval is Application for Payment No. 4 for the above referenced project from Brunswick Electric, Inc. They requested payment in the amount of \$7,157.28 for retainage, and work of Change Order #2.

Change Order #2 in the amount of \$660.00 includes the price for additional work performed by Brunswick as described in the attached change order form to install relays to allow the vacuum monitors to only operate while the chlorine booster pumps are in operation. Please execute the attached change order and return a copy to us.

All punch list items have been satisfactorily completed and the project is substantially complete. Based on this, we recommend releasing the remaining retainage. The amount requested represents payment in full for the work under this contract.

We are including the Application and Certificate for Payment, Certificate of Substantial Completion, Contractor's Affidavit of Payment of Debts and Claims, Contractor's Affidavit of Release of Liens, and Consent of Surety to Final Payment.

Based on our review, we recommend payment in the amount of \$7,127.28, which we have certified and approved on the attached Application and Certificate for Payment.

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

Sincerely,

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

Brett S. Newberry, PE

Cc: Mollie Collins, Supervisor
Jack Dodson, Deputy Supervisor
Peter Comenzo, Senior Planner
Lisa Gallo, Town of Rotterdam



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www.primeeng.com

VOUCHER NO.

TOWN OF ROTTERDAM - Voucher
1100 Sunrise Boulevard
Rotterdam, NY 12306

DEPARTMENT _____

CLAIMANT'S NAME AND ADDRESS

BRUNSWICK ELECTRIC, INC.
290 Hoosick Street
Troy, NY 12180

Terms _____
Vendor's _____
Ref. No. 22-1208

VENDOR NO. _____
ABSTRACT NO. _____

DO NOT WRITE IN THIS BOX			
Purchase Order No.	Fund-Appropriation	Amount	
TOTAL			

Dates	Quantity	Description of Materials or Services	Unit Price		Amount	
10/24/2022		Phase 1 - Wellfield Chlorination - Contract #2 Electrical			7157	.28
		Application for Payment No.4				
		Invoice #22-1208				
(See instructions on Reverse Side)			TOTAL		\$7,157.28	
			CHECK #			

CLAIMANT'S CERTIFICATION

I, Barbara Livsey, certify that the above account in the amount of \$ 7,157.28 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes; from which the municipality is exempt, are not included; and that the amount claimed is actually due.

10/24/2022
DATE

Barbara Livsey
SIGNATURE
(Space below for Municipal Use)

Secretary
TITLE

DEPARTMENT APPROVAL

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

DATE _____ AUTHORIZED OFFICIAL _____

APPROVAL FOR PAYMENT

This claim is approved and ordered paid from the Appropriation indicated above.

DATE _____ AUDITING BOARD _____

Contractor's Application for Payment No.

TOWN OF ROTTERDAM 1100 SUNSET BOULEVARD ROTTERDAM, NY 12206 (Owner) Project: Wellfield Chlorination		Application Through June 23, 2022 From (Contractor): Brunswick Electric, Inc., 390 Hoosick Street, Troy, NY 12180 Contract: Electrical Contractor's Project No 19-603		Application Date: October 24, 2022 Via (Architect): Prime A/E Group of Albany 100 Great Oaks Boulevard, Suite 114, Albany, NY 12203 Architect's Project No.: 01-1705	
Contract No. 2					

Application For Payment
Change Order Summary

Approved Change Orders		
Number	Additions	Deductions
1	\$3,135.68	
2	\$660.00	
TOTALS	\$3,795.68	
NET CHANGE BY CHANGE ORDERS		\$3,795.68

- | | | |
|---|----|--------------|
| 1. ORIGINAL CONTRACT PRICE | \$ | \$126,810.00 |
| 2. Net change by Change Orders | \$ | \$3,795.68 |
| 3. Current Contract Price (Line 1 + 2) | \$ | \$130,605.68 |
| 4. TOTAL COMPLETED AND STORED TO DATE
(Column F total on Progress Estimates) | \$ | \$130,605.68 |
| 5. RETAINAGE: | | |
| a. ☒ Work Completed | \$ | |
| b. ☒ Stored Material | \$ | |
| c. Total Retainage (Line 5.a + Line 5.b) | \$ | \$130,605.68 |
| 6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c) | \$ | \$123,448.40 |
| 7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application) | \$ | \$7,157.28 |
| 8. AMOUNT DUE THIS APPLICATION | \$ | |
| 9. BALANCE TO FINISH, PLUS RETAINAGE
(Column G total on Progress Estimates + Line 5.c above) | \$ | |

Contractor's Certification

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) It will receive gross payments received from Owner on account of Work done under the Contract to be applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;

(2) Title in all Work, materials, equipment, and other property used in said Work, or otherwise listed in or attached to this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as now covered by a negotiable instrument of all kinds, security interests, and encumbrances) and;

(3) All Work covered by this Application for Payment is in accordance with the Contract Documents.

Not a Defective

Contractor Signature

34

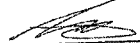
Barbara Jensen

Date: _____

October 24, 2022

7,157.28

Payment of: \$ _____
(Line 8 or other - attach explanation of the other amount)

is recommended by:  10/25/2022
(Engineer) (Date)

Payment of: \$ _____
(Line 8 or other - attach explanation of the other amount)

is approved by: _____
(Owner) (Date)

Approved by: _____
Funding or Financing Entity (if applicable) (Date)

Contractor's Application

EJCDC® C-620 Contractor's Application for Payment
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Page 1 of 1

U.S. Department of Labor
Wage and Hour Division

PAYROLL

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.



U.S. Wage and Hour Division

Rev. Dec. 2008

NAME OF CONTRACTOR ☒ OR SUBCONTRACTOR ☐ ADDRESS 290 Hoosick Street
Troy, NY 12180
OMB No.: 1235-0008
Expires: 01/31/2015

Brunswick Electric, Inc.		Troy, NY 12180	
PAYROLL NO.	FOR WEEK ENDING	PROJECT AND LOCATION	PROJECT OR CONTRACT NO.
	01/28/2022	Town of Rotterdam Phase 1 - Wallfield Chlorination	Contract #2

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	(4) DAY AND DATE					(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS						(9) NET WAGES PAID FOR WEEK	
			1	2	3	4	5				6	7	8	9	10	11		12
			HOURS WORKED EACH DAY								FICA	WITH- HOLDING TAX	NYS Withholding	DBL	OTHER	TOTAL DEDUCTIONS		
Livsey, Richard Troy, New York xxx-xx-6034	0	Electrician	O							\$499.80	\$213.03	\$476.00	\$148.63	\$0.60	\$297.06	\$1,135.32	\$1,649.28	
			S					7.00	7.00	71.40								\$2,784.60
Ferris, Richard Troy, New York xxx-xx-8555	0	Electrician	O															
			S							71.40								
			O															
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.6(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.6(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 65 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210

(over)

Date February 2, 2022

I, Barbara Livey Secretary
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

Brunswick Electric, Inc. on the
(Contractor or Subcontractor)

Town of Rotterdam - Wellfield Chlorination; that during the payroll period commencing on the
(Building or Work)

24 day of January, 2022, and ending the 28 day of January, 2022,

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

Brunswick Electric, Inc. from the full
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below.

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

- ☐ — in addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

- ☒ — Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE

Barbara Livey
Secretary

SIGNATURE

Barbara Livey

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.

U.S. Department of Labor
Wage and Hour Division

PAYROLL

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)



U.S. Wage and Hour Division

Rev. Dec. 2008

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

NAME OF CONTRACTOR ☒ OR SUBCONTRACTOR ☐ ADDRESS 290 Hoosick Street
Troy, NY 12180 OMB No.: 1235-0008
Expires: 01/31/2015

PAYROLL NO. FOR WEEK ENDING 02/18/2022 PROJECT AND LOCATION Town of Rotterdam
Phase 1 - Wellfield Chlorination PROJECT OR CONTRACT NO. Contract #2

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT OR ST.	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS						(9) NET WAGES PAID FOR WEEK			
					14	15	16	17	18					FICA	WITH- HOLDING TAX	NYS Withholding	DBL	OTHER	TOTAL DEDUCTIONS				
				HOURS WORKED EACH DAY																			
Livsey, Richard Troy, New York xxx-xx-6034	0	Electrician	O									\$357.00											
			S	5.00						5.00	71.40	\$2,332.24	\$178.42	\$376.00	\$116.41	\$0.60	\$237.77	\$909.20	\$1,423.04				
Ferris, Richard Troy, New York xxx-xx-8555	0	Electrician	O																				
			S							71.40													
			O																				
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210

(over)

Date February 23, 2022

I, Barbara Livsey Secretary
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

Brunswick Electric, Inc.

(Contractor or Subcontractor)

on the

Town of Rotterdam - Wellfield Chlorination

(Building or Work)

that during the payroll period commencing on the

14 day of February, 2022, and ending the 18 day of February, 2022

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

Brunswick Electric, Inc.

from the full

(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐

— In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☒ — Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)

EXPLANATION

REMARKS:

NAME AND TITLE

Barbara Livsey
Secretary

SIGNATURE

Barbara Livsey

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.

U.S. Wage and Hour Division

Rev. Dec. 2008

PAYROLL NO.	FOR WEEK ENDING	PROJECT AND LOCATION	PROJECT OR CONTRACT NO.
	06/24/2022	Town of Rotterdam Phase 1 - Wellfield Chlorination	Contract #2

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT OR ST.	(4) DAY AND DATE					(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS						(9) NET WAGES PAID FOR WEEK
				20	21	22	23	24				FICA	WITH- HOLDING TAX	NYS Withholding	DHL	OTHER	TOTAL DEDUCTIONS	
				HOURS WORKED EACH DAY														
Livsey, Richard Troy, New York xxx-xx-6034	0	Electrician	O								\$214.20	\$121.38	\$218.00	\$72.96	\$0.60	\$135.04	\$547.98	\$1,038.70
			S						3.00	71.40	\$1,586.68							
Ferris, Richard Troy, New York xxx-xx-8555	0	Electrician	O															
			S							71.40								
			O															
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Public Burden Statement

(over)

Date June 29, 2022

I, Barbara Livsey Secretary
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

Brunswick Electric, Inc.

on the

(Contractor or Subcontractor)

Town of Rotterdam - Wellfield Chlorination; that during the payroll period commencing on the

(Building or Work)

20 day of June, 2022, and ending the 24 day of June, 2022,

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

Brunswick Electric, Inc.

from the full

(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐

in addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☒ - Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)

EXPLANATION

REMARKS:

NAME AND TITLE

Barbara Livsey
Secretary

SIGNATURE

Barbara Livsey

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.

CHANGE
ORDER 2

AIA DOCUMENT G701

OWNER ☐
ARCHITECT ☐
CONTRACTOR ☐
FIELD ☐
OTHER ☐

PROJECT: Town of Rotterdam Water System
Improvements Phase 1 Wellfield Chlor.
Contract No. 2 - Electrical
TO CONTRACTOR: Brunswick Electric, Inc.
290 Hoosick Street
Troy, NY 12180
CHANGE ORDER NUMBER: 2
DATE: 9/19/22
ARCHITECT'S PROJECT NO.: 01-1705
CONTRACT DATE: November 1, 2019
CONTRACT FOR: Contract No. 2 - Electric

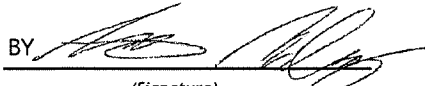
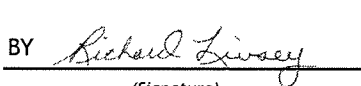
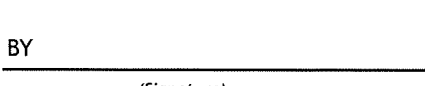
The Contract is changed as follows:

Change order to install relays to allow vacuum monitors to only operate while chlorine booster pumps are in operation.

Not valid until signed by the Owner, Architect and Contractor.

The original (Contract Sum) (Guaranteed maximum Price) was	\$126,810.00
Net change by previously authorized Change orders	\$3,135.68
The (Contract Sum) (Guaranteed maximum Price) prior to this Change order was	\$129,945.68
The (Contract Sum) (Guaranteed maximum price) will be (increased) (decreased) (unchanged) by this Change Order in the amount of	\$660.00
The new (Contract Sum) (Guaranteed maximum Price) including this Change order will be	\$130,605.68
The Contract Time will be (increased) (decreased) (unchanged) by	0 days
The date of Substantial Completion as of the date of this Change Order therefore is	July 6, 2021

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

PRIME AE Group of NY	Brunswick Electric, Inc.	Town of Rotterdam
ARCHITECT	CONTRACTOR	OWNER
100 Great Oaks Blvd Suite 114	290 Hoosick Street	1100 Sunrise Blvd.
Address	Address	Address
Albany, NY 12203	Troy, NY 12180	Rotterdam, NY 12306
BY 	BY 	BY 
(Signature)	(Signature)	(Signature)
BY Brett S. Newberry, PE	BY Richard W. Livsey, President	BY
(Typed Name)	(Typed Name)	(Typed Name)
DATE 9/19/2022	DATE 09/28/2022	DATE

From: belectric@aol.com
To: [Brett Newberry](#)
Cc: [Doug Cole](#); jpeterson@rotterdamny.org
Subject: Re: Rotterdam Chlorine Building Vac Monitor Outlets
Date: Thursday, April 21, 2022 11:11:33 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image001.png](#)

Brett,

To have the Vac pumps operate when the booster pumps are running.

Cost \$660.00

Includes Labor and relays.

Richard Livsey, President
BRUNSWICK ELECTRIC, INC.
290 Hoosick Street
Troy, NY 12180
518.270.3695 (T)
518.270.4716 (F)

-----Original Message-----

From: Brett Newberry <bnewberry@primeeng.com>
To: belectric@aol.com <belectric@aol.com>
Cc: Doug Cole <dcole@primeeng.com>; jpeterson@rotterdamny.org <jpeterson@rotterdamny.org>
Sent: Mon, Apr 11, 2022 3:19 pm
Subject: RE: Rotterdam Chlorine Building Vac Monitor Outlets

Rich,

Attached is the schematic of the pump panel. It appears that there are a normally open contacts on the pump circuits that also activate the run lights. It seems you would need a relay between the outlet, pump run signal, and power panel so that the circuit for the outlet is only closed and active when the relay picks up a pump run signal.

Sincerely,

Brett S. Newberry, PE

Design Engineer



KB Group of NY, Inc. dba PRIME AE Group of NY
100 Great Oaks Blvd | Suite 114 | Albany, New York 12203
O: 518 348 7866 | bnewberry@primeeng.com
Connecting. Creating. Conserving. Community.
www.primeeng.com

From: belectric@aol.com <belectric@aol.com>

Sent: Friday, April 8, 2022 4:08 PM

To: Brett Newberry <bnewberry@primeeng.com>

Cc: Doug Cole <dcole@primeeng.com>; jpeterson@rotterdamny.org

Subject: Re: Rotterdam Chlorine Building Vac Monitor Outlets

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Brett,

I understand what you're trying to accomplish. Two questions.
Do we need a relay for each run signal in the pump panel?
Is there a dry contact?

Richard Livsey, President
BRUNSWICK ELECTRIC, INC.
290 Hoosick Street
Troy, NY 12180
518.270.3695 (T)
518.270.4716 (F)

-----Original Message-----

From: Brett Newberry <bnewberry@primeeng.com>

To: belectric@aol.com <belectric@aol.com>

Cc: Doug Cole <dcole@primeeng.com>; Justin Peterson <jpeterson@rotterdamny.org>

Sent: Thu, Mar 24, 2022 11:42 am

Subject: Rotterdam Chlorine Building Vac Monitor Outlets

Rich,

It has come to our attention that the vac monitors should have a dedicated outlet that allows the monitors to energize when the well pumps are on and shut off when the pumps shut off. As the vac monitors have latchable alarms, they need to be manually reset when the pumps turn back on in the current set up. Can you please provide a price to provide each of the two vac monitors with a dedicated outlet that will be energized when their respective chlorine booster pump is running? So when the north pump runs, the north vac monitor outlet will energize, and when the pump shuts off, the outlet will not provide any power. Same for the south side. This should be similar to what we did in Well 5 for the chemical pumps tied into the VFD, except we'll take the run signal off the chlorine pump control panel in the chlorine building.

Sincerely,

Brett S. Newberry, PE
Design Engineer



KB Group of NY, Inc. dba PRIME AE Group of NY
100 Great Oaks Blvd | Suite 114 | Albany, New York 12203
O: 518 348 7866 | bnewberry@primeeng.com
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Certificate of Substantial Completion

Project: Town of Rotterdam Water System Improvements	Owner: Town of Rotterdam	Owner's Contract No.: 2
Contract: Phase 1 – Wellfield Chlorination – Contract No. 2 – Electrical		Date of Contract: November 1, 2019
Contractor: Brunswick Electric, Inc.		Engineer's Project No.: 01-1705-C2

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

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

July 6, 2021

Date of Substantial Completion

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

A ~~[tentative]~~ [revised tentative] [definitive] list of items to be completed or corrected, is as follows:

- 1.) Complete punch list items on attached punch list.
- 2.) Complete and submit all required project closeout documents.

This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents.

The responsibilities between OWNER and CONTRACTOR for security, operation, safety, maintenance, insurance and warranties shall be as provided in the Contract Documents except as amended as follows:

☐ Amended Responsibilities ☒ Not Amended

Owner's Amended Responsibilities: **Not amended.**

Contractor's Amended Responsibilities: **Not amended.**

The following documents are attached to and made part of this Certificate: **Not applicable.**

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

Executed by Engineer

9/9/2021

Date

Accepted by Contractor

9/9/21

Date

Accepted by Owner

Date



Albany Office
100 Great Oaks Boulevard | Suite 114 | Albany, New York 12203
P: 518.382.1774

April 28, 2021, Updated 7/6/2021, Updated 9/9/2021, Updated 9/17/2022

Town of Rotterdam
Water System Improvements
Phase 1 – Wellfield Chlorination
01-1705
Punch List

Contract No. 2 – Electrical
Brunswick Electric, Inc. Punch List

General

1. The date of final completion will be 31 days after the issuance of the Certificate of Substantial Completion. The Certificate of Substantial Completion was issued on September 9, 2021, therefore all punch list work shall be completed by October 10, 2021. Per the contract, liquidated damages for exceeding this 31-day deadline between Substantial and Final completion will be \$500 per day until the work is complete and ready for final payment.

Punch List

- ~~1. Seal around penetrations of new conduits into existing generator building.~~
- ~~2. Adjust dampers behind fans to open smoothly. Converting dampers behind fans to gravity dampers is acceptable.~~
- ~~3. Adjust garage door close button so that button does not need to be held down for door to close completely.~~
- ~~4. Smoke detectors appear to have a short. Please address.~~
- ~~5. Install fan switch at inspection window in chlorine storage room to control chlorine storage room fan.~~
- ~~6. Install gas detector strobe over exterior of pass door into chlorine storage room similar to strobe over chlorine injection room door.~~
- ~~7. Install fan running light at pass door into chlorine storage room.~~
- ~~8. Pull cable for south main pressure transmitter/flow meter from south main manhole to junction box inside chlorine building.~~
- ~~9. Establish turf in areas disturbed by work of this contract.~~
- ~~10. Fill holes under intake louvers in chlorine storage and chlorine injection rooms that are not used for conduit clamps.~~
- ~~11. Clean up walls, floors, and conduits of dirt and debris resulting from work of this contract.~~
- ~~12. Provide additional I/O cards to replace I/O slots lost during flow meter/pressure transmitter rewiring OR rewire flow meters/pressure transmitters to re-establish existing number of I/O slots.~~
- ~~13. Verify proper operation of chlorine gas detectors.~~
- ~~14. Install relays to allow vacuum monitors to only operate when chlorine booster pumps are in operation.~~



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CONTRACTOR'S
AFFIDAVIT OF
PAYMENT OF
DEBTS AND CLAIMS

AIA Document G706

OWNER
ARCHITECT
CONTRACTOR
SURETY
OTHER

☐
☐
☐
☐
☐

TO (Owner)

Town of Rotterdam
1100 Sunset Boulevard
Rotterdam, NY 12306

ARCHITECT'S PROJECT NO: 01-1705

CONTRACT FOR: Electrical Work

PROJECT: Contract 2 - Phase I
(name, address) Wellfield Chlorination

CONTRACT DATE: 01/07/2020

State of: New York

County of: Rensselaer

The undersigned, pursuant to Article 9 of the General Conditions of the Contract for Construction, AIA Document A201, hereby certifies that, except as listed below, he has paid in full or has otherwise satisfied all obligations for all materials and equipment furnished, for all work, labor, and services performed, and for all known indebtedness and claims against the Contractor for damages arising in any manner in connection with the performance of the Contract referenced above for which the Owner or his property might in any way be held responsible.

EXCEPTIONS: (If none, write "None". If required by the Owner, the Contractor shall furnish bond satisfactory to the Owner for each exception.)

NONE

SUPPORTING DOCUMENTS ATTACHED HERETO:

1. Consent of Surety to Final Payment. Whenever Surety is involved, Consent of Surety is required. AIA DOCUMENT G707, CONSENT OF SURETY, may be used for this purpose.
Indicate attachment: (yes X) (no).

The following supporting documents should be attached hereto if required by the Owner:

1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
2. Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.
3. Contractor's Affidavit of Release of Liens (AIA DOCUMENT G706A).

CONTRACTOR: Brunswick Electric, Inc.

Address: 290 Hoosick Street, Troy, NY 12180

BY:

Barbara Livsey
Barbara Livsey, Secretary

Subscribed and sworn to before me this

23rd day of November

19x

Notary Public:

Christina Ellsworth

My Commission Expires: 05-09-2024

CHRISTINA ELLSWORTH
Notary Public, State of New York
Qualified in Rensselaer County
Reg. No. 01EL6341791
My Commission Expires 5/9/2024

**CONTRACTOR'S
AFFIDAVIT OF
RELEASE OF LIENS**

AIA DOCUMENT G706A

OWNER ☐
ARCHITECT ☐
CONTRACTOR ☒
SURETY ☐
OTHER ☐

TO (Owner)

☒ Town of Rotterdam
1100 Sunset Boulevard
Rotterdam, NY 12306

ARCHITECT'S PROJECT NO: 01-1705

☒ CONTRACT FOR: Electrical Work

PROJECT:

(name, address) ☒ Contract 2 - Phase I
Wellfield Chlorination

☒ CONTRACT DATE: 01/07/2020

State of: New York

County of: Rensselaer

The undersigned, pursuant to Article 9 of the General Conditions of the Contract for Construction, AIA Document A201, hereby certifies that to the best of his knowledge, information and belief, except as listed below, the Releases or Waivers of Lien attached hereto include the Contractor, all Subcontractors, all suppliers of materials and equipment, and all performers of Work, labor or services who have or may have liens against any property of the Owner arising in any manner out of the performance of the Contract referenced above.

EXCEPTIONS: (If none, write "None". If required by the Owner, the Contractor shall furnish bond satisfactory to the Owner for each exception.)

Payment Application Nos. #3 & #4 - Release of Retainage

SUPPORTING DOCUMENTS ATTACHED HERETO:

1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
2. Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.

CONTRACTOR: Brunswick Electric, Inc.

Address: 290 Hoosick Street, Troy, NY 12180

BY:

Barbara Livsey
Barbara Livsey, Secretary

Subscribed and sworn to before me this

23rd

day of November

Notary Public:

Christina Ellsworth

My Commission Expires: *05-09-2024*

CHRISTINA ELLSWORTH
Notary Public, State of New York
Qualified in Rensselaer County
Reg. No. 01EL6341791
My Commission Expires 5/9/2024

**CONSENT OF SURETY
TO FINAL PAYMENT**
AIA DOCUMENT G707

(Bond # 7662021)

TO (OWNER):
(Name & Address)

ARCHITECT'S PROJECT NO:

Town Of Rotterdam
1100 Sunrise Boulevard
Schenectady, NY 12306

CONTRACT FOR: Contract No. 2- Electrical

CONTRACT DATED: 11/01/2019

PROJECT:
(Name & Address)

Town of Rotterdam Water System Improvements Phase 1 Chlorination Building

In accordance with the provisions of the Contract between the Owner and the Contractor as indicted above, the
(insert name and address of Surety Company)

FIDELITY AND DEPOSIT COMPANY OF MARYLAND
1299 Zurich Way
Schaumburg, IL 60196

, SURETY COMPANY,

on bond of (insert name and address of Contractor)

BRUNSWICK ELECTRIC, INC.
290 Hoosick Street
Troy, NY 12180

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the
Surety Company of any of its obligations to (insert name and address of Owner)

Town Of Rotterdam
1100 Sunrise Boulevard
Schenectady, NY 12306

, OWNER,

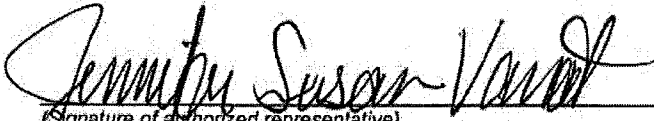
as set forth in the said Surety Company's bond.

IN WITNESS WHEREOF, the Surety Company has hereunto set its hand this, 29th day of November, 2021.

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

(seal)

Attest


(Signature of authorized representative)
Jennifer Susan Vanat, Attorney-In-Fact
(Printed Name and Title)

AIA DOCUMENT G707 CONSENT OF SURETY COMPANY TO FINAL PAYMENT .1994 EDITION .AIA© 1994
© THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVE., NW, Washington, D.C. 20006-5292

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **Robert D. Murray, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint, **Kevin J. GARRITY, Christopher TERZIAN, Lori A. FRANCETT, Renee A. MANNY, John C. TICKNER, Tanya YOLK, John F. MURRAY, JR., Mary DIXON, Diane M. PELIGIAN and Jennifer Susan VANAT, all of East Greenbush, New York, EACH**, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 8th day of March, A.D. 2019.



ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

By: Robert D. Murray
Vice President

By: Dawn E. Brown
Secretary

**State of Maryland
County of Baltimore**

On this 8th day of March, A.D. 2019, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2019

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 29th day of November, 2021.



Michael C. Fay, Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims
1299 Zurich Way
Schaumburg, IL 60196-1056
www.reportsfclaims@zurichna.com
800-626-4577

RESOLUTION NO. 334.22

**TO AUTHORIZE A PERMANENT EASEMENT TO NATIONAL GRID FOR THE
INGHAMS ROTTERDAM PROJECT**

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the supervisor to negotiate and execute an agreement with National Grid to grant a permanent easement and danger tree rights on approximately 0.79 acres of a $\pm$ 36.76-acre parcel (Tax Map No. 38.-1-1) in exchange for payment to the Town of \$2,202.00 in connection with the Inghams Rotterdam project, subject to review and approval of the Attorney for the Town.

SECTION 2. The Town Board of the Town of Rotterdam hereby authorizes the supervisor, or her designee(s), to take such further steps and execute such further documents and instruments as may be reasonably necessary and appropriate to effectuate the purposes of this Resolution and the agreement authorized thereby.

SECTION 3. This resolution shall become effective December 14, 2022.

DATED: December 14, 2022

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: November 15, 2022

TO: Mollie Collins – Town Supervisor

FROM: Peter Comenzo – Senior Planner 

TITLE OF REQUEST: Granting of Permanent Easement to National Grid for the Inghams Rotterdam Project

TOWN BOARD MEETING: December 14, 2022

Background Information: National Grid is requesting a permanent easement from the Town of Rotterdam to relocate and construct a portion of its existing 115kV transmission line.

Evaluation/Analysis: National Grid is requesting “permanent easement and danger tree rights” of a ±0.79-acre portion of a ±36.76-acre property owned by the Town of Rotterdam known as Tax Map # 38.-1-1 and located in the vicinity of Interstate 890 and the existing National Grid Substation. The company is offering \$2,202 to the Town as compensation for this easement.

Recommendation(s): Town Board to grant a permanent easement to National Grid for the Inghams Rotterdam Project and authorize the Town Supervisor to execute all documents in support of the granting of the easement. Final version approved as to form by the Town Attorney.

Attachment/Document(s): Offer Letter dated July 14, 2022
Draft Easement
NYS TP-584 Form
Federal W-9 Form

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Town Attorney

July 14, 2022

Town of Rotterdam
1100 Sunrise Blvd
Schenectady, NY 12306

RECEIVED

NOV 04 2022

TOWN OF ROTTERDAM
PUBLIC WORKS

**Re: Step 4.2 OSC for Transmission Lines – Inghams Rotterdam Project, Schenectady County,
Tax Parcel No. 38.-1-1**

Dear Sir:

Niagara Mohawk Power Corporation (the "Company") proposes to relocate and construct a portion of its existing 115kV transmission line (the "Project") within the Company's Eastern New York electric service territory. This project is needed due to the current state and condition of the company's transmission poles and wires on this section of the line. The new location will give the company the ability to better operate and maintain the poles and wires.

The Company will need to acquire certain "permanent easement and danger tree rights" for the construction, maintenance, operation, repair, replacement and access of the Company's proposed facilities for the Project. Accordingly, we are writing you today in an effort to acquire the necessary rights for the project.

Attached to this "Offer Letter" is the "Grant of Easement" with an Exhibit "A" showing the area(s) of your property where the proposed easement areas are located. The exhibit may also show the limits of any adjacent "temporary construction, use or workspace" easement(s) where the Project needs to occur. All work will be done in accordance with applicable industry standards and practices for construction and vegetation management. Also, attached is a NYS tax form TP-584 and a IRS W-9 Form.

We have determined that the Schenectady County's assessed fair market value of land in your area is approximately **\$3,484.00** per acre for the referenced parcel. However, we are not seeking to acquire your land outright. Instead, we are seeking certain permanent and vegetation management easement rights.

- (a) **Permanent Easement Rights:** The 100' wide permanent easement right we seek for electric transmission facilities encompasses an area of your property as shown on the easement exhibit. Such permanent easement rights are typically valued at 50% to 80% of the fair market value of the land. The Company, in order to be fair, has determined that payment at 80% will be offered to you. Thus, applying this factor, we estimate that the fair market value of the permanent rights on your land (0.79 acres) for the permanent easement is approximately **\$2,202.00**

The Company believes that this proposal represents a fair resolution to provide safe and reliable electric service and to provide you with compensation for the rights we need to acquire. If the enclosed documents are acceptable to you, please sign the this "Offer Letter", have your signatures notarized, and return to me along with the completed TP-584 and W-9 Form in the enclosed self-addressed envelope no later than August 5, 2022. Upon our receipt of the fully executed documents, we will then order a check from our Accounts Payable Department and forward same to you.

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

Thank you for your anticipated understanding and cooperation in this matter.

Sincerely,

Don DeBois

Encls.

Accepted and agreed to the terms of this letter on the ____ day of _____, 2022:

Date: _____

Town of Rotterdam

By: _____

EASEMENT

THIS GRANT OF EASEMENT, made the ____ day of _____, 2022, by and between the **TOWN OF ROTTERDAM**, with a local business address at 1100 Sunrise Blvd, Schenectady, New York 12306, (hereinafter called **Grantor**), and **NIAGARA MOHAWK POWER CORPORATION**, a corporation of the State of New York having its principal office and place of business at 300 Erie Boulevard West, Syracuse, New York 13202, (hereinafter called **Grantee**).

WITNESSETH:

That the Grantor, in consideration of One Dollar (\$1.00) lawful money of the United States, and other good and valuable consideration, paid by the Grantee, the receipt of which is hereby acknowledged, does hereby grant and release to Grantee, its successors and assigns forever, the perpetual right and easement to construct, reconstruct, operate, add to, repair, relocate, maintain, inspect, patrol and remove a line or lines of above ground or buried wires and cables and a line or lines of poles or towers or both, with wires and cables strung upon and from the same, and all associated structures, crossarms, transformers, counterpoise wires or cables, guys, stubs, anchors, ducts, conduits, foundations, riser poles, antennae, braces, fittings, equipment and appurtenances, as said Grantee may now or shall from time to time deem necessary, for the transmission and distribution of high and low voltage electric energy and for the transmission of intelligence and communications (any of which may be erected and/or constructed at the same or different times) (all of which are collectively referred to as the "Facilities") upon, over, under, through, and across an easement area located on land acquired by Grantor in a certain deed recorded in the Schenectady County Clerk's Office in deed book 1129 at page 340 and consists of land described as being a part of Tax Parcel SBL # 38.-1-1, located in the Town of Rotterdam, County Schenectady, State of New York, commonly known as River Road, the easement are a being described as follows:

The easement areas contain (0.79 acres), more or less. All as shown on Exhibit "A", attached hereto and made a part of this document (the "Easement Area").

Together with the perpetual right and easement to trim, cut and remove all trees, limbs, brush, above or below ground structures, or other obstructions, either mechanically or by the use of approved herbicides, within the Easement Area (the first clearing may be for less than full width of the Easement Area and may be widened from time to time to full width); and to cut, trim and remove trees outside the bounds of the Easement Area which, in the sole opinion of the Grantee, may be likely to fall upon said Facilities or to interfere with the satisfactory operation thereof.

Also, the right to pass on foot or with motor vehicles over the Easement Area and over Grantor's premises from the highway adjoining said premises so far as the same shall be deemed necessary by the Grantee for the full enjoyment hereof; to excavate, pave and/or change the grade of the Easement Area as is reasonable, necessary and proper in connection with the exercise of the foregoing rights granted; to renew, replace, add to and otherwise change the Facilities and each and every part thereof and all appurtenances thereto and the location thereof within Easement Area; and to extend guy wires and anchors outside of Easement Area at angle points where deemed necessary by the Grantee.

The Grantor, for itself, its heirs, legal representatives, successors, and assigns, hereby covenants and agrees with the Grantee that no act will be permitted within the Easement Area which is inconsistent

with the Easement hereby granted; no buildings or structures, or replacements thereof or additions thereto, or obstructions will be erected or constructed above or below grade within the Easement Area; no trees shall be planted, and no excavating, mining, or blasting shall be undertaken within the Easement Area, the Easement shall not be modified nor the Easement Area relocated by the Grantor without the Grantee's prior written consent; the present grade or ground level of the Easement Area will not be changed by Grantor by excavation or filling.

This easement is a commercial easement in gross for the benefit of Grantee, its successors and assigns, and the parties agree that these provisions shall run with the land and shall inure to the benefit of and bind the heirs, legal representatives, successors and assigns of the respective parties. It is the intention of the Grantor that the rights and easements granted herein shall be assignable and apportionable in whole or in part by Grantee, its successors and assigns.

TO HAVE AND TO HOLD the rights hereby granted unto the said Grantee, its successors and assigns forever; and that the said Grantor hereby covenants as follows:

First: That the Grantor is seized of said premises in fee simple and has good right to grant and convey the above-described rights, privileges and easements.

Second: That the said premises are free from encumbrances.

Third: That the Grantee shall quietly enjoy the said premises.

Fourth: That the Grantor will execute or procure any further necessary assurance of the title to said premises.

Fifth: That the Grantor will forever warrant the title to said premises.

IN WITNESS WHEREOF the Grantor has executed this Instrument the day and year first above written.

TOWN OF ROTTERDAM

By: _____ (L.S.)

Title: _____ (L.S.)

State of New York)
 ss:
County of Schenectady)

On the ____ day of _____, 2022, before me, the undersigned, a Notary Public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

PLEASE RECORD AND RETURN TO:

NATIONAL GRID
Don De Bois, Project Manager in service to National Grid
Aviation, Right of Way and Survey Engineering
1125 Broadway, 2nd Floor
Albany, NY 12204-2505

CONFIDENTIALITY STATEMENT
 The information contained herein is confidential and proprietary to Niagara Mohawk Power Corporation. It is to be used only for the purposes for which it was prepared and is not to be distributed or used for any other purpose without the express written consent of Niagara Mohawk Power Corporation. Any use of this information for any other purpose is strictly prohibited.

LEGEND

- PROPERTY LINES N.M.P.C.
- PROPERTY LINES ADJONER
- PROPOSED PERMANENT N.M.P.C. EASEMENT
- EDGE OF WOODS
- OH EXISTING WIRES
- EDGE OF GRAVEL

TAX ID: 28-2-11
 2015-2016
 2015-2016

TAX ID: 28-2-11
 2015-2016
 2015-2016

TAX ID: 28-2-11
 2015-2016
 2015-2016

DATUM
 U.S. SURVEY FEET
 NAD 83 EASTERN ZONE
 HORIZONTAL: NAD 83 (2311)
 VERTICAL: NAVD 88 (GEOID 12B)

388.2'±
 100.0'
 105.6'±
 300.7'±
 173.3'±
 PROPOSED PERMANENT
 NMPC EASEMENT
 AREA "A" = 34432.84' SQ.FT.
 OR 0.79 ACRES

TAX ID: 28-2-11
 2015-2016
 2015-2016

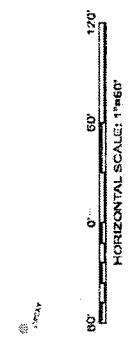
TAX ID: 28-2-11
 2015-2016
 2015-2016

WO#10030377624
 PREPARED BY

SURVEY PROJECT #5571



EXHIBIT "A"			
EASEMENT TO BE ACQUIRED FROM			
TOWN OF ROTTERDAM			
ROTTERDAM - SCHENECTADY, N.Y.			
DES.	DR. JL	CHK. JDM	DATE: 07/07/22
REV. 2			SCALE: 1"=60'
REV. 1			INDEX: 0.3-A9-M49
			NO. A-52803-E



SHEET 1 OF 1



Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax

See Form TP-584-I, Instructions for Form TP-584, before completing this form. Print or type.

Schedule A – Information relating to conveyance

Grantor/Transferor		Name (if individual, last, first, middle initial) (☐ mark an X if more than one grantor)		Social Security number (SSN)
☐ Individual		Town of Rotterdam		
☐ Corporation		Mailing address		SSN
☐ Partnership		1100 Sunrise Blvd		
☐ Estate/Trust		City	State	ZIP code
☐ Single member LLC		Schenectady	NY	12306
☐ Multi-member LLC		Single member's name if grantor is a single member LLC (see instructions)		Employer Identification Number (EIN)
☒ Other				Single member EIN or SSN
Grantee/Transferee		Name (if individual, last, first, middle initial) (☐ mark an X if more than one grantee)		SSN
☐ Individual		Niagara Mohawk Power Corporation		
☒ Corporation		Mailing address		SSN
☐ Partnership		300 Erie Boulevard West		
☐ Estate/Trust		City	State	ZIP code
☐ Single member LLC		Syracuse	NY	13202
☐ Multi-member LLC		Single member's name if grantee is a single member LLC (see instructions)		EIN
☐ Other				15-0265555
				Single member EIN or SSN

Location and description of property conveyed

Tax map designation – Section, block & lot (include dots and dashes)	SWIS code (six digits)	Street address	City, town, or village	County
38.-1-1	422800	River Road	Rotterdam	Schenectady

Type of property conveyed (mark an X in applicable box)

1 ☐ One- to three-family house	6 ☐ Apartment building	Date of conveyance month day year	Percentage of real property conveyed which is residential real property _____ 0 % (see instructions)
2 ☐ Residential cooperative	7 ☐ Office building		
3 ☐ Residential condominium	8 ☐ Four-family dwelling		
4 ☐ Vacant land	9 ☒ Other <u>easement</u>		
5 ☐ Commercial/industrial			

**Condition of conveyance
(mark an X in all that apply)**

a. ☐ Conveyance of fee interest	f. ☐ Conveyance which consists of a mere change of identity or form of ownership or organization (attach Form TP-584.1, Schedule F)	i. ☐ Option assignment or surrender
b. ☐ Acquisition of a controlling interest (state percentage acquired _____ %)	g. ☐ Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G)	m. ☐ Leasehold assignment or surrender
c. ☐ Transfer of a controlling interest (state percentage transferred _____ %)	h. ☐ Conveyance of cooperative apartment(s)	n. ☐ Leasehold grant
d. ☐ Conveyance to cooperative housing corporation	i. ☐ Syndication	o. ☒ Conveyance of an easement
e. ☐ Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E)	j. ☐ Conveyance of air rights or development rights	p. ☐ Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part 3)
	k. ☐ Contract assignment	q. ☐ Conveyance of property partly within and partly outside the state
		r. ☐ Conveyance pursuant to divorce or separation
		s. ☐ Other (describe) _____

For recording officer's use	Amount received	Date received	Transaction number
	Schedule B, Part 1 \$ _____		
	Schedule B, Part 2 \$ _____		

Schedule B – Real estate transfer tax return (Tax Law Article 31)**Part 1 – Computation of tax due**

- 1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, mark an X in the Exemption claimed box, enter consideration and proceed to Part 3) ☐ **Exemption claimed**
- 2 Continuing lien deduction (see instructions if property is taken subject to mortgage or lien)
- 3 Taxable consideration (subtract line 2 from line 1)
- 4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3
- 5 Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G)
- 6 Total tax due* (subtract line 5 from line 4)

1.		
2.		
3.		
4.		
5.		
6.		

Part 2 – Computation of additional tax due on the conveyance of residential real property for \$1 million or more

- 1 Enter amount of consideration for conveyance (from Part 1, line 1)
- 2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A)
- 3 Total additional transfer tax due* (multiply line 2 by 1% (.01))

1.		
2.		
3.		

Part 3 – Explanation of exemption claimed on Part 1, line 1 (mark an X in all boxes that apply)

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, New York State, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) a ☐
- b. Conveyance is to secure a debt or other obligation b ☐
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance c ☐
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts d ☐
- e. Conveyance is given in connection with a tax sale e ☐
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F f ☐
- g. Conveyance consists of deed of partition g ☐
- h. Conveyance is given pursuant to the federal Bankruptcy Act h ☐
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property i ☐
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment j ☐
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, § 1401(e) (attach documents supporting such claim) k ☐

* The total tax (from Part 1, line 6 and Part 2, line 3 above) is due within 15 days from the date of conveyance. Make check(s) payable to the county clerk where the recording is to take place. For conveyances of real property within New York City, use Form TP-584-NYC. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-0045. If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

Schedule C – Credit Line Mortgage Certificate (Tax Law Article 11)

Complete the following only if the interest being transferred is a fee simple interest.

This is to certify that: (mark an X in the appropriate box)

1. ☐ The real property being sold or transferred is not subject to an outstanding credit line mortgage.
 2. ☐ The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
 - a ☐ The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
 - b ☐ The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
 - c ☐ The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
 - d ☐ The maximum principal amount secured by the credit line mortgage is \$3 million or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

Note: for purposes of determining whether the maximum principal amount secured is \$3 million or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

 - e ☐ Other (attach detailed explanation).
3. ☐ The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
 - a ☐ A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
 - b ☐ A check has been drawn payable for transmission to the credit line mortgagee or mortgagee's agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
4. ☐ The real property being transferred is subject to an outstanding credit line mortgage recorded in _____ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is _____. No exemption from tax is claimed and the tax of _____ is being paid herewith. (Make check payable to county clerk where deed will be recorded.)

Signature (both the grantors and grantees must sign)

The undersigned certify that the above information contained in Schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of their knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

_____ Grantor signature	Owner _____ Title	_____ Grantee signature	_____ Title
_____ Grantor signature	_____ Title	_____ Grantee signature	_____ Title

Reminder: Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you marked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place? If no recording is required, send this return and your check(s), made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-0045. If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

Schedule D – Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, § 663)

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part 2, mark an X in the second box under *Exemption for nonresident transferors/sellers*, and sign at bottom.

Part 1 – New York State residents

If you are a New York State resident transferor/seller listed in Form TP-584, Schedule A (or an attachment to Form TP-584), you must sign the certification below. If one or more transferor/seller of the real property or cooperative unit is a resident of New York State, each resident transferor/seller must sign in the space provided. If more space is needed, photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

Certification of resident transferors/sellers

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor/seller as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law § 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

Note: A resident of New York State may still be required to pay estimated tax under Tax Law § 685(c), but not as a condition of recording a deed.

Part 2 – Nonresidents of New York State

If you are a nonresident of New York State listed as a transferor/seller in Form TP-584, Schedule A (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law § 663(c), mark an X in the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor/seller, that transferor/seller is not required to pay estimated personal income tax to New York State under Tax Law § 663. Each nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on Form TP-584-I, page 1.

Exemption for nonresident transferors/sellers

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor/seller (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law § 663 due to one of the following exemptions:

- ☐ The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from _____ Date _____ to _____ Date _____ (see instructions).
- ☐ The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- ☐ The transferor or transferee is an agency or authority of the United States of America, an agency or authority of New York State, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

**Request for Taxpayer
Identification Number and Certification**

Give Form to the
requester. Do not
send to the IRS.

Print or type See Specific Instructions on page 2.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Town of Rotterdam	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification; check only one of the following seven boxes: ☐ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner. ☒ Other (see instructions) ▶ Governmental Agency	
	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>	
	5 Address (number, street, and apt. or suite no.) 1100 Sunrise Blvd	Requester's name and address (optional)
	6 City, state, and ZIP code Schenectady, NY 12306	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN) Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> on page 3. Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.	<table border="1"><tr><td colspan="9">Social security number</td></tr><tr><td></td><td></td><td></td><td></td><td>-</td><td></td><td></td><td></td><td></td></tr></table> or <table border="1"><tr><td colspan="9">Employer identification number</td></tr><tr><td></td><td></td><td></td><td></td><td>-</td><td></td><td></td><td></td><td></td></tr></table>	Social security number													-					Employer identification number													-				
Social security number																																					
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Employer identification number																																					
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Part II Certification Under penalties of perjury, I certify that: 1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and 3. I am a U.S. citizen or other U.S. person (defined below); and 4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct. Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.	<table border="1"><tr><td>Signature of U.S. person ▶</td><td>Date ▶</td></tr></table>	Signature of U.S. person ▶	Date ▶
Signature of U.S. person ▶	Date ▶		

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)

- Form 1099-C (canceled debt)

- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

RESOLUTION NO. 335.22

**TO AUTHORIZE AN AGREEMENT WITH AUSFELD AND WALDRUFF LAND
SURVEYORS LLP**

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with Ausfeld and Waldruff Land Surveyors LLP located at 323 Clinton Street, Schenectady, New York 12305, for the purposes of providing a field survey and base mapping for the boundary survey of the Fisher Cemetery, in the amount not to exceed \$3,400.00, with the option of an addition lump sum not to exceed \$500.00 to have the property corners marked with a steel pin, in accordance with the fee schedule attached.

SECTION 2. This resolution shall become effective December 14, 2022.

DATED: December 14, 2022

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: November 30, 2022

TO: Mollie A. Collins, Town Supervisor

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

TITLE OF REQUEST: To authorize the Supervisor to enter an Agreement with Ausfeld and Waldruff Land Surveyors LLP to provide field survey and base mapping for the boundary survey of the Fisher Cemetery

TOWN BOARD MEETING: December 14, 2022

Background Information: The Town of Rotterdam is taking ownership of the cemetery and a boundary survey is needed.

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

Recommendation(s): I recommend that the Town Board approve the cost for the survey and mapping in the lump sum amount of \$3,400.00. In addition, if the Town Board would like to have the property corners marked with a steel pin, the additional lump sum cost is \$500.00.

Attachment/Document(s): See proposal and mapping limits from Ausfeld and Waldruff Land Surveyors LLP.

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisor's Office



Ausfeld & Waldruff Land Surveyors LLP

323 Clinton Street, Schenectady, New York 12305

Phone: (518) 346-1595 Fax: (518) 770-1655

www.awslslp.com

November 28, 2022

Fred C. Mastroianni, PE
Town Consultant Engineer
100 Sunrise Blvd.
Rotterdam N.Y. 12306

*Re: Property Boundary, Fisher Cemetery Association, Helederberg Avenue, being
Tax Map Parcel 59.09-3-15.*

Dear Fred;

Ausfeld & Waldruff Land Surveyors, LLP (AWLS) thank you for the opportunity to present this proposal for Professional Land Surveying services associated with the parcel of land as referenced above. Below, please find our scope of services, schedule and fee to perform this work.

SCOPE OF SERVICES

Property Boundary Survey:

AWLS will perform a property boundary and a topographic survey for the above referenced properties. All boundary surveying will be completed in accordance with the "Code of Practice" as adopted by the New York State Association of Professional Land Surveyors. AWLS will perform research which is normal to the completion of surveys under the above referenced code.

AWLS will provide 5 paper prints of the survey. An AutoCAD .dwg electronic file of the survey is available upon request.

SCHEDULE:

The final map will be delivered within three to four weeks maximum from formal authorization to proceed. Schedule will be snow dependent.

FEES:

Property Boundary Survey:

The scope of services can be performed for a lump sum fee of \$3400. This fee will be payable upon receipt of the invoice.

Setting Property Corners:

The scope of services can be performed for a lump sum fee of \$500. This fee will be payable upon receipt of the invoice.

This quote expires 60 days from the date of the proposal.

If this proposal is acceptable, a simple email authorizing us to go ahead will work. If you have any questions, please do not hesitate to call me at 518-346-1595.

Sincerely,

Vincent P. Ausfeld P.L.S.

Signed : _____ Date : _____

Z:\PROPOSALS\2022\P-22-190 Fisher Cemetery Survey proposal.doc

Helderberg Avenue



November 16, 2022

Override 1
Parcels

1:2,055
0 0.01 0.03 0.05 mi
0 0.02 0.04 0.08 km

New York State, Maxar, Microsoft

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

RESOLUTION NO. 336.22

TO AUTHORIZE AN AGREEMENT WITH R.M DALRYMPLE COMPANY, INC.

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with R.M Dalrymple Company, Inc. located at 2940 Curry Road Schenectady New York 12303, for the purchase & installation of an updated fuel system in an amount not to exceed fifteen thousand six hundred thirty-five and 00/100 (\$15,635.00) dollars.

SECTION 2. This resolution shall become effective December 14, 2022.

DATED: December 14, 2022

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: December 5, 2022

TO: Mollie Collins, Town Supervisor

FROM: Larry Lamora, Highway Superintendent

TITLE OF REQUEST: Purchase & Install updated Fuel System

TOWN BOARD MEETING: December 14, 2022

Background Information: Our current fuel system was last updated in 1997. This program is not compatible with Windows 10 and runs off of a separate computer that runs Windows 7.

Evaluation/Analysis: Our fuel system needs this upgrade to sustain proper inventory numbers, fuel dispensing, leak detection, & department billing of fuel usage. This updated program will be compatible with Windows 10 and allow for a more effective and efficient way to handle all aspects of our fuel system.

Recommendation(s): To approve the purchase of an updated fuel system from the current service provider R.M. Dalrymple Company, Inc.

Attachment/Document(s): Proposal/Contract from R.M. Dalrymple Company, Inc.

Compliance with Purchasing Policy: Yes

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

LEGISLATION WILL BE PREPARED BY: Supervisors Office



15 GRACE MOORE RD
SARATOGA, NY 12866
PH: 518 587-5566

2940 CURRY ROAD
SCHENECTADY, NY 12303
PH: 518 355-2747

PROPOSAL / CONTRACT

Date: December 2, 2022

Address: Town of Rotterdam
Attn: Ed Dixon
Superintendent of Highways

Ph
Fax:
Email: edixon@rotterdamny.org

Ref: PV-Pro Installation

WE ARE PLEASED TO HAVE THE OPPORTUNITY TO PROVIDE THE FOLLOWING PROPOSAL:

SCOPE OF WORK:

Dalrymple Technician(s) will Mobilize to customers site, to remove old K800 Fuel site controller and Island terminal and install a new FSC3000 Fuel site controller with a PV200 Fuel island terminal. Technician to help customer by working with OPW FMS Technical service to Transfer the customers old Phoenix Premier data base to the new Phoenix SQL-light sequel software, Customer / Customer IT department will be responsible for installing the Phoenix SQL Light software in their PC / Server before Dalrymple's Installation of new equipment. Customer will also sign up for the Phone training offered by OPW FMS.

Equipment: R.M. Dalrymple will provide the following equipment

Qty Description

1 OPW FMS PV-200 Pro series Island terminal with new FSC3000 site controller
1 Phoenix SQL-LITE software, Includes Phone Training
1 year of Technical service / Software help desk

TOTAL PROJECT COST.....\$15,635.00

Notes:

1. This proposal does not include any applicable taxes.
2. The above project cost will be held for 30 days from the date of this proposal, thereafter it will be subject to change.

Date

Ref:

3. Any additional work or materials not included in this proposal will be invoiced separately.
4. This is Quoted as a one-day job. Any return trips due to Data base issues, such as corrupted or missing files, Internet or power issues will be invoiced as a time and material extra.
5. Please note that OPW FMS now charges a \$900.00 annual help desk charge for SQL software after the first year

Terms:

Net 30

ACCEPTANCE OF PROPOSAL / CONTRACT in the amount of _____

The above specifications, notes, terms and contract conditions are satisfactory, and (I)(We) hereby authorize the performance of this work. This contract is void 30 days from the date on the first page.

Signature

Date

Thank you for the opportunity to furnish this proposal to you. If you would like to make any changes or have any questions, please feel free to contact me at (518) 355-2747.

Sincerely,

Jerry Scofield
R.M Dalrymple

RESOLUTION NO. 337.22

**ACCEPT AND AWARD CONTRACT FOR THE PURCHASE OF TWO(2) NAVISTAR
MODEL HV507 SFA SINGLE AXLE TRUCKS EQUIPPED WITH SNOW EQUIPMENT
& DUMP BODY**

WHEREAS, Pursuant to notice duly published according to Section One Hundred Three of the General Municipal Law of the State of New York, the Town of Rotterdam on Monday, November 28, 2022 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:

**TWO (2) NAVISTAR MODEL HV507 SFA SINGLE AXLE TRUCKS EQUIPPED WITH
SNOW EQUIPMENT & DUMP BODY**

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 Two (2) Navistar Model HV507 SFA Single Axle Trucks Equipped with Snow Equipment & Dump Body for an amount not to exceed five hundred ten thousand and 00/100(\$510,000.00) dollars for the Town of Rotterdam to Tenco Industries, 5700 South Lima Rd. Lakeville, NY 14480; at the mutual consent of both the Town and the Tenco Industries.

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 December 14, 2022.

DATED: December 14, 2022

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: December 2, 2022

TO: Mollie Collins, Supervisor

FROM: Larry LaMora, Highway Superintendent

TITLE OF REQUEST: Award Bid for the Purchase of Two Navistar Model HV507 SFA Single Axle Trucks Equipped with Snow Equipment & Dump Body

TOWN BOARD MEETING: December 14, 2022

Background Information The Town Board called for Bids for the Purchase of Two Navistar Model HV507 SFA Single Axle Trucks Equipped with Snow Equipment & Dump Body on November 9, 2022.

Evaluation/Analysis: Proper Bidding Process

Recommendation(s): To Award bid to Tenco Industries, 5700 South Lima Rd. Lakeville, NY 14480, as they provided the lowest responsible bid.

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: Town Attorney

TENCO Industries

5700 South Lima Road Lakeville, NY 14480

Phone: 888-808-3626 / Fax: 585-346-2982

Quote Valid For 30 Days

November 16, 2022

Town of Rotterdam, NY

Tenco Turn-Key Unit 2022

Tenco Industries is pleased to offer you the following information at your request:

Chassis:

One (1) 2023 Navistar Model HV507 SFA Single Axle Truck

Cab Color Winter White

370 HP Cummins L9 Diesel Engine

Allison 3000 RDS Automatic Transmission

20,000# Front Axle

30,000# Rear axle

70 Gallon Aluminum Fuel Tank

7 Gallon DEF Tank

Air Ride Cab and Drivers Seat

Power Windows, Power Door Locks

Heated Windshield

Air Conditioner w/integral Heater and Defroster

Aluminum Wheels Front and Rear

Equipment:

One (1) Tenco Model H345-FW

Custom tilting front hitch with Heated LED plow lights and hitch portion of Tenco-Loc System

One (1) Tenco Model FFH48-R

48" full hydraulic front post

One (1) Tenco Model FRH48-R

48" full hydraulic rear tower, armature, push arms, and floating wing adapter

One (1) Tenco Model TCP-11-S-42-FKC

Reversible full trip plow with 42" tall steel moldboard, 132" cutting edge, rubber snow deflector, plow markers, cable sheeve lift and plow portion of Tenco-Loc System

One (1) Tenco Model TCW-11H-39-N-R

Right side wing with 132" cutting edge, 3/16" wing skin, 32" intake height, 39 1/2" discharge height, and LED wing light

One (1) Tenco Model P48R

4-8-30 trip hinge with aeon rubber compression spring

One (1) Tenco Model TCB-10-T-CL-C-CL-LF USA

10 ft. 12M combination dump body and material spreader with single acting telescopic hoist, side tilt, 1/4" thick Hardox 450 floor/tailgate, 3/16" Hardox 450 sides/front with clean side construction, Hardox 450 rated at min. 205,000 psi. Rear posts of body constructed from 3/16" stainless steel.

Body to Include:

Air actuated tailgate, 24" cab protector w/(4) oval amber LED flashers, 27" sides, 39" tailgate, 6.11 cubic yard water level capacity, conveyor cover plate, body safety props, oval amber LED flashers mounted in rear corner post with all other Federal and NYS required lighting (LED s/t/t, LED back-up, LED markers), oval amber LED flashers in each side rear post, 12" rear apron, center coal door, full grease extension set (side tilt, bearings, hoist, chain adjusters), folding grip strut ladder, interior body step, shovel bracket, body up light, poly fenders mounted to body, mud flaps, **Roll-Rite** aluminum electric tarp system, (6) LED work lights (front wing post, rear wing, spinner, front discharge basket, and 2-rear wired to switch), body to be Powder Coated Black, and red/white DOT tape.

Hydraulics to Include:

- Rexroth front engine mounted load sensing 85CC piston pump with driveline and low oil block
- Rexroth 9-section valve body to be mounted behind cab in a **Stainless Steel** enclosure
- Air controls for equipment functions. Swing pedestal for wing controls (FW / RW / RS), center console between seats for plow and body functions (Plow / Rev. Plow / Front Hoist / Side Tilt) Locking handle for front hoist
- **Stainless Steel** reservoir with shut off valves, filter, and sight gauge, mounted between the cab and the body
- Low oil level sensor with automatic shutdown and override control
- Rexroth CS-530 electronic open loop sander control
- Hard pipe to rear of body shall be stainless steel with short hoses as required
- Hydraulic lines to front hitch shall be stainless steel with short hoses as required
- Quick couplers for all detachable equipment
- Plow controls to be mounted per request
- All valves, oils, and controls for the complete operations of dump body, plow equipment, and sander functions

Total Package Price: \$255,000.00 Per Unit

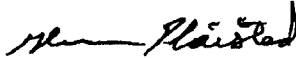
Qty. (2) Two Units: \$510,000.00

Please Note:

Proposal meets all published specification with No Exceptions. Delivery of completed units will meet or exceed the specifications requested delivery.

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

Sincerely,



Glenn F. Plaisted
NY-Tenco Sales Manager
gfp



EX WORKS

I, _____, as a representative of _____
wish to accept the above listed quotation.

Signature

NON-COLLUSION BIDDING CERTIFICATION

- A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:
- 1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
 - 2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
 - 3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.
- B. A bid shall not be considered for award nor shall any award be made where (A), (1), (2), and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certifying, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reason therefore. Where (A), (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made or his designee, determines that such disclosure was not made for the purpose of restricting competition.
- C. The fact that the bidder (A) has published price lists, rates or tariffs governing items being procured, (B) has informed prospective customers of proposed or pending publication of new or revised price lists for such items or (C) has sold the same item to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning subparagraph (A)(1).
- D. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or state services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one (1) of this section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

Name of Firm: Tenco Industries

Signed by: Glenn Plaisted Title: NV-Tenco Sales Manager

Signature: Glenn Plaisted Date: 11-16-2022

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

Resolved that Glenn Plaisted be authorized to sign and submit the bid or proposal of this corporation for Tenco Industries 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 _____, 202__.

(SEAL OF THE CORPORATION)

Signature of Secretary

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

I, Glenn Plaisted hereby sign and submit this bid or proposal for Tenco Industries 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.

Glenn Plaisted
Signature of Individual

11-16-2022
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: Tenco Industries

Signed by: Glenn Plaisted Title: NY-Tenco Sales Manager

Signature: Glenn Plaisted Date: 11-16-2022

Town of Rotterdam Harassment Policy Clause

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

Ken Planted
Signature

Tenco Industries
Name of Company or Corporation

5700 S. Lima Rd. PO Box 635
Address

Lakeville, NY 14480-0635
City, State Zip

BID FOR TWO NAVISTAR MODEL TRUCKS

BID FOR: Two Navistar model HV507 Single Axle Trucks
 DATE OF TB MTG. & RESOLUTION #: 11/9/2022-Res#311.22
 DATE BID PACKETS BECOME AVAILABLE: 11/14/2022

DATE PUBLISHED IN NEWSPAPER: 11/14/2022
 DATE & TIME BIDS TO BE OPENED: 11/28/2022 @ 10:00 AM

# Rec	Dropped off & Time Received @TC Office	Initials	Company/Firm/Email	Address	Contact	Phone #	Contract #s	BID Amount	Comments
1	11/16/2022 1:00 P M	DM	Tenco Industries	5700 South Lima Road Lakeville, NY 14480	Glenn Plaisted	802-808-3626 800-318-3626 315-262-7474		Two Trucks \$510,000.00	Dropped off by Mark Rizzo-HL Gage 518-417-9985
					Mark Rizzo (Local)	518-417-9985 Fax-585-346-2982			HL Gage

RESOLUTION NO. 338.22

ACCEPT AND AWARD CONTRACT FOR VEHICLE REPAIR AND MAINTENANCE SERVICES FOR THE ROTTERDAM POLICE DEPARTMENT VEHICLES

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, October 28, 2022 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:

VEHICLE REPAIR AND MAINTENANCE SERVICES

THEREFORE, UPON MOTION OF Councilmember _____,

Seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam does hereby accept and award the bid for Vehicle Repair and Maintenance Services for the Town of Rotterdam Police Department Vehicles to M. DePaula, located at 1100 Wedgewood Heights Rotterdam New York 12306, at a hourly labor rate of \$80 per hour, for a two-year period commencing January 1, 2023 and ending December 31, 2024.

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 December 14, 2022.

DATED: December 14, 2022

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: November 28, 2022

TO: Legislative Review Board

FROM: Deputy Chief William Male *W. Male*

TITLE OF REQUEST: Award vehicle repair and maintenance services bid to M. DePaula for a two year period commencing January 1, 2023 thru December 31, 2024, for Rotterdam Police Department vehicles.

TOWN BOARD MEETING: December 14, 2022

Background Information: The Rotterdam Police Department's contract for vehicle repair and maintenance services expires on December 31, 2022. An invitation for bids was posted on BidNet on October 31, 2022 and closed on November 14, 2022 at 10:30am. There were two bids submitted. M. DePaula submitted the lowest responsible bid for services.

Evaluation/Analysis: N/A

Recommendation(s): Award bid to M. DePaula for a two year period beginning January 1, 2023 and running through December 31, 2024.

Attachment/Document(s): Bid Proposal from M. DePaula

Compliance with Purchasing Policy: Yes

Effect(s) on Existing Law(s): General Municipal Law section 103

LEGISLATION WILL BE PREPARED BY: RPD

BID FOR VEHICLE REPAIR MAINTENANCE SERVICES 2022

BID FOR: Vehicle Repair and Maintenance Services

DATE OF TB MTG. & RESOLUTION #: 10-26-2022 Res#289.22

DATE BID PACKETS BECOME AVAILABLE: 10-28-2022 BIDNET

DATE PUBLISHED IN NEWSPAPER: 10-29-2022

DATE & TIME BIDS TO BE OPENED: 11-14-2022 @ 10:30 AM

[illegible]

Town of Rotterdam

Request for Bids

***Rotterdam Police Department Vehicle Repair and
Maintenance Services***

Bid Opening:
November 14, 2022 @ 10:30 a.m.

**TOWN OF ROTTERDAM
ROTTERDAM, NEW YORK**

Bid Form

The undersigned has read, understands, and agrees to all conditions of this proposal and will offer their bid as follows:

Hourly Labor Rate: \$ 80

The below services/repairs should be billed at the following agreed price:

- A. \$29.00 – Lube, oil, filter – excludes diesel or synthetics; includes topping off of all fluid, visual inspection of the following: Tires (check tire pressure and tread depth), condition of all lights, filters, hoses, belts, connections, fluids, steering, suspension and exhaust components.
- B. \$16.00 – Tire rotation – 4 tires (includes brake inspection)
- C. \$20.00 per tire – Tire changes include: mount, balance and valve stem.

The entire bid is strictly in accordance with specifications.

M DEPAULA, LLC
Name of Company or Corporation

1100 Wedgewood Heights, Suite 1
Street

Schenectady NY 12306
City State Zip

smoknjoe72@gmail.com
E-mail Address

Police Vehicle Preventative Maintenance and Repair

ITEM I - INSTRUCTIONS TO BIDDERS

1. Automotive service, preventative maintenance, and repair work on police vehicles shall be given priority service over others. All repairs are to be made within twenty-four (24) hours, unless the bidder notifies and receives approval from the Chief of Police or his/her designee that additional time is necessary. If the work is not completed in a timely manner, the Town reserves the rights utilize another vendor for the repair.
2. Vehicles required to be kept overnight for work shall be secure indoors. The bidder will be responsible for any and all damages incurred while the vehicle is in their possession.
3. All automotive service, preventative maintenance, and vehicle repairs shall be completed using parts that either meet or exceed the manufacturer's recommendation. All parts and materials will be supplied and/or purchased by the bidder as an agent of the Town. Where applicable state contracts or fleet rates shall be utilized. The bidder agrees to bill all necessary parts and materials at 35% over vendor cost, with no additional handling charge or mark-up.
4. All repairs must be accompanied by a completed invoice detailing the repair, number of hours required to perform the work and a list of parts and/or material. No work exceeding (\$200.00) two hundred dollars is to be performed without the prior approval of the Chief of Police or his/her designee. The bidder can only charge for actual time spent on a repair. At a minimum, 15 minutes of labor can be charged.
5. Records of all vehicles will be kept on a computer file and will be designated by unit number, year, make, model, VIN# and plate #. All services, repairs, parts and materials, labor hours as well as shipping costs, parts prices and repair rates are to be listed subtotaled and totaled at the end of invoice for final cost of repair. **With the exception of services and repairs listed as A, B and C on the final page of the bid.** All labor billed must be in compliance with either NATIONAL SERVICE ALL DATA PRO FLAT RATE DATA TIME SYSTEM and/or MITCHELL ESTIMATING MANUAL and/or CHILTON LABOR GUIDE. The invoice shall then be dated and duplicated. One invoice is to accompany the vehicle at time of pickup or delivery and a second copy will be sent with the monthly vouchers.
6. There will be a ninety (90) day warranty on all work performed. All parts shall have a manufacturer's warranty where applicable. If none is available the bidder must provide a ninety (90) day warranty. The bidder is responsible for determining whether a manufacturer's warranty is in effect. If the bidder fails to do so they will be responsible for any charges incurred, which would have been covered by warranty. Any work that is deemed inferior or unacceptable by the Chief of Police or his/her designee shall be corrected at no additional cost to the Town.
7. Bidder must employ at least one A.S.E. Certified Technician and must attach documentation of certification to bid proposal.
8. Service must be available a minimum of Monday through Friday 9:00 a.m. to 5:00 p.m.
9. Bidders shall be licensed by the State of New York for both repair work and the ability to complete New York State inspection service.
10. Bidders must have an established business within a ten (10) mile radius of the Rotterdam Police

Headquarters. Consideration may be given to businesses that operate within the jurisdictional boundaries of the Town of Rotterdam.

11. Transmissions will be serviced by a pressurized system which pumps out the old transmission fluid and replaces it with new fluid.
12. Radiators will be serviced by a pressurized system which pumps out the old radiator fluid and replaces it with new radiator fluid.

ITEM II- INTENT

1. The specifications as listed are intended for police vehicle maintenance used by the Rotterdam Police Department.
2. We are requesting these bids for police vehicle maintenance for the calendar years 2023 and 2024. Prices must be for the complete length of the contract.

ITEM III - GENERAL BIDDER INFORMATION

1. No bid will be considered unless the bidder can meet the following conditions:
 - a) Bidder must guarantee all work must be done properly and without damage to vehicle. If such faults develop, the fault shall be replaced and/or repaired without cost to the Town of Rotterdam.
 - b) Bidder must expressly understand and agree to:
 - **SECTION 103 OF THE GENERAL MUNICIPAL LAW - WAIVER OF IMMUNITY (CHAPTER 675) - LAWS OF 1966** - It is expressly understood and agreed that upon refusal of the bidder or any agent or employee of the bidder, when called before a Grand Jury to testify concerning any transaction of bid with the State of New York any political subdivision thereof, a public authority thereof or a waiver of immunity against subsequent prosecution to answer any relevant questions concerning such transaction or bid, shall cause the cancellation or termination of this bid and the municipality shall be liable the bidder only for goods delivered or work done prior to the time of said cancellation.
 - **SECTION 220-3-(b) OF THE LABOR LAW - NON-DISCRIMINATION** - Neither contractor nor any person on their behalf shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under this contract on account of race, creed, color, sex or national origin.
 - **SECTION 109 OF THE GENERAL MUNICIPAL LAW - NON-ASSIGNABILITY** - The contractor is prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this contract, or of contractor's power to execute this contract, to any other person or corporation without the previous consent in writing of the owner.

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,

NOTE: Any questions should be submitted in writing to Deputy Chief William Male, Town of Rotterdam Police Department wmale@rotterdamny.org

INSTRUCTIONS TO BIDDERS

1. All bids must be submitted before **10:30 a.m. on November 14, 2022**, 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 **10:30 a.m. on November 14, 2022**, will be opened electronically and in person at that time, via Empire State Purchasing Group on the BidNet website (<http://www.bidnetdirect.com/townofrotterdam>), or by hard copy received in the office of the Town Clerk. The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet by the close of business the same day, of all bid submissions received. Additionally, the official bid report and all bids shall be available in the Office of the Town Clerk for public inspection during regular business hours.
3. Digital Copies of Drawings and Specifications may be obtained from the Empire State Purchasing Group on BidNet at <http://www.bidnetdirect.com/townofrotterdam>. Copies of RFP documents obtained from any other source are not considered official copies. The Town of Rotterdam cannot guarantee the accuracy of any information not obtained from the BidNet Direct website and is not responsible for any errors contained by any information received from an alternate sources. Only those vendors who obtain ITB, RFP or RFQ documents from the BidNet system are guaranteed to receive addendum information, if such information is issued. If you obtain the document(s) from a source other than the source indicated, it is recommended that you register on the Empire State Purchasing Group website, <http://www.bidnetdirect.com/new-york> and obtain an official copy.
4. Purchases made by the Town of Rotterdam are not subject to State or local taxes or Federal excise taxes. Exemption certificates will be furnished upon request.
5. An "Affidavit of Non-Collusion" is attached and forms a part of this bid proposal. By submission of this bid, each bidder and each person signing on behalf of any bidder, certifies under penalty of perjury, that to the best of his/her knowledge and belief that the prices of the bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter related to such prices with any other bidder or competitor; that the prices quoted have not and will not be disclosed prior to opening, directly or indirectly, to any other bidder or competitor; that no attempt has been or will be made to induce any other person, partnership or corporation to submit or not submit a bid for the purpose of restricting competition. Each bidder must state that no officer of the Town of Rotterdam or member of the Town Board is directly or indirectly interested in the proposal. Failure to sign this statement will constitute grounds for rejection of bid.
6. Each bidder must acknowledge receipt of and comply with the Town's Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace policy.
7. Bid proposals shall remain firm, pending bid award, for a period not to exceed thirty (30) days from the bid opening date.
8. The Town Board reserves the right to reject any or all bids and re-advertise.
9. All bids are to be on the basis of delivery prepaid to destination, which shall be buildings of the Town of Rotterdam as specified.
10. Delivery: Time is of the essence. Material is required as soon as possible and guaranteed date of delivery may be taken into consideration in making award. Upon failure to make delivery as promised, the Town Board of the Town of Rotterdam, New York, may consider the contract breached and will then feel free to

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

11. Where items or articles or equipment or supplies are designated as manufactured by a specific manufacturer, it is to be understood that the articles as specified represent an accepted standard. Where certain brands of materials, apparatus, or equipment are specified, such goods have been selected in order to establish a standard for the particular service required, but it is not the intention to limit competition thereby. If the bidder proposes to furnish the article which is specified, he is to fill in the amount on the line indicated. If he desires to bid on a substitute for the article specified, which is claimed to be equivalent to the standard specified, the amount should be recorded and also identified as "substitute" bid and furnish the required information relating to the manufacturer. In cases where the bid is based upon a substitute article, the bidder will be asked to submit a sample. Samples will be returned, if desired, as soon as the award is made.
12. The Town Board of the Town of Rotterdam reserves the right to waive any informalities on bids received, and to accept reasonable substitutes for specified items as long as such substitutes in no way affect the performance of the item for which the bid has been requested.
13. The approximate quantities 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.

New York State Department of Motor Vehicles
**OFFICIAL BUSINESS
CERTIFICATE**

THIS CERTIFICATE EXPIRES 06/30/24
FACILITY IDENTIFICATION NO 7075252 ISP

MICHAEL DEPAULA
DBA M DEPAULA LLC
1100 WDGWOOD HGTS S1
SCHENECTADY NY 12306

This document does not certify that this business complies with zoning and other local laws
POST IN A CONSPICUOUS PLACE



Validation Date and Number 07/05/22 074554

This person is LICENSED AS A
PUBLIC INSPECTION STATION
pursuant to the provisions of the Vehicle and Traffic Law
1A-1B-2A-2B

New York State Department of Motor Vehicles
**OFFICIAL BUSINESS
CERTIFICATE**

THIS CERTIFICATE EXPIRES 06/30/24
FACILITY IDENTIFICATION NO 7075252 RS

MICHAEL DEPAULA
DBA M DEPAULA LLC
1100 WDGWOOD HGTS S1
SCHENECTADY NY 12306



Validation Date and Number 07/05/22 074553

This person is REGISTERED AS A
REPAIR SHOP
pursuant to the provisions of the Vehicle and Traffic Law

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:

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

- 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.

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

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.

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

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.

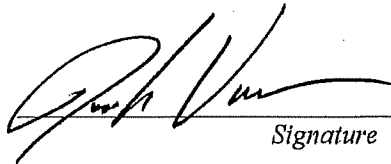
Contact the Rotterdam Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the Rotterdam Police Department.

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

Town of Rotterdam Harassment Policy Clause

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



Signature

M DEPAULA, LLC

Name of Company or Corporation

1100 Wedgewood Heights, Suite 1

Address

Schenectady, NY 12306

City, State Zip

NON-COLLUSION BIDDING CERTIFICATION

- A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, an in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:
- 1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
 - 2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
 - 3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.
- B. A bid shall not be considered for award nor shall any award be made where (A), (1), (2), and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certifying, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reason therefore. Where (A), (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made or his designee, determines that such disclosure was not made for the purpose of restricting competition.
- C. The fact that the bidder (A) has published price lists, rates or tariffs governing items being procured, (B) has informed prospective customers of proposed or pending publication of new or revised price lists for such items or (C) has sold the same item to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning subparagraph (A)(1).
- D. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or state services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one (1) of this section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

Name of Firm: M. DE PAULA, LLC

Title: Partner / owner

Signed by: Joseph Unser

Date: 11-6-22

Signature: 

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

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

The foregoing is a true and correct copy of the resolution adopted by _____ corporation at a meeting of its board of directors held on the _____ day of _____, 2018.

(SEAL OF THE CORPORATION)

Signature of Secretary

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

I, Joseph Unser hereby sign and submit this bid or proposal for Vehicle Repair & maintenance Services 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

11-6-22
Date

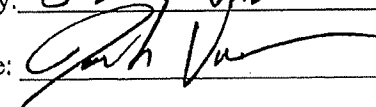
**TOWN OF ROTTERDAM
WAIVER ON IMMUNITY CLAUSE**

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: M DEPAULA, LLC

Signed by: Joseph Unser

Title: Partner / owner

Signature: 

Date: 11-6-22

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Michael DePaula		
2 Business name/disregarded entity name, if different from above m. DePaula LLC		
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☒ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► P Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ►	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)	
5 Address (number, street, and apt. or suite no.) See instructions. 1100 Wedgewood HT	Requester's name and address (optional)	
6 City, state, and ZIP code Schenectady NY 12306		
7 List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number											
				-				-			
or											
Employer identification number											

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person ►

Date ►

11/8/22

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

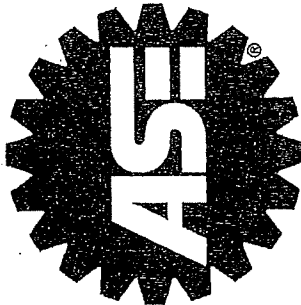
- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What Is backup withholding*, later.

INSTRUCTIONS TO BIDDERS

1. All bids must be submitted before the bid opening time/date as stated in the bid packet.
2. Electronic proposals for the furnishing and delivery of goods/services as required for the Town of Rotterdam, as set forth in the specifications prepared by the Town Board and received by the date/time detailed above, will be electronically opened at that time, via Empire State Purchasing Group on the BidNet website (<http://www.bidnetdirect.com/townofrotterdam>). The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet by the close of business the same day, of all bid submissions received. Additionally, the official bid report and all bids shall be available in the Office of the Town Clerk for public inspection during regular business hours.
3. Digital Copies of Drawings and Specifications may be obtained from the Empire State Purchasing Group on BidNet at <http://www.bidnetdirect.com/townofrotterdam>. Copies of RFP documents obtained from any other source are not considered official copies. The Town of Rotterdam cannot guarantee the accuracy of any information not obtained from the BidNet Direct website and is not responsible for any errors contained by any information received from an alternate sources. Only those vendors who obtain ITB, RFP or RFQ documents from the BidNet system are guaranteed to receive addendum information, if such information is issued. If you obtain the document(s) from a source other than the source indicated, it is recommended that you register on the Empire State Purchasing Group website, <http://www.bidnetdirect.com/new-york> and obtain an official copy.
4. Purchases made by the Town of Rotterdam are not subject to State or local taxes or Federal excise taxes. Exemption certificates will be furnished upon request.
5. An "Affidavit of Non-Collusion" is attached and forms a part of this bid proposal. By submission of this bid, each bidder and each person signing on behalf of any bidder, certifies under penalty of perjury, that to the best of his/her knowledge and belief that the prices of the bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter related to such prices with any other bidder or competitor; that the prices quoted have not and will not be disclosed prior to opening, directly or indirectly, to any other bidder or competitor; that no attempt has been or will be made to induce any other person, partnership or corporation to submit or not submit a bid for the purpose of restricting competition. Each bidder must state that no officer of the Town of Rotterdam or member of the Town Board is directly or indirectly interested in the proposal. Failure to sign this statement will constitute grounds for rejection of bid.
6. Each bidder must acknowledge receipt of and comply with the Town's Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace policy.
7. Bid proposals shall remain firm, pending bid award, for a period not to exceed thirty (30) days from the bid opening date.
8. The Town Board reserves the right to award bids in full or in part OR reject any or all bids and re-advertise.
9. All bids are to be on the basis of delivery prepaid to destination, which shall be buildings of the Town of Rotterdam as specified.
10. Delivery: Time is of the essence. Material is required as soon as possible and guaranteed date of delivery may be taken into consideration in making award. Upon failure to make delivery as promised, the Town Board of the Town of Rotterdam, New York, may consider the contract breached and will then feel free to go into

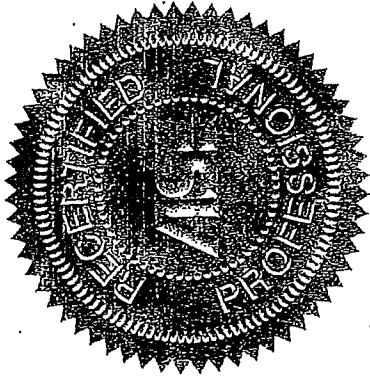


National Institute for
**AUTOMOTIVE
SERVICE
EXCELLENCE**

Be it known that

JOSEPH A UNSER

has successfully passed the examinations and met the work experience requirement prescribed by the National Institute for Automotive Service Excellence and is hereby ASE CERTIFIED in the service areas listed below.



AUTOMOBILE TECHNICIAN

AREAS OF DEMONSTRATED ACHIEVEMENT
ENGINE REPAIR

ING

EXPIRES
DECEMBER 31, 2020
DECEMBER 31, 2020
DECEMBER 31, 2020
DECEMBER 31, 2020

** ** ** ** **

Recertification

Scheduled

11/11 d 11/18

*Copy of registration
ticket enclosed.*

ON THIS 9TH DAY OF OCTOBER 2015, AT LEESBURG, VIRGINIA

Timothy A. Zilke
TIMOTHY A. ZILKE, President

REGISTERED PROFESSIONAL IN VIRGINIA



National Institute for

AUTOMOTIVE SERVICE EXCELLENCE

ASE Test Registration Ticket

Unser, Joseph A.
Schenectady, NY
ASE ID: ASE-2498-7917

Updated: November 09, 2022
9:43:14 AM

Testing procedures have changed. It's important for you to read this entire document.

Unscheduled Tests

You do not currently have any unscheduled tests.

Making a Testing Appointment

Your test date, time, and location are not automatically assigned. You must schedule an appointment for any tests listed above and complete all testing by the deadlines shown, or you will forfeit your fees. If you are taking more than one test, you can group them together into a single appointment or spread them out over several appointments. The day, time, and grouping are up to you.



To make an appointment, go online to myASE (www.ase.com) or call Prometric at 1-877-346-9327 for assistance by phone. If you plan to test at a Prometric Satellite test center, you must call that test center directly to schedule your appointment. You can find the test centers near you by using the locator at www.ase.com/testcenters.

Confirmed Appointment Summary

Date & Time	Tests	Test Center
November 11, 2022 3:30 PM - 5:00 PM	A1 - Engine Repair Recert (25 questions - 30 min.) A4 - Suspension & Steering Recert (20 questions - 30 min.)	Albany - Computer Drive East 17 COMPUTER DR. EAST ALBANY, New York 12205 518-438-6762 Ext:1

Driving Directions

From the North

I 87 south, take the right lane at exit 4. At the base of the exit take a left at the light. Get into the center lane and take a left at the next light. Get into the right lane, go under the bridge and take a right onto Wolf Road. At the fourth traffic light take a left onto Computer Drive East. We are on the right side of the street #17. Please park on the street and come in the front door.

From the West and East

Take I90 to exit 1N (I87 north). Take exit 2E (Wolf Road). Go straight at the end of the ramp onto Wolf Road.. At the fourth traffic light take a right onto Computer Drive East. We are on the right side of the street #17. Please park on the street and come in the front door.

From the Thruway

Take exit 24 (Albany). After the toll booth take I87 N (Northway) to exit 2E (Wolf Road). Go straight at the end of the ramp onto Wolf Road.. At the fourth traffic light take a right onto Computer Drive East. We are on the right side of the street #17. Please park on the street and come in the front door.

Date & Time	Tests	Test Center
November 18, 2022 11:45 AM - 1:30 PM	A5 - Brakes Recert (23 questions - 30 min.) A8 - Engine Performance Recert (25 questions - 45 min.)	Albany - Computer Drive East 17 COMPUTER DR. EAST ALBANY, New York 12205 518-438-6762 Ext:1

Driving Directions

From the North

I 87 south, take the right lane at exit 4. At the base of the exit take a left at the light. Get into the center lane and take a left at the next light. Get into the right lane, go under the bridge and take a right onto Wolf Road. At the fourth traffic light take a left onto Computer Drive East. We are on the right side of the street #17. Please park on the street and come in the front door.

From the West and East

Take I90 to exit 1N (I87 north). Take exit 2E (Wolf Road). Go straight at the end of the ramp onto Wolf Road.. At the fourth traffic light take a right onto Computer Drive East. We are on the right side of the street #17. Please park on the street and come in the front door.

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Test Time Limits

Each of the ASE tests is separately timed, as shown above. The appointment includes the time for each of your tests, plus an extra 30 minutes for you to be seated, view a tutorial, and complete a short survey after your last test. Working more quickly on one test will not give you more time on another. You must take the tests in the order presented, which may not match the order shown above. When you are taking a test, the amount of time remaining will be shown on the screen.

Arrive Early

Plan to arrive 30 minutes before your scheduled appointment to allow enough time to park, find the test center office, and for check in. If you arrive late, you may not be allowed to test and will forfeit your fees.

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

11. Where items or articles or equipment or supplies are designated as manufactured by a specific manufacturer, it is to be understood that the articles as specified represent an accepted standard. Where certain brands of materials, apparatus, or equipment are specified, such goods have been selected in order to establish a standard for the particular service required, but it is not the intention to limit competition thereby. If the bidder proposes to furnish the article which is specified, he is to fill in the amount on the line indicated. If he desires to bid on a substitute for the article specified, which is claimed to be equivalent to the standard specified, the amount should be recorded and also identified as "substitute" bid and furnish the required information relating to the manufacturer. In cases where the bid is based upon a substitute article, the bidder will be asked to submit a sample. Samples will be returned, if desired, as soon as the award is made.
12. The Town Board of the Town of Rotterdam reserves the right to waive any informalities on bids received, and to accept reasonable substitutes for specified items as long as such substitutes in no way affect the performance of the item for which the bid has been requested.
13. The approximate quantities 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.

**TOWN OF ROTTERDAM
ROTTERDAM, NEW YORK**

Bid Form

The undersigned has read, understands, and agrees to all conditions of this proposal and will offer their bid as follows:

Hourly Labor Rate: \$99.00

The below services/repairs should be billed at the following agreed price:

- A. \$29.00 – Lube, oil, filter – excludes diesel or synthetics; includes topping off of all fluid, visual inspection of the following: Tires (check tire pressure and tread depth), condition of all lights, filters, hoses, belts, connections, fluids, steering, suspension and exhaust components.
- B. \$16.00 – Tire rotation – 4 tires (includes brake inspection)
- C. \$20.00 per tire – Tire changes include: mount, balance and valve stem.

The entire bid is strictly in accordance with specifications.

Warren Tire Service Center INC.
Name of Company or Corporation

4 Highland ave
Street

Queensbury NY 12804
City State Zip

Woody @ WarrenTireSVC.com
E-mail Address

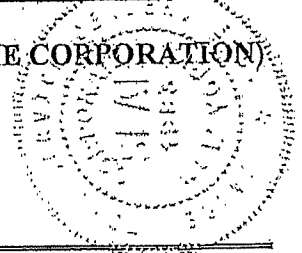
**RESOLUTION AUTHORIZING SUBMISSION OF BIDS BY
CORPORATION AND EXECUTION OF NON-COLLUSION CERTIFICATE AND
WAIVER OF IMMUNITY CLAUSE**

Resolved that Jon Wood be authorized to sign and submit the bid or proposal of this corporation for Rotterdam Police Dept 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 Warren Fire Service Center corporation at a meeting of its board of directors held on the 9 day of November 2022 2018.

(SEAL OF THE CORPORATION)

Peter R. Marshall
Signature of Secretary



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

I, Jon Wood hereby sign and submit this bid or proposal for 10292022A 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.

Jon Wood
Signature of Individual

11/8/2022
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.

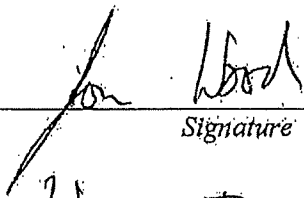
Name of Firm: Warren Fire Service Center Inc.

Signed by: Peter Marshall Title: Treasurer

Signature: Peter Marshall Date: 11/9/2022

Town of Rotterdam Harassment Policy Clause

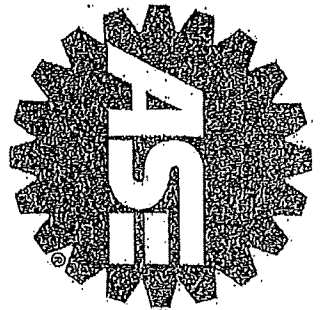
I understand if I am chosen as the lowest responsible bidder, that I must comply with all federal, state, and local laws, as well as rules, regulations, policies and guidance, including the State of New York's newly released guidance on sexual harassment. By submitting a bid, I acknowledge receipt of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


Signature

Warren Tire Service Center Inc.
Name of Company or Corporation

4 Highland ave
Address

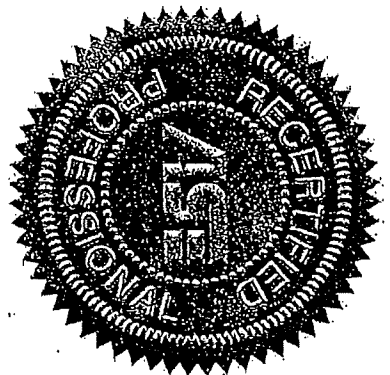
Queensbury NY 12804
(City, State Zip)



National Institute for
**AUTOMOTIVE
SERVICE
EXCELLENCE**

Be it known that

ERIC A FILIMON



has successfully passed the examinations and met the work experience requirement prescribed by the National Institute for Automotive Service Excellence and is hereby ASE CERTIFIED in the service areas listed below

MASTER AUTOMOBILE TECHNICIAN

AREAS OF DEMONSTRATED ACHIEVEMENT
ENGINE REPAIR

EXPIRES
JUNE 30, 2022

AUTOMATIC TRANSMISSION/TRANSAXLE

JUNE 30, 2022

MANUAL DRIVE TRAIN AND AXLES

JUNE 30, 2022

SUSPENSION AND STEERING

JUNE 30, 2022

BRAKES

JUNE 30, 2022

ELECTRICAL/ELECTRONIC SYSTEMS

JUNE 30, 2022

HEATING AND AIR CONDITIONING

JUNE 30, 2022

ENGINE PERFORMANCE

JUNE 30, 2022

GIVEN THIS 31ST DAY OF MARCH 2017, AT LEESBURG, VIRGINIA

ASE-1084-2724

ASE IDENTIFICATION NUMBER

Timothy A. Ziere
TIMOTHY A. ZIERE, President



New York State Department of Motor Vehicles
**OFFICIAL BUSINESS
CERTIFICATE**

THIS CERTIFICATE EXPIRES 05/31/23
FACILITY IDENTIFICATION NO. 7116186 RS

WARREN TIRE SERVICE CENTER INC
712-714 STATE STREET
SCHENECTADY NY 12307

NY-21F (11-85)

This document does not certify that this business complies with zoning and other local laws
POST IN A CONSPICUOUS PLACE



Validation Date and Number: 04/19/21 01594

This person is REGISTERED AS A
REPAIR SHOP
pursuant to the provisions of the Vehicle and Traffic Law.



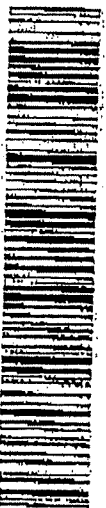
New York State Department of Motor Vehicles
**OFFICIAL BUSINESS
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FACILITY IDENTIFICATION NO. 7116186 ISP

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SCHENECTADY NY 12307

Validation Date and Number: 04/19/21 01595

This person is LICENSED AS A
PUBLIC INSPECTION STATION
pursuant to the provisions of the Vehicle and Traffic Law.
1A-1B



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INSTRUCTIONS TO BIDDERS

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3. Digital Copies of Drawings and Specifications may be obtained from the Empire State Purchasing Group on BidNet at <http://www.bidnetdirect.com/townofrotterdam>. Copies of RFP documents obtained from any other source are not considered official copies. The Town of Rotterdam cannot guarantee the accuracy of any information not obtained from the BidNet Direct website and is not responsible for any errors contained by any information received from an alternate sources. Only those vendors who obtain ITB, RFP or RFQ documents from the BidNet system are guaranteed to receive addendum information, if such information is issued. If you obtain the document(s) from a source other than the source indicated, it is recommended that you register on the Empire State Purchasing Group website, <http://www.bidnetdirect.com/new-york> and obtain an official copy.
4. Purchases made by the Town of Rotterdam are not subject to State or local taxes or Federal excise taxes. Exemption certificates will be furnished upon request.
5. An "Affidavit of Non-Collusion" is attached and forms a part of this bid proposal. By submission of this bid, each bidder and each person signing on behalf of any bidder, certifies under penalty of perjury, that to the best of his/her knowledge and belief that the prices of the bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter related to such prices with any other bidder or competitor; that the prices quoted have not and will not be disclosed prior to opening, directly or indirectly, to any other bidder or competitor; that no attempt has been or will be made to induce any other person, partnership or corporation to submit or not submit a bid for the purpose of restricting competition. Each bidder must state that no officer of the Town of Rotterdam or member of the Town Board is directly or indirectly interested in the proposal. Failure to sign this statement will constitute grounds for rejection of bid.
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the open market and to maintain an action against the contractor to recover any differences which the Town Board might stand to lose between the contract price and the market price.

11. Where items or articles or equipment or supplies are designated as manufactured by a specific manufacturer, it is to be understood that the articles as specified represent an accepted standard. Where certain brands of materials, apparatus, or equipment are specified, such goods have been selected in order to establish a standard for the particular service required, but it is not the intention to limit competition thereby. If the bidder proposes to furnish the article which is specified, he is to fill in the amount on the line indicated. If he desires to bid on a substitute for the article specified, which is claimed to be equivalent to the standard specified, the amount should be recorded and also identified as "substitute" bid and furnish the required information relating to the manufacturer. In cases where the bid is based upon a substitute article, the bidder will be asked to submit a sample. Samples will be returned, if desired, as soon as the award is made.
12. The Town Board of the Town of Rotterdam reserves the right to waive any informalities on bids received, and to accept reasonable substitutes for specified items as long as such substitutes in no way affect the performance of the item for which the bid has been requested.
13. The approximate quantities 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, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:
- 1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
 - 2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
 - 3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.
- B. A bid shall not be considered for award nor shall any award be made where (A), (1), (2), and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certifying, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reason therefore. Where (A), (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made or his designee, determines that such disclosure was not made for the purpose of restricting competition.
- C. The fact that the bidder (A) has published price lists, rates or tariffs governing items being procured, (B) has informed prospective customers of proposed or pending publication of new or revised price lists for such items or (C) has sold the same item to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning subparagraph (A)(1).
- D. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or state services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one (1) of this section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

Name of Firm: Warren Tire Service Center Inc

Signed by: Jon Wood Title: Sales Manager

Signature: Jon Wood Date: 11/8/2022

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:

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

- 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.

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

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.

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

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.

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

Town of Rotterdam

Request for Bids

**Rotterdam Police Department Vehicle Repair and
Maintenance Services**

Bid Opening:

November 14, 2022 @ 10:30 a.m.

Police Vehicle Preventative Maintenance and Repair

ITEM I- INSTRUCTIONS TO BIDDERS

1. Automotive service, preventative maintenance, and repair work on police vehicles shall be given priority service over others. All repairs are to be made within twenty-four (24) hours, unless the bidder notifies and receives approval from the Chief of Police or his/her designee that additional time is necessary. If the work is not completed in a timely manner, the Town reserves the rights utilize another vendor for the repair.
2. Vehicles required to be kept overnight for work shall be secure indoors. The bidder will be responsible for any and all damages incurred while the vehicle is in their possession.
3. All automotive service, preventative maintenance, and vehicle repairs shall be completed using parts that either meet or exceed the manufacturer's recommendation. All parts and materials will be supplied and/or purchased by the bidder as an agent of the Town. Where applicable state contracts or fleet rates shall be utilized. The bidder agrees to bill all necessary parts and materials at 35% over vendor cost, with no additional handling charge or mark-up.
4. All repairs must be accompanied by a completed invoice detailing the repair, number of hours required to perform the work and a list of parts and/or material. No work exceeding (\$200.00) two hundred dollars is to be performed without the prior approval of the Chief of Police or his/her designee. The bidder can only charge for actual time spent on a repair. At a minimum, 15 minutes of labor can be charged.
5. Records of all vehicles will be kept on a computer file and will be designated by unit number, year, make, model, VIN# and plate #. All services, repairs, parts and materials, labor hours as well as shipping costs, parts prices and repair rates are to be listed, subtotaled and totaled at the end of invoice for final cost of repair. **With the exception of services and repairs listed as A, B and C on the final page of the bid.** All labor billed must be in compliance with either NATIONAL SERVICE ALL DATA PRO FLAT RATE DATA TIME SYSTEM and/or MITCHELL ESTIMATING MANUAL and/or CHILTON LABOR GUIDE. The invoice shall then be dated and duplicated. One invoice is to accompany the vehicle at time of pickup or delivery and a second copy will be sent with the monthly vouchers.
6. There will be a ninety (90) day warranty on all work performed. All parts shall have a manufacturer's warranty where applicable. If none is available the bidder must provide a ninety (90) day warranty. The bidder is responsible for determining whether a manufacturer's warranty is in effect. If the bidder fails to do so they will be responsible for any charges incurred, which would have been covered by warranty. Any work that is deemed inferior or unacceptable by the Chief of Police or his/her designee shall be corrected at no additional cost to the Town.
7. Bidder must employ at least one A.S.E. Certified Technician and must attach documentation of certification to bid proposal.
8. Service must be available a minimum of Monday through Friday 9:00 a.m. to 5:00 p.m.
9. Bidders shall be licensed by the State of New York for both repair work and the ability to complete New York State inspection service.
10. Bidders must have an established business within a ten (10) mile radius of the Rotterdam Police

Headquarters. Consideration may be given to businesses that operate within the jurisdictional boundaries of the Town of Rotterdam.

11. Transmissions will be serviced by a pressurized system which pumps out the old transmission fluid and replaces it with new fluid.
12. Radiators will be serviced by a pressurized system which pumps out the old radiator fluid and replaces it with new radiator fluid.

ITEM II- INTENT

1. The specifications as listed are intended for police vehicle maintenance used by the Rotterdam Police Department.
2. We are requesting these bids for police vehicle maintenance for the calendar years 2023 and 2024. Prices must be for the complete length of the contract.

ITEM III - GENERAL BIDDER INFORMATION

1. No bid will be considered unless the bidder can meet the following conditions:
 - a) Bidder must guarantee all work must be done properly and without damage to vehicle. If such faults develop, the fault shall be replaced and/or repaired without cost to the Town of Rotterdam.
 - b) Bidder must expressly understand and agree to:
 - **SECTION 103 OF THE GENERAL MUNICIPAL LAW - WAIVER OF IMMUNITY (CHAPTER 675) - LAWS OF 1966** - It is expressly understood and agreed that upon refusal of the bidder or any agent or employee of the bidder, when called before a Grand Jury to testify concerning any transaction of bid with the State of New York any political subdivision thereof, a public authority thereof or a waiver of immunity against subsequent prosecution to answer any relevant questions concerning such transaction or bid, shall cause the cancellation or termination of this bid and the municipality shall be liable the bidder only for goods delivered or work done prior to the time of said cancellation.
 - **SECTION 220-3-(b) OF THE LABOR LAW - NON-DISCRIMINATION** - Neither contractor nor any person on their behalf shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under this contract on account of race, creed, color, sex or national origin.
 - **SECTION 109 OF THE GENERAL MUNICIPAL LAW - NON-ASSIGNABILITY** - The contractor is prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this contract, or of contractor's power to execute this contract, to any other person or corporation without the previous consent in writing of the owner.

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,

NOTE: Any questions should be submitted in writing to Deputy Chief William Male, Town of Rotterdam Police Department wmale@rotterdamny.org

INSTRUCTIONS TO BIDDERS

1. All bids must be submitted before 10:30 a.m. on November 14, 2022, 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 10:30 a.m. on November 14, 2022, will be opened electronically and in person at that time, via Empire State Purchasing Group on the BidNet website (<http://www.bidnetdirect.com/townofrotterdam>), or by hard copy received in the office of the Town Clerk. The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet by the close of business the same day, of all bid submissions received. Additionally, the official bid report and all bids shall be available in the Office of the Town Clerk for public inspection during regular business hours.
3. Digital Copies of Drawings and Specifications may be obtained from the Empire State Purchasing Group on BidNet at <http://www.bidnetdirect.com/townofrotterdam>. Copies of RFP documents obtained from any other source are not considered official copies. The Town of Rotterdam cannot guarantee the accuracy of any information not obtained from the BidNet Direct website and is not responsible for any errors contained by any information received from an alternate sources. Only those vendors who obtain ITB, RFP or RFQ documents from the BidNet system are guaranteed to receive addendum information, if such information is issued. If you obtain the document(s) from a source other than the source indicated, it is recommended that you register on the Empire State Purchasing Group website, <http://www.bidnetdirect.com/new-york> and obtain an official copy.
4. Purchases made by the Town of Rotterdam are not subject to State or local taxes or Federal excise taxes. Exemption certificates will be furnished upon request.
5. An "Affidavit of Non-Collusion" is attached and forms a part of this bid proposal. By submission of this bid, each bidder and each person signing on behalf of any bidder, certifies under penalty of perjury, that to the best of his/her knowledge and belief that the prices of the bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter related to such prices with any other bidder or competitor; that the prices quoted have not and will not be disclosed prior to opening, directly or indirectly, to any other bidder or competitor; that no attempt has been or will be made to induce any other person, partnership or corporation to submit or not submit a bid for the purpose of restricting competition. Each bidder must state that no officer of the Town of Rotterdam or member of the Town Board is directly or indirectly interested in the proposal. Failure to sign this statement will constitute grounds for rejection of bid.
6. Each bidder must acknowledge receipt of and comply with the Town's Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace policy.
7. Bid proposals shall remain firm, pending bid award, for a period not to exceed thirty (30) days from the bid opening date.
8. The Town Board reserves the right to reject any or all bids and re-advertise.
9. All bids are to be on the basis of delivery prepaid to destination, which shall be buildings of the Town of Rotterdam as specified.
10. Delivery: Time is of the essence. Material is required as soon as possible and guaranteed date of delivery may be taken into consideration in making award. Upon failure to make delivery as promised, the Town Board of the Town of Rotterdam, New York, may consider the contract breached and will then feel free to

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

11. Where items or articles or equipment or supplies are designated as manufactured by a specific manufacturer, it is to be understood that the articles as specified represent an accepted standard. Where certain brands of materials, apparatus, or equipment are specified, such goods have been selected in order to establish a standard for the particular service required, but it is not the intention to limit competition thereby. If the bidder proposes to furnish the article which is specified, he is to fill in the amount on the line indicated. If he desires to bid on a substitute for the article specified, which is claimed to be equivalent to the standard specified, the amount should be recorded and also identified as "substitute" bid and furnish the required information relating to the manufacturer. In cases where the bid is based upon a substitute article, the bidder will be asked to submit a sample. Samples will be returned, if desired, as soon as the award is made.
12. The Town Board of the Town of Rotterdam reserves the right to waive any informalities on bids received, and to accept reasonable substitutes for specified items as long as such substitutes in no way affect the performance of the item for which the bid has been requested.
13. The approximate quantities 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.

RESOLUTION NO. 339.22

**ACCEPT AND AWARD CONTRACT FOR CAR WASH SERVICES FOR THE
ROTTERDAM POLICE DEPARTMENT VEHICLES**

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, October 28, 2022 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:

CAR WASH SERVICES

THEREFORE, UPON MOTION OF Councilmember _____,

Seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam does hereby accept and award the bid for Carwash Services for the Town of Rotterdam Police Department Vehicles to Colonial Car Wash located at 1530 Altamont Avenue Rotterdam New York 12303, at a cost per vehicle of \$5.00, for a two-year period commencing January 1, 2023 and ending December 31, 2024.

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 December 14, 2022.

DATED: December 14, 2022

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: November 28, 2022

TO: Legislative Review Board

FROM: Deputy Chief William Male *W. Male*

TITLE OF REQUEST: Award car washing services bid to Colonial Car Wash for a two year period commencing January 1, 2023 thru December 31, 2024, for Rotterdam Police Department vehicles.

TOWN BOARD MEETING: December 14, 2022

Background Information: The Rotterdam Police Department's contract for car wash services expires on December 31, 2022. An invitation for bids was posted on BidNet on October 31, 2022 and closed on November 14, 2022 at 10:45am. There were two bids submitted. Colonial Car Wash submitted the lowest responsible bid for services.

Evaluation/Analysis: N/A

Recommendation(s): Award bid to Colonial Car Wash for a two year period beginning January 1, 2023 and running through December 31, 2024.

Attachment/Document(s): Bid Proposal from Colonial Car Wash

Compliance with Purchasing Policy: Yes

Effect(s) on Existing Law(s): General Municipal Law section 103

LEGISLATION WILL BE PREPARED BY: RPD

DATE PUBLISHED IN NEWSPAPER: 10-29-2022

DATE & TIME BIDS TO BE OPENED: 11-14-2022 @ 10:45 AM

022

[illegible]

Colonial

Town of Rotterdam

Request for Bids

Rotterdam Police Department Car Wash Services

Bid Opening:

November 14, 2022 @ 10:45 a.m.

RESOLUTION NO. 290.22

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd, Rotterdam, New York on Wednesday, October 26, 2022, at 7:00 p.m., the following resolution was duly adopted:

CALL FOR BIDS FOR CAR WASH SERVICES

THEREFORE, UPON MOTION OF Councilmember MILLER-HERRERA,
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 Car Wash Services.

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

TOWN OF ROTTERDAM NOTICE TO BIDDERS

PLEASE TAKE NOTICE: Sealed bids for the furnishing of all labor and material necessary for the *Car Wash Services* can be submitted electronically or be received in person by the Town of Rotterdam Town Clerk, at 1100 Sunrise Boulevard, Rotterdam, New York 12306 until 10:45 a.m. local time on Monday November 14, 2022, at which time and place they will be publicly opened and read aloud. 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:

CAR WASH SERVICES

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

**ALL BID PROPOSALS MUST BE SUBMITTED
PRIOR TO 10:45 A.M., MONDAY, NOVEMBER 14, 2022**

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

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

DATED: October 26, 2022

BidNet: Please publish on October 28, 2022

Daily Gazette: Please publish once on October 29, 2022

Town Clerk Post

DATED: October 26, 2022

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastrolanni	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 October 26, 2022, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this October 28, 2022.

Diane M. Marco

Diane M. Marco, Town Clerk



Type text here

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: October 13, 2022
TO: Legislative Review Board
FROM: Deputy Chief William Male
TITLE OF REQUEST: Rotterdam Police Department car wash services Request for Proposal (RFP)

TOWN BOARD MEETING: October 26, 2022

Background Information: The Town of Rotterdam Police Department is requesting the issuance of a notice for RFP for car wash services for Police Department vehicles for years 2023 and 2024.

Evaluation/Analysis: The current two year contract will expire on December 31, 2022.

Recommendation(s): Post the notice for RFP on October 31, 2022 with a bid opening date of November 14, 2022 at 10:45AM.

Attachment/Document(s): Bid form with bidding instructions is attached.

Compliance with Purchasing Policy: The purchasing policy has been reviewed and the bid package is in compliance.

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

LEGISLATION WILL BE PREPARED BY: Rotterdam Police Department

Rotterdam Police Department Car Wash Services 2023 and 2024

ITEM I - INTENT

1. The specifications as listed is intended for Car Wash Services for all Rotterdam Police Department Vehicles, marked and unmarked.
2. We are requesting these bids for Car Wash Services for years 2023-2024. Prices must be for the complete contract period.

ITEM II- BID FORMAT

1. We are requesting each bidder to submit a bid offering the cost per vehicle, per wash.

ITEM III- GENERAL BIDDER INFORMATION

1. No bid will be considered unless the bidder can meet the following conditions:
 - a) Bidder must guarantee all cleaning must be done properly and without damage to vehicles. If such damage develops the damage shall be replaced and/or repaired without cost to the Town of Rotterdam.
 - b) Bidder must expressly understand and agree to:
 - SECTION 103 OF THE GENERAL MUNICIPAL LAW - WAIVER OF IMMUNITY (CHAPTER 675) - LAWS OF 1966 -It is expressly understood and agreed that upon refusal of the bidder or any agent or employee of the bidder, when called before a Grand Jury to testify concerning any transaction of bid with the State of New York any political subdivision thereof, a public authority thereof or a waiver of immunity against subsequent prosecution to answer any relevant questions concerning such transaction or bid, shall cause the cancellation or termination of this bid and the municipality shall be liable the bidder only for goods delivered or work done prior to the time of said cancellation.
 - SECTION 220-3-(b) OF THE LABOR LAW - NON- DISCRIMINATION - Neither contractor nor any person on their behalf shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under, this contract on account of race, creed, color, sex or national origin.
 - SECTION 109 OF THE GENERAL MUNICIPAL LAW - NON- ASSIGNABILITY -The contractor is prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this contract, or of contractor's power to execute this contract, to any other person or corporation without the previous consent in writing of the owner.

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.

NOTE: Any questions should be submitted in writing to Deputy Chief William Male, Town of Rotterdam Police Department wmale@rotterdamny.org

INSTRUCTIONS TO BIDDERS

1. All bids must be submitted before 10:45 a.m. on November 14, 2022, 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 10:45 a.m. on November 14, 2022, will be opened electronically and in person at that time, via Empire State Purchasing Group on the BidNet website (<http://www.bidnetdirect.com/townofrotterdam>), or by hard copy received in the office of the Town Clerk. The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet by the close of business the same day, of all bid submissions received. Additionally, the official bid report and all bids shall be available in the Office of the Town Clerk for public inspection during regular business hours.
3. Digital Copies of Drawings and Specifications may be obtained from the Empire State Purchasing Group on BidNet at <http://www.bidnetdirect.com/townofrotterdam>. Copies of RFP documents obtained from any other source are not considered official copies. The Town of Rotterdam cannot guarantee the accuracy of any information not obtained from the BidNet Direct website and is not responsible for any errors contained by any information received from an alternate source. Only those vendors who obtain ITB, RFP or RFQ documents from the BidNet system are guaranteed to receive addendum information, if such information is issued. If you obtain the document(s) from a source other than the source indicated, it is recommended that you register on the Empire State Purchasing Group website, <http://www.bidnetdirect.com/new-york> and obtain an official copy.
4. Purchases made by the Town of Rotterdam are not subject to State or local taxes or Federal excise taxes. Exemption certificates will be furnished upon request.
5. An "Affidavit of Non-Collusion" is attached and forms a part of this bid proposal. By submission of this bid, each bidder and each person signing on behalf of any bidder, certifies under penalty of perjury, that to the best of his/her knowledge and belief that the prices of the bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter related to such prices with any other bidder or competitor; that the prices quoted have not and will not be disclosed prior to opening, directly or indirectly, to any other bidder or competitor; that no attempt has been or will be made to induce any other person, partnership or corporation to submit or not submit a bid for the purpose of restricting competition. Each bidder must state that no officer of the Town of Rotterdam or member of the Town Board is directly or indirectly interested in the proposal. Failure to sign this statement will constitute grounds for rejection of bid.
6. Each bidder must acknowledge receipt of and comply with the Town's Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace policy.
7. Bid proposals shall remain firm, pending bid award, for a period not to exceed thirty (30) days from the bid opening date.
8. The Town Board reserves the right to reject any or all bids and re-advertise.
9. All bids are to be on the basis of delivery prepaid to destination, which shall be buildings of the Town of Rotterdam as specified.
10. Delivery: Time is of the essence. Material is required as soon as possible and guaranteed date of delivery may be taken into consideration in making award. Upon failure to make delivery as promised, the Town Board of the Town of Rotterdam, New York, may consider the contract ~~terminated~~ and will

then feel free to go into the open market and to maintain an action against the contractor to recover any differences which the Town Board might stand to lose between the contract price and the market price.

11. Where items or articles or equipment or supplies are designated as manufactured by a specific manufacturer, it is to be understood that the articles as specified represent an accepted standard. Where certain brands of materials, apparatus, or equipment are specified, such goods have been selected in order to establish a standard for the particular service required, but it is not the intention to limit competition thereby. If the bidder proposes to furnish the article which is specified, he is to fill in the amount on the line indicated. If he desires to bid on a substitute for the article specified, which is claimed to be equivalent to the standard specified, the amount should be recorded and also identified as "substitute" bid and furnish the required information relating to the manufacturer. In cases where the bid is based upon a substitute article, the bidder will be asked to submit a sample. Samples will be returned, if desired, as soon as the award is made.
12. The Town Board of the Town of Rotterdam reserves the right to waive any informalities on bids received, and to accept reasonable substitutes for specified items as long as such substitutes in no way affect the performance of the item for which the bid has been requested.
13. The approximate quantities 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.

TOWN OF ROTTERDAM
ROTTERDAM, NEW YORK

Bid Proposal Form

COST PER VEHICLE \$5.00 PER VEHICLE WASH

WE THE UNDERSIGNED hereby offer to supply Car Wash Services to the Town of Rotterdam Police Department for vehicles, marked and unmarked. The services shall not be limited to these specifications if your standard equipment exceeds such specifications. Further, all standard or necessary services not specified or stipulated will be included. All bids must be per item, EACH.

Altamont Enterprises Ltd. DBA Colonial Car Wash
Name of Company or Corporation

1530 Altamont Ave
Street

Rotterdam NY 12303
City State Zip

dfusco@fusco~~realty~~realtygroup.com
E-mail Address

578-857-0850 (Dane Cell)

**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 _____, 202__.

(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: _____

Town of Rotterdam Harassment Policy Clause

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



Signature

COLONIAL CAR WASH dba
ACTAMONT ENTERPRISES

Name of Company or Corporation

4017 B STATE ST

Address

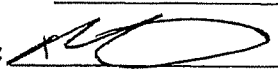
SCHENECTADY, NY 12304

City, State Zip

NON-COLLUSION BIDDING CERTIFICATION

- A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:
- 1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
 - 2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
 - 3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.
- B. A bid shall not be considered for award nor shall any award be made where (A), (1), (2), and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certifying, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reason therefore. Where (A), (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made or his designee, determines that such disclosure was not made for the purpose of restricting competition.
- C. The fact that the bidder (A) has published price lists, rates or tariffs governing items being procured, (B) has informed prospective customers of proposed or pending publication of new or revised price lists for such items or (C) has sold the same item to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning subparagraph (A)(1).
- D. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or state services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one (1) of this section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

Name of Firm: Altamont Enterprises

Signed by:  Title: GM

Signature: MARK McMILLEN

Date: 11/8/22

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:

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

- 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.

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

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.

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

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.

Curry Rd

Town of Rotterdam

Request for Bids

Rotterdam Police Department Car Wash Services

Bid Opening:

November 14, 2022 @ 10:45 a.m.

Rotterdam Police Department Car Wash Services 2023 and 2024

ITEM I - INTENT

1. The specifications as listed is intended for Car Wash Services for all Rotterdam Police Department Vehicles, marked and unmarked.
2. We are requesting these bids for Car Wash Services for years 2023-2024. Prices must be for the complete contract period.

ITEM II- BID FORMAT

1. We are requesting each bidder to submit a bid offering the cost per vehicle, per wash.

ITEM III- GENERAL BIDDER INFORMATION

1. No bid will be considered unless the bidder can meet the following conditions:
 - a) Bidder must guarantee all cleaning must be done properly and without damage to vehicles. If such damage develops the damage shall be replaced and/or repaired without cost to the Town of Rotterdam.
 - b) Bidder must expressly understand and agree to:
 - SECTION 103 OF THE GENERAL MUNICIPAL LAW - WAIVER OF IMMUNITY (CHAPTER 675) - LAWS OF 1966 -It is expressly understood and agreed that upon refusal of the bidder or any agent or employee of the bidder, when called before a Grand Jury to testify concerning any transaction of bid with the State of New York any political subdivision thereof, a public authority thereof or a waiver of immunity against subsequent prosecution to answer any relevant questions concerning such transaction or bid, shall cause the cancellation or termination of this bid and the municipality shall be liable the bidder only for goods delivered or work done prior to the time of said cancellation.
 - SECTION 220-3-(b) OF THE LABOR LAW - NON - DISCRIMINATION - Neither contractor nor any person on their behalf shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under, this contract on account of race, creed, color, sex or national origin.
 - SECTION 109 OF THE GENERAL MUNICIPAL LAW - NON-ASSIGNABILITY -The contractor is prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this contract, or of contractor's power to execute this contract, to any other person or corporation without the previous consent in writing of the owner.

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.

NOTE: Any questions should be submitted in writing to Deputy Chief William Male, Town of Rotterdam Police Department wmale@rotterdamny.org

INSTRUCTIONS TO BIDDERS

1. All bids must be submitted before 10:45 a.m. on November 14, 2022, 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 10:45 a.m. on November 14, 2022, will be opened electronically and in person at that time, via Empire State Purchasing Group on the BidNet website (<http://www.bidnetdirect.com/townofrotterdam>), or by hard copy received in the office of the Town Clerk. The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet by the close of business the same day, of all bid submissions received. Additionally, the official bid report and all bids shall be available in the Office of the Town Clerk for public inspection during regular business hours.
3. Digital Copies of Drawings and Specifications may be obtained from the Empire State Purchasing Group on BidNet at <http://www.bidnetdirect.com/townofrotterdam>. Copies of RFP documents obtained from any other source are not considered official copies. The Town of Rotterdam cannot guarantee the accuracy of any information not obtained from the BidNet Direct website and is not responsible for any errors contained by any information received from an alternate source. Only those vendors who obtain ITB, RFP or RFQ documents from the BidNet system are guaranteed to receive addendum information, if such information is issued. If you obtain the document(s) from a source other than the source indicated, it is recommended that you register on the Empire State Purchasing Group website, <http://www.bidnetdirect.com/new-york> and obtain an official copy.
4. Purchases made by the Town of Rotterdam are not subject to State or local taxes or Federal excise taxes. Exemption certificates will be furnished upon request.
5. An "Affidavit of Non-Collusion" is attached and forms a part of this bid proposal. By submission of this bid, each bidder and each person signing on behalf of any bidder, certifies under penalty of perjury, that to the best of his/her knowledge and belief that the prices of the bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter related to such prices with any other bidder or competitor; that the prices quoted have not and will not be disclosed prior to opening, directly or indirectly, to any other bidder or competitor; that no attempt has been or will be made to induce any other person, partnership or corporation to submit or not submit a bid for the purpose of restricting competition. Each bidder must state that no officer of the Town of Rotterdam or member of the Town Board is directly or indirectly interested in the proposal. Failure to sign this statement will constitute grounds for rejection of bid.
6. Each bidder must acknowledge receipt of and comply with the Town's Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace policy.
7. Bid proposals shall remain firm, pending bid award, for a period not to exceed thirty (30) days from the bid opening date.
8. The Town Board reserves the right to reject any or all bids and re-advertise.
9. All bids are to be on the basis of delivery prepaid to destination, which shall be buildings of the Town of Rotterdam as specified.
10. Delivery: Time is of the essence. Material is required as soon as possible and guaranteed date of delivery may be taken into consideration in making award. Upon failure to make delivery as promised, the Town Board of the Town of Rotterdam, New York, may consider the contract breached and will

then feel free to go into the open market and to maintain an action against the contractor to recover any differences which the Town Board might stand to lose between the contract price and the market price.

11. Where items or articles or equipment or supplies are designated as manufactured by a specific manufacturer, it is to be understood that the articles as specified represent an accepted standard. Where certain brands of materials, apparatus, or equipment are specified, such goods have been selected in order to establish a standard for the particular service required, but it is not the intention to limit competition thereby. If the bidder proposes to furnish the article which is specified, he is to fill in the amount on the line indicated. If he desires to bid on a substitute for the article specified, which is claimed to be equivalent to the standard specified, the amount should be recorded and also identified as "substitute" bid and furnish the required information relating to the manufacturer. In cases where the bid is based upon a substitute article, the bidder will be asked to submit a sample. Samples will be returned, if desired, as soon as the award is made.
12. The Town Board of the Town of Rotterdam reserves the right to waive any informalities on bids received, and to accept reasonable substitutes for specified items as long as such substitutes in no way affect the performance of the item for which the bid has been requested.
13. The approximate quantities 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.

**TOWN OF ROTTERDAM
ROTTERDAM, NEW YORK**

Bid Proposal Form

COST PER VEHICLE \$ 6.00 PER VEHICLE WASH

WE THE UNDERSIGNED hereby offer to supply Car Wash Services to the Town of Rotterdam Police Department for vehicles, marked and unmarked. The services shall not be limited to these specifications if your standard equipment exceeds such specifications. Further, all standard or necessary services not specified or stipulated will be included. All bids must be per item, EACH.

Curry Road Car Wash Partners LLC
Name of Company or Corporation

1156 Curry Rd
Street

Schenectady NY 12306
City State Zip

brandt.sebring@yahoo.com
E-mail Address

NON-COLLUSION BIDDING CERTIFICATION

- A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, an in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:
- 1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
 - 2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
 - 3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.
- B. A bid shall not be considered for award nor shall any award be made where (A), (1), (2), and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certifying, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reason therefore. Where (A), (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made or his designee, determines that such disclosure was not made for the purpose of restricting competition.
- C. The fact that the bidder (A) has published price lists, rates or tariffs governing items being procured, (B) has informed prospective customers of proposed or pending publication of new or revised price lists for such items or (C) has sold the same item to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning subparagraph (A)(1).
- D. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or state services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one (1) of this section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

Name of Firm:

Curry Road Car Wash

Signed by:

Brandt Sebring

Title:

owner

Signature:



Date:

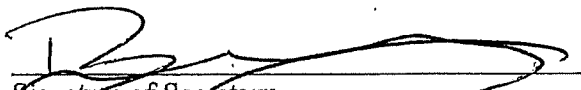
11/3/22

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

Resolved that Brandt Sebring be authorized to sign and submit the bid or proposal of this corporation for Car Washing 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 Curry Road Car Wash corporation at a meeting of its board of directors held on the 3 day of November, 2022.

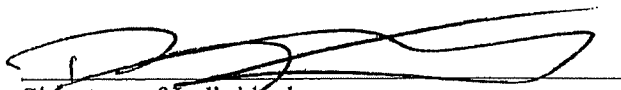
(SEAL OF THE CORPORATION)



Signature of Secretary

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

I, Brandt Sebring hereby sign and submit this bid or proposal for Car Washing 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

11/3/22

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:

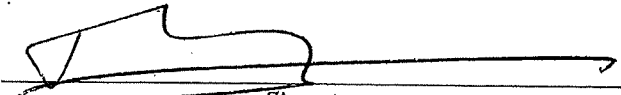
Name of Firm: Curry Road Car Wash

Signed by: Brandt Sebring Title: Owner

Signature:  Date: 11/3/22

Town of Rotterdam Harassment Policy Clause

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


Signature

Curry Road Car Wash
Name of Company or Corporation

1156 Curry Rd
Address

Schenectady NY 12306
City, State Zip

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:

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

- 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.

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

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.

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

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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.