



# TOWN OF ROTTERDAM

DIANE M. MARCO  
Town Clerk

---

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

January 13, 2023

Certified Resolutions: #48-#60 for the year 2023 was duly adopted at the Town Board Meeting held at J.F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, NY 12306 that was held Wednesday, January 11, 2023 at 7:00 p.m. The Town Board Agenda review meeting began at approximately 6:39 p.m. Agenda review was adjourned at approximately 6:51p.m. All agreed to adjourn agenda review. Motion #2 was made by Councilmember Dodson and seconded by Councilmember Christou. Motion#3 was made by Miller-Herrera and seconded by Christou. The Town Board Meeting was adjourned at approximately 8:19 p.m. by Councilmember Dodson and seconded by Councilmember Miller-Herrera. All agreed to adjourn the Town Board Meeting.

All Councilmembers were present

*Diane M. Marco*

---

Diane M. Marco, Town Clerk

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

**MEETING OF THE  
ROTTERDAM TOWN BOARD**

January 11, 2023

7:00 PM

*Agenda Review 6:30 PM*

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

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

**EXECUTIVE SESSION**

**PROCLAMATIONS/PRESENTATIONS**

**PUBLIC HEARING**

- Local Law to amend chapter 60, Residency Requirements, of the Town code of the Town of Rotterdam. **CLOSED PUBLIC HEARING**
- To consider and receive evidence on the requests of the Buekendaal Temple Association, Cyprus Shriners, Schenectady Shrine Club, and Notre Dame Bishop Gibbons School for a finding that that such organizations are either domiciled within the Town of Rotterdam, or that hardship or necessity exists sufficient to warrant the conducting of bingo and/or games of chance within the territorial limits of the Town of Rotterdam by organizations not domiciled within the Town of Rotterdam, and such other matters as may be necessary or appropriate in connection with the licensing requests or applications, received or anticipated to be received, from such organizations, under applicable regulations of the New York State Gaming Commission. **PUBLIC HEARING KEPT OPEN**

**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**

**2.23** Motion to keep public hearing #2 open.

**3.23** Motion to table resolution 60.23 until the next meeting.

## **RESOLUTIONS**

**48.23** Authorizing the Supervisor to accept the withdrawal of the legal services provided to the Town by Gilchrest Tingley, P.C.

**49.23** Authorizing the Supervisor to execute an agreement with Roemer Wallens Gold and Mineaux LLP.

**50.23** To enact Introductory Local Law No. 11 of 2022; to amend Chapter 60, Residency Requirements, of the Town Code of the Town of Rotterdam.

**51.23** To appoint Paul Chevalier to Police Sergeant 2<sup>nd</sup>.

**52.23** To appoint Eileen Juedes to the position of Deputy Court Clerk.

**53.23** To appoint Dylan Hart to the position of Cleaner.

**54.23** To appoint Noah Baker to the position of Cleaner.

**55.23** To appoint Paul Brown to Water and Sewer Maintenance Worker.

**56.23** To accept revenue for the Town Clerk's office for December 2022.

**57.23** Request for Qualifications (RFQ) for Engineering Services; Kiwanis Park Waterfront Access Improvements.

**58.23** To approve budget transfers to the 2022 and 2023 budget.

**59.23** To amend Resolution No. 296.21 relating to use of ARPA funds.

**60.23** To accept Town Board meeting minutes. **TABLED**

## **LIAISON REPORTS**

## **MISCELLANEOUS**

## **EXECUTIVE SESSION**

**ADJOURNMENT**

**Mollie A. Collins, Supervisor**

**MOTION 2.23**

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, January 11, 2023 at 7:00 p.m., the following motion passed.

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

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

**SECTION 1.** I make a motion to keep public hearing open.

**SECTION 2.** This motion shall become effective January 11, 2023

**DATED:** January 11, 2023

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion passed by the Town Board of the Town of Rotterdam on January 11, 2023, and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk’s office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this January 13, 2023.

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



**MOTION 3.23**

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, January 11, 2023 at 7:00 p.m., the following motion passed.

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

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

**SECTION 1.** I make a motion to table this Resolution 60.23 till the next meeting.

**SECTION 2.** This motion shall become effective January 11, 2023.

**DATED:** January 11, 2023

**TO TABLE**

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion passed by the Town Board of the Town of Rotterdam on January 11, 2023, and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk’s office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this January 13, 2023.

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



**RESOLUTION NO. 48.23**

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, January 11, 2023, at 7:00 p.m., the following resolution was duly adopted:

**AUTHORIZING THE SUPERVISOR TO ACCEPT THE WITHDRAWL OF THE LEGAL SERVICES PROVIDED TO THE TOWN BY GILCHRIST TINGLEY, P.C.**

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

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

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the Town Supervisor to accept the withdrawal of legal services to the Town as Attorney for the Town from the Law Firm of Gilchrist Tingley, P.C. in accordance with the written notice of withdrawal.

**SECTION 2.** The Town Board of the Town of Rotterdam hereby authorizes all legal services provided by Gilchrist Tingley, P.C. and Jonathon B. Tingley to the Town as Attorney for the Town to terminate effective as of **January 11, 2023**.

**SECTION 3.** The Town Board of the Town of Rotterdam hereby authorizes the payment to Gilchrist Tingley, P.C., for the fees for services rendered in the transition from Gilchrist Tingley, P.C. to Roemer Wallens Gold & Mineaux, LLP as Attorney for the Town.

**SECTION 4.** This resolution shall become effective January 11, 2023.

**DATED:** January 11, 2023

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on January 11, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this January 13, 2023.

*Diane M. Marco*

\_\_\_\_\_  
Diane M. Marco, Town Clerk





**RESOLUTION NO. 49.23**

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, January 11, 2023, at 7:00 p.m., the following resolution was duly adopted:

**AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH  
ROEMER WALLENS GOLD AND MINEAUX LLP**

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

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

**SECTION 1.** The Town Board of the Town of Rotterdam hereby authorizes the Town Supervisor to execute the Agreement attached hereto with Roemer Wallens Gold and Mineaux LLP, located at 13 Columbia Circle, Albany New York 12203, for provision of legal services as Attorneys for the Town commencing January 11, 2023 through December 31, 2023.

**SECTION 2.** The Town Board of the Town of Rotterdam hereby authorizes the Town Supervisor to execute the Agreement attached hereto with Roemer Wallens Gold and Mineaux LLP, located at 13 Columbia Circle, Albany New York 12203, for provision of legal services as Attorneys for the Town of Rotterdam Planning Commission, commencing January 11, 2023 through December 31, 2023.

**SECTION 3.** This resolution shall become effective January 11, 2023.

**DATED:** January 11, 2023

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on January 11, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this January 13, 2023.

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



**RESOLUTION NO. 50.23**

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, January 11, 2023, at 7:00 p.m., the following resolution was duly adopted:

**TO ENACT INTRODUCTORY LOCAL LAW NO. 11 OF 2022; TO AMEND CHAPTER 60, RESIDENCY REQUIREMENTS, OF THE TOWN CODE OF THE TOWN OF ROTTERDAM**

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

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

**SECTION 1.** The Town Board hereby enacts Introductory Local Law No. 11 of 2022.

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

**SECTION 3.** This resolution shall become effective January 11, 2023

**DATED:** January 11, 2023

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on January 11, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk’s office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this January 13, 2023.

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



**RESOLUTION NO. 51.23**

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, January 11, 2023, at 7:00 p.m., the following resolution was duly adopted:

**TO APPOINT PAUL CHEVALIER TO POLICE SERGEANT 2<sup>ND</sup>**

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

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

**SECTION 1.** Investigator Paul Chevalier, of Scotia, New York 12302, is hereby promoted and appointed to the position of Police Sergeant 2nd, probationary, full time, with full employee benefits, and subject to pre-employment background checks, at an annual salary of ninety-five thousand two hundred sixty-seven and 58/100 (\$95,267.58) dollars, commencing January 14, 2023.

**SECTION 2.** This resolution shall be effective January 11, 2023.

**DATED:** January 11, 2023

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on January 11, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk’s office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this January 13, 2023.

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



**RESOLUTION NO. 52.23**

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, January 11, 2023, at 7:00 p.m., the following resolution was duly adopted:

**TO APPOINT EILEEN JUEDES TO THE POSITION OF DEPUTY COURT CLERK**

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

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

**SECTION 1.** Eileen Juedes, of Glenville, New York 12302, is hereby appointed to the position of Deputy Court Clerk, full time, provisionally, with full employee benefits, and subject to pre-employment background checks, at an annual salary of forty thousand eight hundred thirty-eight and 29/100 (\$40,838.29) dollars, commencing January 17, 2023.

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

**DATED:** January 11, 2023

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on January 11, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk’s office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this January 13, 2023.

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



**RESOLUTION NO. 53.23**

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, January 11, 2023, at 7:00 p.m., the following resolution was duly adopted:

**TO APPOINT DYLAN HART TO THE POSITION OF CLEANER**

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

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

**SECTION 1.** Dylan Hart, of Schenectady, New York 12303, is hereby appointed to the position of Cleaner, full time, with full employee benefits, and subject to pre-employment background checks, at an annual salary of thirty-eight thousand nine hundred ninety-one and 01/100 (\$38,991.01) dollars, commencing January 17, 2023.

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

**DATED:** January 11, 2023

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on January 11, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk’s office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this January 13, 2023.

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



**RESOLUTION NO. 54.23**

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, January 11, 2023, at 7:00 p.m., the following resolution was duly adopted:

**TO APPOINT NOAH BAKER TO THE POSITION OF CLEANER**

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

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

**SECTION 1.** Noah Baker, of Schenectady, New York 12304, is hereby appointed to the position of Cleaner, full time, with full employee benefits, and subject to pre-employment background checks, at an annual salary of thirty-eight thousand nine hundred ninety-one and 01/100 (\$38,991.01) dollars, commencing January 17, 2023.

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

**DATED:** January 11, 2023

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on January 11, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

**IN WITNESS WHEREOF,** I have hereunto set my hand and the seal of the Town of Rotterdam this January 13, 2023.

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



**RESOLUTION NO. 55.23**

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, January 11, 2023, at 7:00 p.m., the following resolution was duly adopted:

**TO APPOINT PAUL BROWN TO WATER AND SEWER MAINTENANCE WORKER**

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

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

**SECTION 1.** Paul Brown, of Rotterdam New York 12306, is hereby appointed to the position of Water and Sewer Maintenance Worker, full time, with full employee benefits, at an annual salary of forty-nine thousand one hundred fifty-six and 95/100 (\$49,156.95) dollars, commencing January 17, 2023;

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

**DATED:** January 11, 2023

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on January 11, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this January 13, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk





**RESOLUTION NO. 56.23**

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, January 11, 2023, at 7:00 p.m., the following resolution was duly adopted:

**TO ACCEPT REVENUE FOR THE TOWN CLERK’S OFFICE FOR DECEMBER 2022**

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

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

**SECTION 1.** The Town Clerk’s report for the month of December 2022, has been placed on file and the town clerk’s check in the amount of four thousand nine hundred thirty seven dollars and 31/100 (\$4,937.31) has been submitted to the supervisor for deposit.

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

**DATED:** January 11, 2023

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSTAIN</b>
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 January 11, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk’s office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this January 13, 2023.

*Diane M. Marco*

Diane M. Marco, Town Clerk



**RESOLUTION NO. 57.23**

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, January 11, 2023, at 7:00 p.m., the following resolution was duly adopted:

**REQUEST FOR QUALIFICATIONS (RFQ) FOR ENGINEERING SERVICES  
KIWANIS PARK WATERFRONT ACCESS IMPROVEMENTS**

**WHEREAS**, the Town of Rotterdam has been awarded a \$225,000 grant from the Local Waterfront Improvement Grant for the Design and Construction of Kiwanis Park Waterfront Access Improvements; and

**WHEREAS**, the Town seeks an engineering consulting firm to develop design and construction documents, and to provide construction oversight of the select improvements by a combination of construction contractor, Town DPW forces and/or volunteer organizations; NOW

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

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

**SECTION 1.** The Town Clerk of the Town of Rotterdam shall cause the following notice to be published in the official newspaper of the Town of Rotterdam on or before January 15, 2023, of request for qualification (RFQ):

**TOWN OF ROTTERDAM  
REQUEST FOR QUALIFICATIONS**

**PLEASE TAKE NOTICE:** That the Town Clerk of the Town of Rotterdam, on Friday, the 10th day of February, 2023, at 2:00 P.M at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York, 12306 will publicly open all proposals received pursuant to this notice for the following:

**Request for Qualifications (RFQ) for Engineering Services  
Kiwanis Park Waterfront Access Improvements**

Request for Qualification packets may be obtained from the Office of Town Clerk, Diane M. Marco at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Town of Rotterdam, New York, 12306 and all responses must be received no later than 2:00 p.m. on Friday, the 10th day of February, 2023.

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

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

**DATED:** January 11, 2023

**Daily Gazette:** Please publish once on January 14, 2023

**Town Clerk**

**Post**

**SECTION 2.** The Town Supervisor, the Senior Planner/Grant Coordinator, and their respective designee(s) are hereby authorized and directed to cause the RFQ to be published and distributed directly to qualified State certified MWBEs listed in the NYS Directory of Certified Firms, and to publish and distribute the RFQ through such other means and to such other firms as shall be reasonably appropriate under the circumstances.

**SECTION 3.** This resolution shall become effective January 11, 2023.

**DATED:** January 11, 2023

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on January 11, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this January 13, 2023.

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



**RESOLUTION NO. 58.23**

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, January 11, 2023, at 7:00 p.m., the following resolution was duly adopted:

**TO APPROVE BUDGET TRANSFERS TO THE 2022 AND 2023 BUDGET**

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

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

**SECTION 1.** Pursuant to Section 36 of the General Municipal Law of the State of New York and Sections 102, 112 and 113 of Town Law of the State of New York, regarding the Uniform System of Accounts, the budget transfers to the various accounts for 2022 and 2023 are hereby audited and approved in accordance with the attached document.

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

**DATED:** January 11, 2023

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSTAIN</b>
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 January 11, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this January 13, 2023.

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



## **RESOLUTION NO. 59.23**

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, January 11, 2023, at 7:00 p.m., the following resolution was duly adopted:

### **TO AMEND RESOLUTION NO. 296.21 RELATING TO USE OF ARPA FUNDS**

**WHEREAS**, by Resolution No. 214.21 adopted on August 11, 2021, the Town Board voted in favor of authorizing the then-Town Supervisor to enter into a lease agreement with ViaPort Rotterdam, located at 93 West Campbell Road, 12306, for the lease of office space; and

**WHEREAS**, on or about November 2, 2021, the then-Town Supervisor executed a certain Lease Agreement for Office Space at 93 West Campbell Road by and between Via Port New York, LLC and the Town of Rotterdam (hereinafter, the "Lease Agreement"); and

**WHEREAS**, by Resolution No. 296.21, the Town Board resolved as follows:

"SECTION 1. The Town Board of the Town of Rotterdam, upon recommendation from the Director of Finance, does hereby accept the American Rescue Plan Act (ARPA) funds (into line A 4989 4989 00 (Fed Aid)) for use in support of 2021 expenses outside the initial budget with expenditures designated toward the purchase of 210 Phillips Road (\$260,000.00) and 212 Phillips Road (\$215,000.00) for the future use as Town parkland (total of \$475,000.00 paid from line A7110 4153 (Parks Improvements)), and to begin rehabilitation of the former Kmart space to enable consolidating the Town offices, court facilities, and Police Department (\$1,000,000 paid from line A 1620 4900 (Bldg Repairs))."

**WHEREAS**, the designation in Resolution No. 296.21 to use \$1,000,000 in ARPA funds to rehabilitate the former Kmart space to enable consolidating the Town offices, court facilities, and Police Department was made in connection and with reference to the Lease Agreement; and

**WHEREAS**, by Resolution No. 237.22 adopted on August 3, 2022, the Town Board found and determined that the Lease Agreement and deposit of funds as security thereunder were not properly authorized; and

**WHEREAS**, on August 4, 2022, and pursuant to the authority and direction of Resolution No. 237.22, written demand was made to Via Port, through its counsel, for return of the Town funds that had been deposited as security under the Lease Agreement; and

**WHEREAS**, on September 30, 2022, Via Port, through its counsel, notified counsel for the Town that Via Port viewed Resolution No. 237.22 as constituting a default of the Town's obligations under the Lease Agreement, setting forth that the terms of the Lease Agreement

provided a remedy for such alleged default in the form of payment of a lump sum amount equal to the Base Rent and Additional Rent which would have been payable thereunder by the Town (had the Lease Agreement not been terminated) for the full lease term of 10 years; and

**WHEREAS**, by Resolution 300.22, the Town Board authorized execution of a settlement agreement resolving all claims by and between the Town and Via Port relating to the dispute concerning the Lease Agreement; and

**WHEREAS**, such settlement agreement provided, among other things, for the Town to recover from Via Port \$1,000,000 in ARPA funds that had been deposited by the Town with Via Port pursuant to the Lease Agreement; and

**WHEREAS**, on October 28, 2022, Via Port returned to the Town the \$1,000,000 in ARPA funds in accordance with the settlement agreement; and

**WHEREAS**, in light of the return of the \$1,000,000 in ARPA funds and the termination of the subject Lease Agreement, the Town Board determines it to be appropriate to amend Resolution 296.21 accordingly; **NOW**,

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

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

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

“SECTION 1. The Town Board of the Town of Rotterdam, upon recommendation from the Director of Finance, does hereby accept the American Rescue Plan Act (ARPA) funds (into line A 4989 4989 00 (Fed Aid)) for use in support of 2021 expenses outside the initial budget with expenditures designated toward the purchase of 210 Phillips Road (\$260,000.00) and 212 Phillips Road (\$215,000.00) for the future use as Town parkland (total of \$475,000.00 paid from line A7110 4153 (Parks Improvements)).”

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

**DATED:** January 11, 2023

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on January 11, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this January 13, 2023.

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




January 11, 2023

On December 1, 2021, resolution No. 296.21 was voted on and passed. On the advice of Counsel, I abstained due to a potential conflict of interest, deriving from my relationship to the seller's realtor for the Phillips Rd property. As this resolution amends a resolution I previously abstained on, I will again abstain.

While this amendment relates to the Viaport project and not the project subject to the potential conflict, Phillips Rd, I believe avoiding the appearance of conflict is important. Therefore, based on this administration's practice, I request that this letter be made a part of the official meeting record and minutes.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. Miller-Herrera", written in a cursive style. The signature is enclosed within a large, loopy circular flourish.

Samantha H. Miller-Herrera  
Town Council Person



**RESOLUTION 60.23 TABLED**

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, January 11, 2023, at 7:00 p.m., the following resolution was **tabled**:

**TO ACCEPT TOWN BOARD MEETING MINUTES**

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

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

**SECTION 1.** The Town Board of the Town of Rotterdam hereby adopts the minutes of the January 1, 2023 Town Board organizational meeting as attached.

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

**DATED:** January 11, 2023

**TO TABLE**

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 **tabled** by the Town Board of the Town of Rotterdam at the Meeting on January 11, 2023 and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said original resolution that was **tabled** 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 January 13, 2023.

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

