

Town of Marcellus
Board Meeting
Wednesday, October 2, 2024
6:30 PM

Call to Order

Salute to Flag

I. Waive the Reading and Accept the Minutes

II. Approve Monthly Financials

III. Old Business

- A. Solar Law
- B. Tim's Pumpkin Patch PUD
- C. Comprehensive Plan- SEQR
- D. Tax Levy Override
- E. Sewer Contract with the Village

IV. New Business

- A. Renewal for the Heidelberg - Bishop Hill Mine
- B. Village of Marcellus Grant Application- Letter of Support

V. Reports From Department Heads

- A. Codes
- B. Highway
- C. Parks/Rec
- D. Town Clerk - Monthly Report

V. Discussion Agenda

- A. Fire Department

VII. Adjournment

Future Meeting Dates

Planning/Zoning Meeting- Monday, October 7, 2024 - 6:30 pm- Town Hall

Public Hearing- Tax Levy Override- Wednesday, October 16, 2024- 6:30 pm- Town Hall

Workshop Meeting- Wednesday, October 16, 2024 - 6:30 pm- Town Hall

Planning/Zoning Meeting- Monday, November 4, 2024 - 6:30 pm- Town Hall

Town Board Meeting- Wednesday, November 6, 2024- 6:30 pm- Town Hall

Workshop Meeting- Wednesday, November 20, 2024 - 6:30 pm- Town Hall

TOWN OF MARCELLUS
TOWN BOARD BUDGET MEETING MINUTES

September 4, 2024

A Budget Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, September 4, 2024, in the Town Hall, 22 E. Main Street, Marcellus, New York. Those present were:

Laurie Stevens, Supervisor
Jeff Berwald, Councilor
Percy Clarke, Councilor
Terry Hoey, Councilor
Gabe Hood, Councilor

Also Present: Lori Petrocci, Budget Officer and Phil Coccia, Recreation Leader.

Supervisor Stevens gave an overview of the updated Tentative Budget summary sheet along with continuing discussion of each department's budget requests with the board.

Discussion took place regarding the comprehensive plan stating that additional monies would need to be added to the budget to cover the cost of the zoning law changes that resulted from this plan.

The next budget meeting will be held on Wednesday, September 11th at 5:30 p.m.

The meeting concluded at 6:20 p.m.

Respectfully submitted,

Lori Petrocci
Budget Officer

Marcellus Town Board
Regular Meeting
Wednesday, September 4, 2024
6:30 PM

A Regular Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, September 4, 2024, in the Town Hall, 22 East Main Street, Marcellus, New York.

Present: Laurie Stevens	Supervisor
Jeff Berwald	Councilor
Percy Clarke	Councilor
Terry Hoey	Councilor
Gabe Hood	Councilor

Also Present: Mike Ossit, Highway Superintendent; Phil Coccia, Recreation Director; Jim Gascon, Town Attorney; Gary and Linda Wilcox, John Pawlewicz, Bill Southern, Steven and Robin Bolewski, Carter Boicourt, Soleil Misiano, Jerry Wickett, Dave Card, Fire Department; Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk

Waive the Reading and Accept the Minutes: Councilor Hood made a motion seconded by Councilor Berwald to waive the reading and accept the minutes as presented by the Town Clerk and Budget Officer. The minutes were from the August 7, 2024, Town Board Meeting, the August 21, 2024, Workshop Meeting and August 28, 2024, Budget Meeting.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

Monthly Activity: The abstract of Audited Vouchers for September 4, 2024, given to the Board Members as submitted by the Town Clerk. Abstract #9 as of August 30, 2024. Claim # 157037-157080.

	<u>Expenses</u>
General Fund	\$20,860.24
Part Town General	2,461.53
Townwide Highway	3,218.60
Part Town Highway	10,366.37
Fire District	91,108.25
Ambulance	1,616.25
Trust and Agency	704.96
Total	\$130,336.20

Board Members were given the Activities Report as of August 26, 2024. Fiscal year 2024 Period 8.

	<u>Revenue</u>	<u>Expense</u>
General Fund	(2,474,230.76)	1,072,450.62
Part Town General	(213,230.64)	105,338.77
Townwide Highway	(166,964.62)	297,742.82
Part Town Highway	(333.65)	156,851.63
Fire District	(398,726.80)	299,363.75
Hydrant Fund	(3,079.81)	1,715.64
Ambulance Fund	(313,382.17)	235,023.75
Sewer District	(195,953.21)	195,952.00
Water District	(182,383.64)	174,638.86

Bank Balances:

The total of all Bank Balances for July 2024 is \$4,912,378.28

Councilor Hoey made a motion seconded by Councilor Clarke to approve the Abstract of Audited Voucher Reports as of August 30, 2024, and the Activities Report as of August 26, 2024, and the Bank Balances of July 2024.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens Carried

Old Business:

Solar Law: This topic was tabled to give the Planning and Zoning Board time to review the proposed law.

Tim's Pumpkin Patch PUD: This topic was tabled. The Town Board is still in the discussion phase.

Brush Grinding- Green Renewable: Green Renewable submitted a one-year contract for the following services. Grinding the brush pile at 4264 Slate hill Rd. They will grind and process the yard waste stockpile and will assist with the equipment and operator for grinding and loading trucks. The Town of Marcellus will provide fuel for the equipment. The total for the one-year contract is \$8,500. The Town and village split the cost evenly. The Town will pay \$4,250.

Councilor Clarke made a motion seconded by Councilor Hoey to allow Supervisor Stevens to sign the one-year contract for brush grinding through Green Renewable as they are the sole source provider.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens Carried

General Codes: This topic was tabled. The Town Board will discuss options during the budget meetings.

Set Budget Meetings: The Town Board set two more Budget Meetings for September 11, 2024, and September 18, 2024, at 5:30pm. The Fire Department will be attending the September 11th meeting. Councilor Hood made a motion seconded by Councilor Berwald to approve the dates selected for the Budget Meeting.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens Carried

New Business:

Comprehensive Plan- SEQR: This topic has been tabled. Jim Gascon has spoken with the Comprehensive Committee and is waiting for them to provide the SEQR document from a consultant.

SEQR (Short Environment Assessment Form): Jim Gascon, Town Attorney, read through the SEQR for Local Law B-2024 – A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-C in the Town of Marcellus. It has been decided that this proposed action will not result in any significant adverse environmental impacts. Councilor Hoey made a motion seconded by Councilor Hood to approve the SEQR for Local Law B-2024.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

**TOWN OF MARCELLUS
TOWN BOARD RESOLUTION**

September 4, 2024

TOWN OF MARCELLUS LOCAL LAW NO. 8 OF 2024

("A Local Law Overriding the Tax Levy Limit Established
in General Municipal Law §3-c in the Town of Marcellus")

Councilor Hoey introduced proposed Local Law No. 8-2024, relating to the ability of the Town of Marcellus to override the limit on the amount of real property taxes that may be levied by the Town of Marcellus pursuant to General Municipal Law §3-c, and to allow the Town of Marcellus to adopt a Town budget for the fiscal year 2025 in excess of the "tax levy limit," if necessary, and made the following motion, which was seconded by Councilor Clarke:

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Marcellus, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption to said Local Law is an unlisted action for purposes of environmental review under SEQR; and

WHEREAS, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, the said EAF has been prepared and has been reviewed by the Town Board; and

WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the enactment of proposed Local Law No. B-2024 is an unlisted action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQR review; and it is further

RESOLVED AND DETERMINED, the Town Board has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQR; and it is further

RESOLVED AND DETERMINED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. B-2024 at the Town Hall located at 22 E. Main Street, Marcellus, New York 13108 on October 16, 2024, at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard, and it is further

RESOLVED AND DETERMINED, that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Marcellus and to any affected municipalities described above.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Laurie Stevens	Town Supervisor	Voted	Yes
Jeff Berwald	Councilor	Voted	Yes
Percy Clarke	Councilor	Voted	Yes
Gabe Hood	Councilor	Voted	Yes
Terry Hoey	Councilor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: September 4, 2024

Tim's Pumpkin Patch- Extend PUD: The Town Board is still in the discussion process and the Board does not want the PUD to lapse. It was decided to extend the PUD for six months. The new expiration date will be May 6, 2025. Councilor Berwald made a motion seconded by Councilor Clarke to extend the PUD date to May 6, 2025.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens Carried

West Hill Cross-Country Meet: West Hill would like to hold a cross-country meet at the Marcellus Park on October 30, 2024. There will be two races, the races will take place at 4:15pm and 5:00pm. The event would end at 5:45pm. They are requesting time prior to the race to set up the course. They are requesting use of the bathroom and will provide port-a-potties. After some discussion it was decided that the bathrooms will be closed, and port-a-potties will be required. The Town Board wanted to know if Marcellus will be included in this race. The topic has been tabled for more information.

Departments Reports:

Codes: John Houser reported that Jeremy Perry is learning the process of Fire Inspections. He has spoken to Jim Gascon regarding the demolition of Pleasant Valley Road. He will be preparing a request for proposal on the demolition. He will also be working with TDK to assist with the Storm Management Plan.

Highway: Mike Ossit reported that the dead pine tree was removed from the cemetery. The Highway Department has been working on paving

Parks/Rec: Phil Coccia reported that the concerts in the park were a big success. Councilor Hoey received an email from Jason Burke the cross-country coach regarding the Marcellus XC Invitational that will take place in Marcellus Park on October 19, 2024. They would like to incorporate as many local Marcellus businesses as possible at the invitational. They would like the Town Board's permission to have local vendors present. It was determined that more information will be needed to approve the request. Councilor Hoey will reach out to Mr. Burke for more information and the Town Board will discuss it at the next meeting. The Town Board does recommend that they should work with the Chamber of Commerce.

Town Clerk: Rosemary Tozzi, Town Clerk, presented the monthly report for August 2024
Dog Licensing \$321.00

Certified Copies-Marriage \$60.00
Photocopies/FOIL \$19.50
Passport \$420.00
Conservation \$158.23
Marriage Licensing \$37.50
Mattress Permit \$25.00
Building \$405.00
Zoning Fees \$280.00

Discussion Agenda:

Fire Department: Dave Card, Councilor Clarke, and Mike Ossit attending the Independent Studies Meeting at the Marcellus School. It was a great meeting. Dave reported that Lori Petrocci helped with the grant regarding the ventilation system at the Fire Department.

Supervisor Stevens requested a meeting with Council

Adjournment: Councilor Clarke made a motion seconded by Councilor Hood to adjourn the meeting at 7:10pm.

Ayes – Berwald, Clarke, Hoey, Hood and Stevens

Carried

Respectfully submitted,

Rosemary Tozzi
Town Clerk

TOWN OF MARCELLUS
TOWN BOARD BUDGET MEETING MINUTES

September 11, 2024

A Budget Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, September 11, 2024, in the Town Hall, 22 E. Main Street, Marcellus, New York. Those present were:

Laurie Stevens, Supervisor
Jeff Berwald, Councilor
Percy Clarke, Councilor
Terry Hoey, Councilor
Gabe Hood, Councilor

Also Present: Lori Petrocci, Budget Officer, Phil Coccia and Jim Rossiter from Parks and Recreation, Dave Card, Joel McNalley and Bobby Myers from the Fire Department.

Dave Card, President of the Marcellus Fire Department, gave an overview of the budget requesting the following: an overall 2% budget increase, an increase in the Truck reserve, and the creation of a Capital Reserve Fund.

He also requested that the Service Awards Program be increased from \$700 to \$1,200 per qualified member. Discussion took place regarding this request stating that any monetary increase to the program will need to go the public for a vote.

Dave Card stated that effective January 1, 2025, the fire department will take over the cost of administering the Service Awards Program.

Phil Coccia gave an overview of the Parks and Recreation Budgets as the Board went line by line discussing the validity of the proposed increases and adjusting each budget accordingly.

The next budget meeting will be held on Wednesday, September 18th at 5:30 p.m.

The meeting concluded at 7:45 p.m.

Respectfully submitted,

Lori Petrocci
Budget Officer

TOWN OF MARCELLUS
TOWN BOARD BUDGET MEETING MINUTES

September 18, 2024

A Budget Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, September 18, 2024, in the Town Hall, 22 E. Main Street, Marcellus, New York. Those present were:

Laurie Stevens, Supervisor
Jeff Berwald, Councilor
Percy Clarke, Councilor
Terry Hoey, Councilor
Gabe Hood, Councilor

Also Present: Lori Petrocci, Budget Officer

The Board went through the budget discussing increases/decreases on the budget lines that were adjusted by the Supervisor and Budget Officer.

Motion by Supervisor Stevens, seconded by Councilor Berwald to accept MAVES 2025 budget with no increase.

Motion carried 5-0

Motion by Supervisor Stevens, seconded by Councilor Berwald to approve a 2% budget increase for the Fire Department.

Motion carried 5-0

Motion by Supervisor Stevens, seconded by Councilor Clarke to give a 3% increase to full-time and regular part-time employees.

Motion carried 5-0

The meeting concluded at 6:10 p.m.

Respectfully submitted,

Lori Petrocci
Budget Officer

Marcellus Town Board
Workshop Meeting
Wednesday, September 18, 2024
6:30 PM

A Workshop Meeting of the Town of Marcellus, County of Onondaga, State of New York was held on Wednesday, September 18, 2024, in the Town Hall, 22 East Main Street, Marcellus, New York.

Present: Laurie Stevens	Supervisor
Jeff Berwald	Councilor
Percy Clarke	Councilor
Terry Hoey	Councilor
Gabe Hood	Councilor

Also Present: Mike Ossit, Highway Superintendent; Phil Coccia, Recreation Director; Jim Gascon, Town Attorney; Jim Rossiter, Bill Southern, Gary and Linda Wilcox, Steven Bolewski, Isabella Bolster, Lauryn Saxton, Addie Wiley, Dave Card, Fire Department; Suzanne Tobin, Deputy Town Clerk; Rosemary Tozzi, Town Clerk

Abstract of Audited Vouchers: The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #9 as of September 13, 2024. Claim #'s 157088-157145.

Expense	
General Fund	\$11,588.67
Part Town General	28.09
Townwide Highway	20,329.96
Part Town Highway	36,664.27
Hydrant Fund	1,734.46
Water District	12,237.59
Trust and Agency	1,243.53
Total	\$83,826.57

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #9 as of September 17, 2024. Claim # 157155.

Expense	
General Fund	\$1,007.00
Total	\$1,007.00

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk. Abstract #9 as of September 18, 2024. Claim #'s 157156-157160.

Expense	
General Code	\$14,174.32
Part Town General	1,909.45
Part Town Highway	3,403.75
Trust and Agency	581.05
Total	\$20,068.57

Councilor Hood made a motion seconded by Councilor Berwald to approve the Abstract of Audited Vouchers and pay the bills as of September 18, 2024.

Ayes –Berwald, Clarke, Hoey, Hood and Stevens Carried

Old Business:

Solar Law: This topic has been tabled. The Planning Board has submitted several questions and concerns to Jim Gascon, Town Attorney. He will schedule a work session with the Planning Board in October to discuss all comments and questions, redline the law and bring it back to the Town Board.

Tim's Pumpkin Patch PUD: This topic has been tabled for discussion.

General Codes: After some discussion it was decided to continue to use General Codes and update the Sign Law.

Comprehensive Plan- SEQR: This topic has been tabled. The Town is still waiting to receive the SEQR.

Tax Levy Override: This topic has been tabled. A Public Hearing is scheduled for October 16, 2024, at 6:30pm at Marcellus Town Hall.

West Hill Cross Country Meet: Dan Reid is requesting use of Marcellus Park on October 30, 2024, for a cross-country meet. There will be two races, the races will take place at 4:15pm and 5:00pm. The event would end at 5:45pm. They are requesting time prior to the race to set up the course. Jason Burke, Marcellus cross country coach confirmed through email that the October 30th meet is an OHS league championship.

Councilor Hoey made a motion seconded by Councilor Clarke to approve the cross-country meet as requested.
 Ayes –Berwald, Clarke, Hoey, Hood and Stevens Carried

New Business:

Sewer Contract with the Village: This topic has been tabled. The Town Board is going to schedule a meeting with council and the Village to discuss the rates and increases the Village is asking for.

Code Red Girls Softball: Code Red is asking permission to use the back softball field #3 for practice on Sundays from 11:00am to 2:00pm for the time frame of October 1, 2024, through August 1, 2025. Code Red is for girls aged 10-13 from Marcellus and Skaneateles. Councilor Clarke made a motion seconded by Councilor Hood to approve Code Red the use of the softball field for practices.

Ayes –Berwald, Clarke, Hoey, Hood and Stevens

Carried

Discussion Agenda:

Fire Department: The Fire Department is hosting an open house on Saturday, October 19th from 4:00pm-8:00pm. There will be a few local agencies at the event: Sheriff’s Office, Village Police Department and Marcellus Ambulance. There will be live music and a food truck. The Fire Department will have some fire prevention demonstrations.

Dave Card has been working with Tom the Fire Department Treasure on improving the monthly report. It will include the reserve accounts. Supervisor Stevens asked if it will include a breakdown of the budget and money spent so far.

Supervisor Stevens requested a meeting with Council.

Adjournment: Councilor Hood made a motion seconded by Councilor Hoey to adjourn the Workshop Meeting at 6:45pm.

Ayes –Berwald, Clarke, Hoey, Hood and Stevens

Carried

Respectfully submitted,

Rosemary Tozzi
Town Clerk

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Mineral Resources, Region 7

5786 Widowaters Parkway, Syracuse, NY 13214-1867

P: (315) 426-7461 F: (315) 426-7489

www.dec.ny.gov

September 20, 2024

Heidelberg Materials Northeast – NY, LLC

Christopher Torell

4800 Jamesville Road / PO Box 513

Jamesville, NY 13078

christopher.torell@heidelbergmaterials.com

RE: Renewal of NYS DEC ID No. 7-3140-00018/00001; Mine File No. 70216, Bishop Hill Mine, Bishop Hill Road, Town of Marcellus, Onondaga County

Dear Chris:

Enclosed is Part One of the mining permit renewal for the Bishop Hill Mine, Town of Marcellus, Onondaga County.

The permit itself consists of two parts. Part one consists of the enclosed permit certificate. Part Two consists of the application, plans and specifications, and other documents on file with the Department including such terms and conditions imposed. As the Permittee, you are responsible for maintaining a copy of the documents constituting Part Two available at your local office for use by Department personnel.

Note the expiration date. The permit may be renewed if an acceptable application is submitted sufficiently prior to that date. A renewal application involving no changes to the original plans should be submitted at least 180 days prior to the expiration of the permit. An application involving any changes to the above plans may be treated as a new application and may require a detailed environmental review and should be submitted well in advance of the expiration date. If this permit is destroyed, lost or mutilated, contact this office so that a certified copy may be issued.

Be advised, the Uniform Procedures Regulations (6NYCRR Part 621) provide that an applicant may request a public hearing if a permit is denied or contains conditions which are unacceptable to them. Any such request must be made in writing within 30 calendar days of the date of permit issuance and must be addressed to the Regional Permit Administrator at the letterhead address. A copy should also be sent to the Chief Administrative Law Judge at NYSDEC, 625 Broadway, 1st Floor, Albany, NY 12233-1550.

If you have any questions, please contact me at 315-426-7518 or email at sheryl.thrasher@dec.ny.gov.

Sincerely,



Sheryl Thrasher
Mineral Resources Program Aide

Enclosures: Permit Renewal & Mining Sign

ecc: Kevin Balduzzi, Environmental Permits R7-Syracuse
Town of Marcellus
File R7 – Mineral Resources



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To: HEIDELBERG MATERIALS NORTHEAST-NY LLC 4800 JAMESVILLE RD PO BOX 513 JAMESVILLE, NY 13078-0513 (315) 469-5501	Facility: BISHOP HILL MINE ST RTE 174 Marcellus, NY 13108
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Facility Location: in MARCELLUS in ONONDAGA COUNTY
Facility Principal Reference Point: NYTM-E: 390.428 NYTM-N: 4757.449
Latitude: 42°57'42.5" Longitude: 76°20'36.5"

Authorized Activity: This permit authorizes mining on 13 acres of land during the permit term, within an 18.2 acre life-of-mine facility, on a 26 acre parcel of land, including specified processing equipment (washing and screening) on lands owned by the permittee.

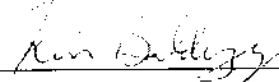
Permit Authorizations

Mined Land Reclamation - Under Article 23, Title 27
Permit ID 7-3140-00018/00001 (Mined Land ID 70216)
Renewal Effective Date: 9/16/2024 Expiration Date: 9/15/2029

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: KEVIN M BALDUZZI, Regional Permit Administrator
Address: NYSDEC Region 7 Headquarters
5786 Widewaters Pkwy
Syracuse, NY 13214 -1867

Authorized Signature:  Date 09/19/2024



Permit Components

MINED LAND RECLAMATION PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

MINED LAND RECLAMATION PERMIT CONDITIONS

1. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such plans were approved by the Department on various dates and consist of the following items:

- A.) Narrative titled, "Application for Extractive Industry Permit Bishop Hill Road Site, Town of Marcellus, New York" dated July 28, 1979 and prepared by Frank M. Dickinson.
- B.) Letter dated July 21, 1992 and prepared by Harrington Associates.
- C.) Letter titled, "Revised Mine Permit Renewal Application, Mine File #70216" dated May 5, 2014 and prepared by Michael F. Burt.
- D.) Graphics plans (three sheets total) titled:
 - 1. "Mining Plan Map" dated July 1, 2019 and prepared by Heidelberg Materials Northeast - NY LLC.
 - 2. "Reclamation Plan" dated July 27, 1979 and prepared by Frank M. Dickinson.
 - 3. "Reclamation Plan" dated August 1979 and prepared by Frank M. Dickinson.

2. Post Sign and Permit The enclosed permit and permit sign must be conspicuously posted in a publicly accessible location at the project site. They must be visible, legible and protected from the elements at all times.

3. No Deviation From Approved Plan The permittee shall not deviate or depart from the approved mined land use plan without approval by the Department of an alteration or modification thereto.

4. Bond, Surety to Remain in Force Any required reclamation bond or other surety, in an amount determined by the Department, shall be maintained in full force and effect. Such a bond or other surety shall not be terminated until the reclamation of the mined area is approved by the department in writing.

5. Provide Person during DEC Inspection The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when notification is provided, be it written or verbal, at least 24 hours prior to such inspection.



6. No Unpermitted Discharge Outside Limits of Mine There shall be no natural swales or channels or constructed features such as ditches, pipes, etc., that are capable of discharging waters to any offsite areas or to any areas outside the limits of the Life of Mine except those explicitly described and shown in the narrative and graphic portions of the approved Mined Land Use Plan. All silt laden water and storm water generated on, or running across, the site shall be retained within the approved project area. The permittee must comply with all applicable State Pollutant Discharge Elimination System (SPDES) permit requirements and provide necessary notifications for off-site point source discharges.

7. Permit Does Not Apply to Structures and Safety Aspects Unless expressly provided for, the issuance of this permit does not apply to any structures contained on the plans or in the specifications, nor does this permit apply to safety aspects of the operation and/or reclamation plan.

8. Fueling of Equipment and Reporting of Spills Fueling of equipment shall be controlled to prevent spillage. Any spillage of fuels, waste oils, other petroleum products or hazardous materials shall be reported to the Department's Spill Hotline number (1-800-457-7362) within 2 hours. The permittee shall retain the Department's Spill Response number for immediate access in the permittee's office and at the mine site.

9. Strip and Stockpile Soils for Reclamation Prior to the excavation of previously undisturbed areas, topsoil and overburden shall be stripped, stockpiled separately, and used for reclamation of mined areas. These stockpiles shall be seeded to establish a vegetative cover within 30 days, or as soon as practicable following their construction. The permittee shall locate all overburden stockpiles within the permitted area of the approved Life of Mine. Sufficient quantities of topsoil must be retained on the site for use in reclamation, unless prior approval is granted by the Department.

10. Maintain Area Markers for Permit Term The permittee shall provide permanent markers such as stakes, posts or other devices acceptable to the Department to identify and delineate the permit area, as outlined on the approved Mining Plan Map. These markers are to be installed prior to the start of mining and shall be maintained for the duration of the permit term.

11. Dust Control Water or other approved dust palliatives must be applied to haulageways and other parts of the mine, as often as necessary, to prevent visible dust from leaving the mine property.

12. Human or Archaeological Remains If any human remains or archaeological remains are encountered during excavation, the permittee must immediately cease, or cause to cease, all work in the area of the remains and notify

Regional Permit Administrator
NYSDEC Region 7 Headquarters
5786 Widewaters Pkwy
Syracuse, NY 13214 -1867

Work shall not resume until written permission to do so has been received from the Department.



13. File Termination Notice If the permittee discontinues operation, a termination notice must be filed within 30 days of termination of mining activities to the address below:

Regional Mined Land Reclamation Specialist
NYSDEC Region 7 Headquarters
5786 Widewaters Pkwy
Syracuse, NY13214 -1867

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 7 Headquarters
5786 Widewaters Pkwy
Syracuse, NY13214 -1867

4. Submission of Renewal Application The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: Mined Land Reclamation.



5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

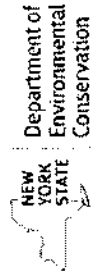
The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

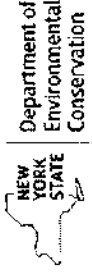
This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

Item E: Air Permits at Mine The permittee shall obtain all required permits for non-exempt processing equipment at the mine in accordance with Article 19 of the Environmental Conservation Law and 6NYCRR Part 201.

The New York State
Department of Environmental Conservation
has issued a



MINING PERMIT



Pursuant to the Environmental Conservation Law for the mining operation being conducted in this site. For more information regarding the nature and extent of the work approved, contact the Mined Land Reclamation Specialist shown below. Please refer to the mine file number shown when contacting the DEC.

Mine File Number 70216

Permit Expiration Date 09/15/2029

DEC Contact Tom Rigley

Phone Number 315-426-7412

Note: This is not a Permit

September 26, 2024

Linda LeMura, Ph.D. and Randall Wolken
Regional Co-Chairs
Central New York REDC
620 Erie Blvd. W.
Suite 112
Syracuse, NY 13204

Re: Village of Marcellus, NY 2024 NY Forward Grant Application

Dear Dr. LeMura and Mr. Wolken,

It is with great enthusiasm that I write to express my support for the Village of Marcellus's application to the NY Forward (NYF) grant program. The NYF program aims to reinvigorate and transform the main streets and central business districts of communities across New York State. The Village is prepared to utilize this funding to further its goal of ensuring the community maintains its close-knit historic roots while acting as a destination for New Yorkers to live, work, and play.

The Village of Marcellus's application focuses on revitalization efforts that will build upon recent infrastructure and green energy improvements along the Village's Main Street and align the NYF effort with their comprehensive planning process. The Village's Central Downtown corridor is a mixed-use district featuring historic properties, community organizations, churches, and local businesses. However, periods of disinvestment have left this downtown area fragmented and infrastructure unreliable. Through a NYF, the Village will undertake comprehensive enhancements to the downtown, enhancing economic opportunity to create a vibrant mixed-use district, improving multi-modal connectivity and streetscaping, and facilitating the expansion of needed services and businesses.

(Please share any personal thoughts on why a more vibrant Village is important to you or your organization!)

Once again, I fully support the Village's grant application and commitment to improving the community. I look forward to seeing this application come to fruition.

Sincerely,

[Signature}

Name

Title

Organization

Contact