

**TOWN OF MALONE
TOWN BOARD
REGULAR MEETING – September 25, 2024**

CALL MEETING TO ORDER - PLEDGE TO THE FLAG

6:15 p.m. - Public Hearing 2025 Tax Cap

- Town Clerk to Read Public Notice
- Open Public Hearing @ 6:15 p.m.

MINUTES: for review & approval:

July 31, 2024 – Special Meeting
August 29, 2024 – Special Meeting
September 11, 2024 – Regular Meeting

REPORTS:

NYS Comptroller, Justice Court Fund – July 2024

OLD BUSINESS:

Board Motion: Effective January 1, 2025 any requests for time off without pay will not be authorized unless and until all vacation leave, personal leave, sick leave, and accumulated sick leave balances are exhausted.

Hudson Headwaters SEQRA

SUPERVISOR REPORTS:

Board Motion: Permission to sign MCF Physical for Barry Stickle, and add to the Franklin County Self Insurance Plan.

BOARD MEMBER /COMMITTEE ITEMS:

SUPERINTENDENT OF HIGHWAYS REPORTS:

CORRESPONDENCE

From NYS DEC: Modified DEC mining permit.
From Josh Brown: Resignation effective September 26, 2024.
From Michael Dufort: Letter of interest for Town of Malone Planning Board.

**TOWN OF MALONE
TOWN BOARD
REGULAR MEETING – September 25, 2024**

NEW BUSINESS:

Bard Motion: Permission for Budget Officer to make the following Journal Entry as Per Comptroller Notice for July 2024 from A690 Clearinghouse \$5,323.00 to A980 Revenues \$5,323.00 (A2610 court fines & fees).

Board of Assessment: Per Town Clerk, Douglas Beane is interested in doing another term. Current term ends 9/30/2024.

EXECUTIVE SESSION (if warranted)

BILLS FOR AUDIT & PAYMENT:

*Batch No.
Voucher Nos.*

*General Fund (A)
Part Town General (B)
Highway Outside (DB)
Highway Townwide (DA)
Trust & Agency (T)
Consolidated Highway Capital
Improvement Project (H3)*

GRAND TOTAL \$

ADJOURN: The next regular Town Board meeting is scheduled for October 9, 2024 at 6:00 p.m., preceding an IDA Meeting at 5:45 p.m.

TOWN OF MALONE
SPECIAL MEETING
July 31, 2024

We, the Undersigned, Town Board of the Town of Malone, do hereby Waiver a Special Meeting, Wednesday, the 31st day of July, 2024, at 10:00 A.M. for the purpose to go into executive session to discuss legal matters with the town attorney.

PRESENT:


Supervisor


Deputy Supervisor


Councilor


Councilor

Councilor

ALSO PRESENT:

Michael Andrews, Highway Superintendent

Denice Hudson, Budget Officer

Matt McArdle, Town Attorney

Supervisor Stewart called the special meeting to order at 10:00 AM. The press was notified. The purpose of the Special Meeting is to go into executive session to discuss legal matters with the town attorney.

RESOLUTION 189-2024- Executive Session

Upon Motion of Supervisor Stewart second by Councilor Walbridge the following resolution was.

ADOPTED Ayes 3 Taylor, Walbridge, Stewart

Nays 0

Permission to enter executive session at 10:00 a.m. to discuss legal matters.

RESOLUTION 190-2024- Executive Session

Upon Motion of Supervisor Stewart second by Councilor Taylor the following resolution was.

ADOPTED Ayes 3 Taylor, Walbridge, Stewart

Nays 0

Permission to exit executive session at 10:45 a.m.

RESOLUTION 191-2024- Adjourn

Upon Motion of Councilor Walbridge second by Supervisor Stewart the following resolution was.

ADOPTED Ayes 3 Taylor, Walbridge, Stewart

Nays 0

Approval to adjourn the special meeting at 10:46 a.m. The next regular Board Meeting will be on August 21, 2024 at 6:00 p.m. at 27 Airport Road Malone, NY 12953.

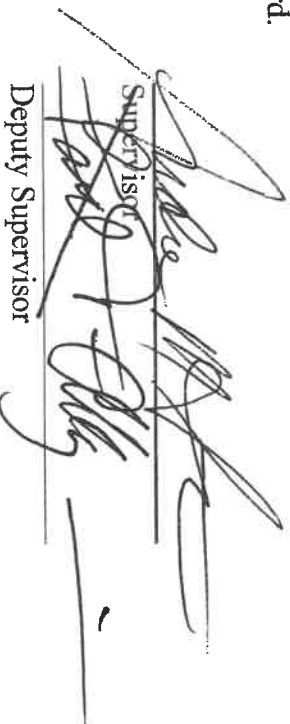
RESPECTFULLY SUBMITTED

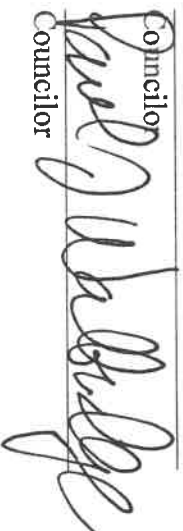
Abby Monica, Town Clerk

TOWN OF MALONE
SPECIAL MEETING
August 29th, 2024

We, the Undersigned, Town Board of the Town of Malone, do hereby Waiver a Special Meeting, Thursday, the 29th day of August, 2024, at 9:00 A.M. for the purpose to consider hiring for the laborer one position at the highway garage and any other business to come before the board.

PRESENT:


Supervisor

Deputy Supervisor

Councilor

Councilor

Councilor

ALSO PRESENT: Abby Monica, Town Clerk
Michael Andrews, Highway Superintendent

Denice Hudson, Budget Officer

Supervisor Stewart called the special meeting to order at 9:00 AM. The press was notified. The purpose of the Special Meeting is to consider hiring for the laborer one position at the highway garage and any other business to come before the board.

RESOLUTION 216-2024- Laborer One Position

Upon Motion of Deputy Maguire second by Councilor Walbridge the following resolution was ADOPTED Ayes 3 Maguire, Walbridge, Stewart

Nays 0

Permission to hire Kallee Poirier for the Laborer One Position at the Town Highway Garage affective Monday September 9, 2024 for the starting pay of \$21.29hr.

RESOLUTION 217-2024- Adjourn

Upon Motion of Councilor Walbridge second by Deputy Maguire the following resolution was ADOPTED Ayes 3 Maguire, Walbridge, Stewart

Nays 0

Permission to adjourn the special meeting at 9:03 a.m. The next regular board meeting will be on September 11, 2024 at 6:00 p.m. at 27 Airport Road Malone, NY 12953.

RESPECTFULLY SUBMITTED

Abby Monica, Town Clerk

TOWN OF MALONE
REGULAR MEETING
September 11, 2024

A regular meeting of the Town Board of the Town of Malone, County of Franklin and State of New York was held at the Town Offices, 27 Airport Road, Malone, NY on the 11th day of September 2024 at 6:00 p.m.

PRESENT:

Andrea Stewart, Supervisor	Terrence Maguire, Deputy Supervisor
Jody Johnston, Councilor	Brian Taylor, Councilor

ALSO PRESENT:

Abby Monica, Town Clerk	Denice Hudson, Budget Officer
Michael Andrews, Highway Superintendent	John Manley, Deputy Highway Superintendent
Ian Ross, Malone Resident	Alex Violo, Malone Telegram

Bruce Burditt, Airport Manager

ABSENT:

Paul Walbridge, Councilor

CALL TO ORDER: Supervisor Stewart called the Regular Meeting to order at 6:00 PM with the Pledge of Allegiance.

MINUTES: For review and approval

RESOLUTION 218-2024 – Minutes

Upon motion by Councilor Johnston, second by Deputy Maguire the following resolution was ADOPTED Ayes 3 Johnston, Stewart, Maguire

Nays 0

Abstain 1 Taylor

Approval of August 21, 2024 regular meeting minutes

Reports:

RESOLUTION 219-2024– Reports

Upon motion by Deputy Maguire, second by Councilor Johnston the following resolution was ADOPTED Ayes 4 Stewart, Taylor, Johnston, Maguire

Nays 0

Resolved to approve the following reports

NYS Comptroller, Justice Court Fund- August 2024

Code Office- August 2024

Airport Manager- August 2024

Justice Fisher- August 2024

Justice Main- August 2024

Supervisor’s Report- August 2024

Budget to Actual- August 2024

Town Clerk- August 2024

OLD BUSINESS:

RESOLUTION 220-2024– Veteran’s Baseball Field Bid

Upon motion by Councilor Johnston, second by Councilor Taylor the following resolution was ADOPTED Ayes 4 Stewart, Taylor, Johnston, Maguire

Nays 0

Approval to accept Arnold Lumber and Concrete bid for the Roof over the Bleachers Bid, at a price of \$21,334.80.

SUPERVISORS REPORTS:

RESOLUTION 221-2024– Local Law #1- 2024

Upon motion made by Supervisor Stewart seconded by Deputy Maguire the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Johnston, Taylor

Nays 0

Approval to conduct a public hearing on September 25, 2024 at 6:15 p.m. for the consideration of adoption of Local Law #1-2024, Tax Cap Override for FY 2025.

TOWN OF MALONE
REGULAR MEETING
September 11, 2024

RESOLUTION 222-2024- MCF Physicals

Upon motion made by Councilor Johnston seconded by Deputy Maguire the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Johnston, Taylor
Nays 0

Permission for Supervisor Stewart to sign MCF Physicals for Gerald Fisher and Shawn Monica, and to add them to the Franklin County Self Insurance Plan.

RESOLUTION 223-2024- Consultant Agreement Perimeter Fence

Upon motion made by Deputy Maguire seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Johnston, Taylor
Nays 0

Permission for Supervisor Stewart to sign Consultant Agreement Perimeter Fence, Phase One Construction Project.

RESOLUTION 224-2024- Consultant Agreement Taxiway A Rehabilitation

Upon motion made by Councilor Taylor seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Johnston, Taylor
Nays 0

Permission for Supervisor Stewart to sign Consultant Agreement Taxiway A Rehabilitation Construction Project.

Airport Grants: Earlier this week, the Town was awarded three grants from FAA: (1) Perimeter Fence, Phase 1 Construction; (2) Perimeter Fence, Phase 2 Design, and (3) Taxiway A Construction. As per board resolution on June 26th, the grant agreements were executed.

RESOLUTION 225-2024- Joint Rec Commission

Upon motion made by Supervisor Stewart seconded by Councilor Johnston the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Johnston, Taylor
Nays 0

Permission to extend Wayne Walbridge's term by two years, to expire 3/1/2032, To reaffirm Stephanie Bannon's term, to expire 3/1/2029 and to reaffirm Dr. Gerald Cahill's term, to expire on 3/1/2031.

Planning Board: Elizabeths Bowles term ended on 9/8/2024 and she is not interested in reappointment. Permission from the board to advertise a vacancy on the Town of Malone Planning Board.

BOARD MEMBER/COMMITTEE ITEMS:

Supervisor Stewart thanks the Malone Chamber of Commerce and Airport Manager, Bruce Burditt for everything they did for the Malone Fly Inn, it was a great turn out. Councilor Maguire states August has been a busy month for all departments.

SUPERINTENDENT OF HIGHWAY REPORTS:

Superintendent Andrews thanks Deputy Superintendent Manley for taking care of FEMA while he was gone and keeping everything under control. Andrews states the crew has been able to temporarily fix everything from the storm, the crew has been finding little things here and there from the storm as well. The crew started hauling sand on Monday for the winter and the Code Officer and a couple crew members broke ground for the salt shed. There is only quarter of a mile left that needs to be done on Bloomer Road. Andrews states the Homeowners on the road have been stopping by when we are on the road and have thanked us for doing this. Lovers Lane has been finished with the trimming as well.

**TOWN OF MALONE
REGULAR MEETING
September 11, 2024**

CORRESPONDENCE:

From NYMIR: Shadow Lane Claim

From New York State DEC: Complete Application pertaining to Titus Mountain Sand and Gravel. Town has until 9/30/2024 to provide comments.

From Village of Malone: Hudson Headwaters Health Network Application; Village determined Action is an Unlisted Action

NEW BUSINESS:

RESOLUTION 226-2024- Journal Entry

Upon motion made by Councilor Johnston seconded by Councilor Taylor the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Johnston, Taylor
Nays 0

Permission for Budget Officer to make the following Journal Entry as Per Comptroller Notice for June 2024 from A690 Clearinghouse \$6,602.00 to A980 Revenues &6,602.00 (A2610 court fines and fees).

RESOLUTION 227-2024- Journal Entry

Upon motion made by Councilor Johnston seconded by Deputy Maguire the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Johnston, Taylor
Nays 0

Permission for Budget Officer to make the following Journal Entry for school tax payment from A9060.8 (Health & Medical Insurance) to A1950.4 (Tax and Assessments of Municipal Property) \$99.37.

EXECUTIVE SESSION

RESOLUTION 228-2024- Enter Executive Session

Upon motion made by Councilor Johnston seconded by Councilor Taylor the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Johnston, Taylor
Nays 0

Permission to enter into executive session at 6:23 p.m. for personal reasons

RESOLUTION 229-2024- Exit Executive Session

Upon motion made by Councilor Johnston seconded by Deputy Maguire the following resolution was

ADOPTED Ayes 4 Stewart, Maguire, Johnston, Taylor
Nays 0

Permission to exit executive session at 6:37 p.m., no action was taken.

BILLS FOR AUDIT & PAYMENT:

	<i>Batch No. 1528</i>
	<i>Voucher Nos. 686-741</i>
<i>General Fund (A)</i>	<i>\$44,237.12</i>
<i>Part Town General Fund (B)</i>	<i>1,108.09</i>
<i>Highway Outside (DB)</i>	<i>27,967.05</i>
<i>Trust & Agency (T)</i>	<i>4,946.54</i>
<i>East Side Water (FE)</i>	<i>2,736.56</i>
<i>Consolidated Highway Capital</i>	
<i>Improvement Project (H3)</i>	<i>32,342.46</i>
<i>Airport Capital Projects (H4)</i>	<i>3,811.89</i>
<i>Landfill Capital Project (H7)</i>	<i>7,000.00</i>
<i>GRAND TOTAL</i>	<i>\$125,181.48</i>

TOWN OF MALONE
REGULAR MEETING
September 11, 2024

RESOLUTION 230-2024 Bills

Upon Motion by Deputy Maguire, second by Councilor Johnston the following resolution was.

ADOPTED Ayes 4 Stewart, Johnston, Taylor, Maguire

Nays 0

Permission to pay the bills listed.

RESOLUTION 231-2024 Adjourn

Upon Motion of Councilor Taylor and seconded by Supervisor Stewart the following resolution

Was ADOPTED Ayes 4 Stewart, Johnston, Taylor, Maguire

Nays 0

Resolved to adjourn the regular meeting at 6:38 p.m. The next Regular Board Meeting will be on September 25, 2024 at 6:00 p.m. at 27 Airport Rd. Malone, NY 12953.

RESPECTFULLY SUBMITTED,

Abby Monica, Town Clerk



OFFICE OF THE STATE COMPTROLLER
Thomas P. DiNapoli, Comptroller
JUSTICE COURT FUND
110 STATE STREET
ALBANY, NY 12236

September 05, 2024

Town Supervisor
 Town of Malone
 27 Airport Rd
 Malone, NY 12953

RECEIVED
 SEP 13 2024

TOWN OF MALONE

INVOICE BILLING AND DISTRIBUTION STATEMENT

The Town's share of fines collected and fees earned by the court for the month of July 2024 is \$5,323.00 Retain this amount from funds previously paid to you by the court.

The remaining balance of \$14,863.00 should be disbursed as follows:

<u>Payee</u>	<u>Recipient</u>	<u>Amount</u>
State Comptroller	State of New York/County	\$14,863.00

Please remit this amount as indicated.

This amount is due and payable to the State Comptroller upon receipt of this statement.

To remit the State/County share to us electronically, see instructions on the next page.

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

OFFICE OF THE STATE COMPTROLLER
JUSTICE COURT FUND

Payments should be sent to:

Office of the State Comptroller
 Justice Court Fund
 PO Box 271
 Albany, NY 12201-0271

Town Supervisor
 Town of Malone
 27 Airport Rd
 Malone, NY 12953

Invoice No: 1635000-2024-07-01

Total Due: \$14,863.00

163500020240701000000000001486300

Please make check payable to "State Comptroller"

**DISTRIBUTION STATEMENT
Town of Malone
FOR THE MONTH OF JULY 2024**

DISTRIBUTION SUMMARY¹

Code	Trans	State	County	Town	Other	Amount
AB	33	0.00	0.00	1,602.00	0.00	1,602.00
AC	135	1,893.00	0.00	2,025.00	0.00	3,708.00
AH	31	0.00	0.00	1,125.00	0.00	1,125.00
AI	6	0.00	60.00	60.00	0.00	0.00
AJ	4	0.00	45.00	45.00	0.00	45.00
AZ	7	1,145.00	0.00	105.00	0.00	1,250.00
BJ	1	0.00	0.00	0.00	0.00	0.00
CA		700.00	0.00	0.00	0.00	700.00
CB		5,209.00	0.00	0.00	0.00	5,209.00
CB	1	0.00	0.00	0.00	0.00	0.00
CE		329.00	0.00	0.00	0.00	329.00
DA	21	0.00	0.00	0.00	0.00	210.00
DZ	5	0.00	1,555.00	0.00	0.00	1,555.00
FE	1	50.00	0.00	0.00	0.00	50.00
FF		590.00	0.00	0.00	0.00	590.00
FL		560.00	0.00	0.00	0.00	560.00
FO	13	0.00	561.00	0.00	0.00	561.00
FS		530.00	0.00	0.00	0.00	530.00
MS		2,362.00	0.00	0.00	0.00	2,362.00
TOTALS:		13,368.00	1,495.00	5,523.00	0.00	20,186.00

¹ For an explanation of distribution codes, see the Comptroller's Handbook for Town and Village Justices

ACH Transfer of State/County share of Court Fines and Penalties

The following instructions should be used to transfer your funds electronically:

Key Bank
ABA #021300077
Justice Court Fund Account
Acct #710003193

In addition, please reference the name of the Town or Village followed by the Invoice number on your monthly billing statement. If you have any questions regarding this matter, please do not hesitate to contact us at 1-866-321-8503 or by fax at (518)486-9899.

Invoice No: 1635000-2024-07-01

COURT RECEIPTS

Justice	Report Month/Seq	Amount
ne Fisher	July 2024/01	\$9,545.00
part 6 Main	July 2024/01	\$10,641.00
Total Court Receipts		\$20,186.00

FRANKLIN COUNTY FIRE ADVISORY BOARD

MEDICAL EVALUATION SHEET

Department: Malone Callfiremen

Firefighter's Name: Barry Stickers

Firefighter's Address: Lele Bowen Rd N. Benson 518159

Signature: [Signature] Phone #: 518-651-4659

By signing this document you hereby certify that the above named firefighter is a lawful member of your fire department and has had a physical and classified by a physician:

Chief's Name: Gregory Peacor Date: 9/19/24

Chief's Signature: [Signature]

By signing this document you hereby certify that the above named firefighter has been approved by the Town/Village Board/Board of Commissioner's (Jurisdiction Having Authority) and should be added to the Franklin County Self Insurance Plan:

Authorized Name: _____ Date: _____

Authorized Signature: _____

CATEGORY "A" FIREFIGHTERS:

This evaluation is valid for three years for individuals who are less than 30 years of age, for two years for individuals between 30 and 39 years of age, and for one year for individuals 40 and over. Individuals must also be re-evaluated whenever there is any change in his or her health status, or if recommended by a medical examiner to be done sooner. An EKG and a pulmonary function test shall be performed, if deemed necessary by the medical examiner.

CATEGORY "B,C,D,E" FIREFIGHTERS:

The medical examiner performing this evaluation will determine the time interval for this category. However, the time interval shall not exceed five years. Individuals must also be re-evaluated whenever there is any change in his or her health status, or if recommended by a medical examiner to be done sooner. An EKG shall be performed, if deemed necessary by the medical examiner.

Date of next physical exam: 9/3/26

Attn Medical Examiner: The extensiveness and frequency of the physical examination given should be based on the firefighters physical duties, age and health status.



Barry Stikles

PHYSICAL CLASSIFICATIONS BY DUTIES OF FIREFIGHTERS

Firefighter "A" - Interior/ Exterior Firefighter (SCBA)

A firefighter in the level "A" category may be required to wear a self contained breathing apparatus (SCBA) or respirator along with appropriate personal protective gear such as full firefighter turn out gear in any hazardous atmospheric conditions. This firefighter should also be capable of using hand tools (axes, pike poles, ladders, etc.) and power tools (chainsaws, demo saws, extrication tools, etc.). In addition, this firefighter will need to be able to stretch and operate hose lines with up to 125 pounds of pressure, and heavy physical exertion for periods of time up to forty minutes.

Firefighter "B-SCBA" - Exterior / Support Role Firefighter (SCBA)

A firefighter in the level "B-SCBA" category must be able to wear appropriate personal protective gear such as full firefighter turn out gear and a SCBA. The "B-SCBA" firefighter performs Non-Interior firefighter support roles including exterior firefighting support, pump operations, aerial apparatus operations, and similar support roles on the fire ground. They must be able to pick up hose lines & equipment, and may be required to load trucks with tools & hose lines, etc.

Firefighter "B" - Exterior / Support Role Firefighter

A firefighter in the level "B" category must be able to wear appropriate personal protective gear such as full firefighter turn out gear. This firefighter will be limited to EMS operations & fire ground support only. They must be able to pick up hose lines & equipment, and may be required to reload trucks with tools & hose lines, etc. (Tanker drivers, EMT's, MVA support, Fire investigators, etc).

Firefighter "C" - Support Role (No Firefighting Duties)

A firefighter in the level "C" category must be able to wear an ANSI- Compliant Safety vest & helmet. They will be directing traffic, teaching fire prevention, or taking photographs, preparing and delivering meals or lifting light equipment (25 pounds or less). This firefighter will not be required to perform any duties involving heavy exertion or heavy lifting.

Firefighter "D" - Administrative Role (No Firefighting Duties)

A firefighter in the level "D" category will serve as an administrative member only. They will not participate in any on-scene operations. Their duties will include clerical work, meetings and radio operations.

EMS Only "E" - Emergency Medical Services Only (Non-Fire Based)

An EMS/EMT in the level "E" category will perform only EMS duties. The EMS/EMT must be able to wear an ANSI- Compliant Safety vest & Helmet and be able to lift equipment (25 pounds or less). EMT's must meet New York State physical requirements for EMT certification.

Circle the class of firefighter that this evaluation is being performed for:

Class "A"	Class "B" <input checked="" type="radio"/>	Class "B-SCBA" <input checked="" type="radio"/>	Class "C"	Class "D"	Class "E"
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Based on my evaluation, the above listed firefighter,

Has no medical or physical condition, which, in my opinion, would interfere with the performance of his/her firefighting duties as a firefighter under classification circled above.

Has a medical or physical condition, which in my opinion, would interfere with the performance of his/her firefighting duties as a firefighter.

Healthcare Provider (MD, PA, NP): Anita Bhagat

Signature: *Barry Stikles* Date: 9-3-24

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 5
1115 State Route 86, PO Box 296, Ray Brook, NY 12977-0296
P: (518) 897-1234 | F: (518) 897-1394
www.dec.ny.gov

Sent Via Email Only

September 13, 2024

Franklin County
Attn: Edward Adams, Highway Superintendent
355 West Main Street, Suite 140
Malone, NY 12953

**RE: Modification of Permit
Pigeon Road Mine
DEC Permit #5-1648-00098/00001
Mine File #50747
Permit Expiration Date: 06/24/2025
Malone (T), Franklin County**

Dear Permittee:

Your modified DEC mining permit authorizing the blasting of competent bedrock within the Life of Mine is enclosed. The original permit sign must continue to be conspicuously posted at the entrance to the mine site. If the permit or permit sign is lost or destroyed, contact this office for a certified copy.

The operation of the mine must comply with the provisions of the New York State Mined Land Reclamation Law, the Rules and Regulations pertaining to the law, the approved Mined Land Use Plan, and the conditions attached to this permit.

Be sure to read the permit conditions. They indicate how the mine must be operated and reclaimed. Failure to observe any of these conditions will constitute a violation of the law.

The approved mining plan map referenced on page 2 of the permit shows all areas to be affected by mining until the end of the permit term. All mining activity must be confined within the approved areas.

Before conducting any mining activity not approved under your existing permit, you must apply for and receive a permit modification from the Department.

Please be aware that due to recent changes to 6NYCRR Part 621 Uniform Procedures, the renewal application deadline for Mining Permits has increased from 30 days to 180 days. **Therefore, your renewal application is due 180 days prior to expiration.** If



Department of
Environmental
Conservation

Pigeon Road Mine
September 13, 2024
Page 2

you decide to stop mining, you must file a "Mining Termination Notice" at least 60 days before the expected mining termination date. Notices are available at this office.

This permit does not release you from the need to secure the approval to mine from other State agencies or local governments, if required.

If you have questions, please contact the Minerals Office at (518) 897-1291.

Sincerely,



Erin M. Donhauser
Deputy Regional Permit Administrator

Enclosure

cc: Kate Smith, DEC Minerals
Stephen Huyck, DEC Minerals
Calista Montagnola, DEC Environmental Permits
Brittany Gallo, Barton & Loguidice
Andrea Stewart, Town Supervisor



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
FRANKLIN COUNTY
355 W MAIN ST
MALONE, NY 12953
(518) 483-1140

Facility:
Pigeon Road Mine
WILLETTE RD NEAR PIGEON RD
Malone, NY 12953

Facility Location: in MALONE in FRANKLIN COUNTY NYTM-N: 4957.1
Facility Principal Reference Point: NYTM-E: 553.7 Latitude: 44°45'55.0" Longitude: 74°19'17.1"

Authorized Activity: Modification authorizing the blasting of competent bedrock within the Life of Mine boundary and for the continued mining of sand and gravel with material processing on lands owned by the permittee. Authorized activities will affect 6.1 acres of the 12.9-acre Life of Mine over the permit term, as identified in the approved mined land use plan.

Permit Authorizations

Mined Land Reclamation - Under Article 23, Title 27
Permit ID 5-1648-00098/00001 (Mined Land ID 50747)
Renewal Effective Date: 6/25/2020 Expiration Date: 6/24/2025
Modification # 1 Effective Date: 3/6/2024 Expiration Date: 6/24/2025
Modification # 2 Effective Date: 9/13/2024 Expiration Date: 6/24/2025

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: ERIN M DONNHAUSER, Deputy Regional Permit Administrator
Address: NYSDEC Region 5 Headquarters
1115 NYS ROUTE 86
PO BOX 296
RAY BROOK, NY 12977 -0296

Authorized Signature:

Date 09 / 13 / 24



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 DEC staff on July 9, 2024 and consist of the following items:
original mining and reclamation plans prepared by Haynes & Smith Associates, Professional Land Surveyors, and received on April 25, 1994, updated plans received on September 2, 2004, modified plans prepared by Advanced Environmental Geology, LLC, received on August 2, 2019, October 2, 2019, Mined Land Use Plan dated April 2024 and revised July 2024, prepared by Barton & Loguidice, and Mine Plan and Reclamation Plan Maps prepared by Barton & Loguidice dated March 2024 and revised by DEC permits staff September 2024.
2. **No C&D Debris Disposed Within Mine Site** No construction and demolition debris as defined in Title 7 of Article 27 of the Environmental Conservation Law and as implemented by Title 6 of New York Code of Rules and Regulations, Part 360 shall be disposed of within the mine site unless the appropriate Solid Waste Management Facility Permit has been obtained in accordance with Part 360.
3. **No Backfilling above Prior Grades at Mine** There shall be no backfilling and/or deposition of overburden/waste rock above the original (naturally occurring) grades that existed at this mine prior to any mining activities.
4. **Leave Sufficient Materials to Meet Final Grades** Sufficient materials shall be left in place in areas to be sloped (along the perimeter of the mine) to achieve the final approved grades without backfilling.
5. **Equipment at Mines Maintained to Minimize Noise** Equipment operation and maintenance:
 - a. All equipment to be used in mining and mineral processing shall be maintained in proper operating conditions.
 - b. All factory installed or added environmental controls and suppressors and mufflers must be utilized at all times.
 - c. Mining equipment shall be operated in a manner so as to reasonably minimize noise levels during operating hours.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Facility DEC ID 5-1648-00098

6. **Reclamation of Mine Floor** The final mine floor shall be scarified or ripped prior to the replacement of topsoil and overburden to alleviate compaction.
7. **Cover Large Rocks and Boulders** Large blocks of rocks, boulders or similar materials remaining within the permit area shall be removed or covered with a minimum compacted depth of two feet of cover material with a soil composition capable of sustaining vegetative growth.
8. **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
NYDEC Region 5 Headquarters
1115 NYS ROUTE 86
PO BOX 296
RAY BROOK, NY 12977-0296

9. **No Mining Below Final Grade** There shall be no mining below the grades shown on the approved map and/or cross sections in any area of the mine. There shall be no backfilling in any mine floor area in order to achieve the final grades.
10. **Distance From Mine to Property Line** No land within 25 feet of any property or right-of-way boundary may be affected by any mining related activity. When mining is conducted below the level of adjacent property, the horizontal distance from the toe of the mine face to the nearest property or right-of-way boundary must be no less than 25 feet plus 1 1/2 times the depth of excavation.
11. **Mining at Least 5' Above Groundwater** All mining must be conducted at least 5 feet above the mean annual high groundwater table. The permittee must dig occasional test holes in the mine floor at least five feet deep in order to determine compliance with this condition.
12. **No Offsite Materials at Mine** No materials (originating from offsite sources) of any kind shall be brought into this mining operation except those specified in the approved Mined Land Use Plan.
13. **Bury, Remove Wastes** All waste generated by mining activity, including trees, stumps, brush and rock rubble must be buried at the mine site or otherwise disposed of in a manner approved by the Department.
14. **No Importing or Processing Off-Site Materials** There shall be no importation, storage, disposal or processing of materials, of any kind, originating from outside the limits of the life of mine, without first applying for and obtaining a modification to this permit.
15. **Remove Equipment During Reclamation** The permittee shall remove all machinery, equipment, tools and other personal property from the permit area during the reclamation period.



16. Mine Operation Periods All mining, reclamation and associated activities (including but not limited to: excavating, grading, processing operations, stockpiling operations, haulage operations, and maintenance operations) shall be limited to the following times: Monday through Friday 7:00 a.m. to 5:30 p.m., Saturdays 8:00 a.m. to 2:00 p.m. There shall be no operations on Sundays or on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day.

17. 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.

18. Notify MLR Specialist of Blast Pattern The permittee shall provide to

Regional Mined Land Reclamation Specialist
NYSDEC Region 5 Headquarters
1115 NYS ROUTE 86
PO BOX 296
RAY BROOK, NY 12977-0296

its blast pattern and any major modification or revision. Special occurrences (i.e., weather, misfires, cut-offs, etc.) which require deviation from this schedule shall be documented for and reviewed by the Regional Mined Land Reclamation Specialist, in advance of such occurrences.

19. Ground Vibration Limits Ground vibration shall not exceed the limits as per the attached ground vibration limits graph from the U. S. Bureau of Mines Report of Investigation 8507 (Figure B-1, Safe levels of blasting vibration for houses using a combination of velocity and displacement). Maximum peak particle velocity shall not exceed these limits at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area.

20. Air Blast Limits Air blast shall not exceed 133 dB at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area.

21. Prevent Injury Blasting shall be conducted in a manner to prevent injury to persons and damage to public or private property outside the permit area.

22. Seismograph Monitoring All blasts shall be monitored with a properly calibrated seismograph. Seismographs shall be installed at the nearest residential receptor and any locations identified within the approved Mined Land Use Plan or locations determined by the Department. Seismograph records shall be provided to the Department upon request.

23. Vibration Standards Blasting shall be controlled so that vibrations (Peak Particle Velocity) satisfy the Variable Particle vs. Frequency Limits recommended by the U.S. Bureau of Mines Report - 8507 (November 1980). If measurements are made at other than the nearest residential structure, the measurement shall be interpreted in accordance with U.S. Bureau of Mines Report - 8507.

24. Licensed Blaster Required All blasting shall be undertaken, monitored and recorded by a blaster licensed by the New York State Department of Labor. The permittee shall maintain copies of all blasting records. Such records shall be made available to the Department (NYSDEC) upon request.



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25. **Blasting Hours** Blasting shall be conducted between the hours of 7:00 a.m. and 5:30 p.m. on Monday through Friday. No blasting should on Saturdays or Sundays or the following holidays: New Year's Day, Memorial Day, Independence Day (4th of July), Labor Day, Thanksgiving, and Christmas.
26. **Install and Monitor 'Test Pit'** The permittee will construct a 'test pit' in the 6.9 acre area that was added to the existing life of mine. This 'test pit' will be constructed no later than May 26, 2020 and will be monitored throughout the year by the permittee. A minimum 5 feet separation between the water table and the pit floor is required.
27. **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.
28. **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.
29. **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.
30. **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.
31. **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.
32. **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.
33. **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.
34. **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.



35. Post Permit Sign The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

36. 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
NYDEC Region 5 Headquarters
1115 NYS ROUTE 86
PO BOX 296
RAY BROOK, NY 12977-0296

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

37. Successful Revegetation Standard Revegetation of the mine site to perennial grasses must be established over a minimum of 75%. Lime, fertilizer, seed and mulch must be applied to reclaim the mine site in accordance with the approved mined land use plan.

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 5 Headquarters
1115 NYS ROUTE 86
PO BOX 296
RAY BROOK, NY 12977 -0296

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.



LEGEND

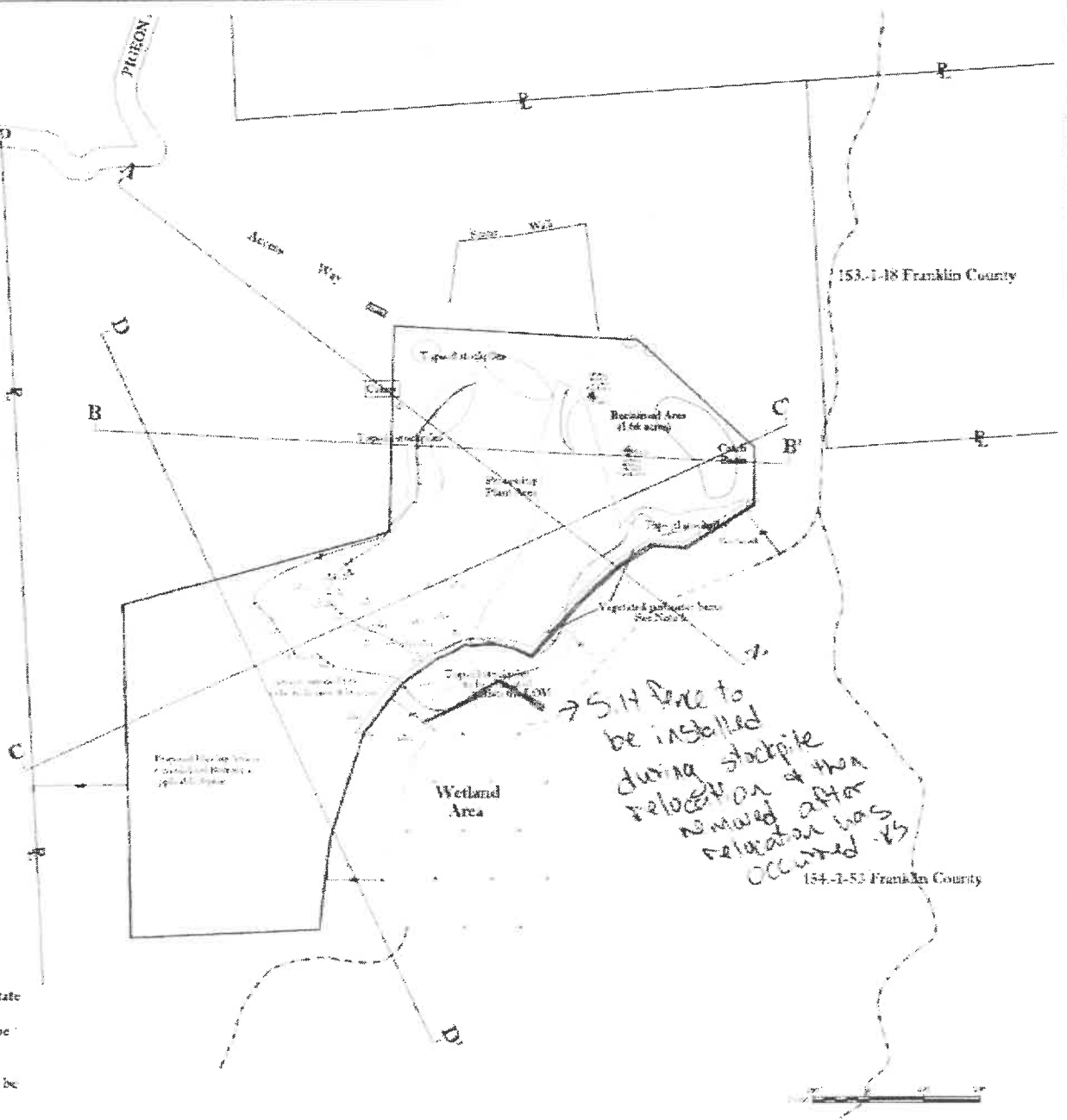
	CONTOUR LINE		CREST LINE
	INDEX CONTOUR LINE		TOP LINE
	EDGE OF GRAVEL/DIRT ROAD		EDGE OF STRIPING
	EDGE OF PAVEMENT		BERM PILES
	EDGE OF WATER		SPOT ELEVATION
	ARBYON PROPERTY LINE		BENCHMARK
	STONE WALL		BUILDING
	WETLAND		TEST PIT

ACREAGE SUMMARY

	Total acreage permitted by DEC prior to this application: 22.9± acres
	Current permit term area acreage: 9.1± acres
	Proposed acreage to be added to permit term area: 5.2± acres
	Total acreage to be affected during the permit term: 11.4± acres
	Acreage to be reclaimed over the permit term: 1.6± acres
	Total acreage approved as reclaimed: 1.6± acres
	Total acreage affected since 4/1/75: 7.8± acres

NOTES:

- 1) This area can be found on the Malone, NY, USGS 7.5 Minute Quadrangle.
- 2) All elevations are in relation to the altitude reference mean sea level (msl).
- 3) All elevations are surveyed with GPS equipment referencing Coordinate System: US State Plane 1983, Zone: New York East 3101, & Datum: NAD 1983 Conus CORS.
- 4) Area to be reclaimed outside LOM (0.1± acres) is not included within the 1.6± acres to be reclaimed within the LOM.
- 5) Base map generated by AEG, LLC.
- 6) Proposed vegetated perimeter berm to assist stormwater retention within the LOM. To be constructed if stormwater is not contained within the LOM.



PROPOSED MINING OPERATIONS, INCLUDING THE SERVICES OF A PROFESSIONAL ENGINEER, ARE REQUIRED TO OBTAIN A PERMIT UNDER SECTION 17-0701 OF THE ENVIRONMENTAL CONSERVATION LAW. THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE OPERATIONS DESCRIBED HEREIN. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF THE DATA OR THE RESULTS OF THE DESIGN. THE ENGINEER'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE OPERATIONS DESCRIBED HEREIN.

DATE	DESCRIPTION

FRANKLIN COUNTY
PIGEON ROAD MINE
MINING PLAN MAP

B&L
ACE ELECTRONICS CORPORATION
Malone, NY
14858

Date	MARCH 2024
Scale	AS SHOWN
Sheet Number	1
Project Number	390.145.06

Denice Hudson

From: Andrea Stewart
Sent: Monday, September 16, 2024 11:45 AM
To: Abby Monica; Denice Hudson
Cc: Mike Andrews; Mike McMahon; terrymaguire1985@gmail.com; pjthedj55@gmail.com; jimets80@yahoo.com; btaylor74@gmail.com
Subject: FW: 5-1648-00098/00001, Pigeon Road Mine, Malone (T), Franklin Co.
Attachments: 5-1648-00098-00001 Pigeon Road Mine Malone (T) Franklin Co.pdf; Pigeon Road Mine Map with Silt Fence.pdf

CC for the town file, the next board agenda, and fyi to code and hwy,

Andy

From: Sweet, Kathryn B (DEC) <Kathryn.Sweet@dec.ny.gov>
Sent: Friday, September 13, 2024 2:09 PM
To: edward.adams@franklincounty.ny.gov
Cc: Smith, Katherine B (DEC) <katherine.smith@dec.ny.gov>; Huyck, Stephen R (DEC) <stephen.huyck@dec.ny.gov>; Montagnoia, Calista T (DEC) <Calista.Montagnoia@dec.ny.gov>; Brittany A. Gallo <bgallo@bartonandloguidice.com>; Andrea Stewart <supervisor@malonetown.com>
Subject: 5-1648-00098/00001, Pigeon Road Mine, Malone (T), Franklin Co.

Good afternoon,

Please see the attached issued modified permit for the above referenced facility. No paper copies will follow unless requested.

A copy of the revised mine map, which depicts the silt fence that is to be installed during the relocation of the stockpiles, is included as the second attachment.

Please let me know if you have any questions.

Thank you,

Katy Sweet

Environmental Analyst 1 – Division of Environmental Permits

New York State Department of Environmental Conservation

1115 NYS Route 86, Ray Brook, NY 12977

P: (518) 897-1238 | F: (518) 897-1394 | kathryn.sweet@dec.ny.gov

www.dec.ny.gov |



NEW YORK STATE
Department of
Environmental
Conservation



RECEIVED

SEP 16 2024

TOWN OF MALONE

Josh Brown

9/12/24

I would like to inform the Town Of Malone of my 2 week notice that I am resigning from my position of employment as a (MEO) with the Town Of Malone Highway Dept. Effective September 26,2024 @ 4:30 P.M

I would like to thank the Town of Malone for the opportunities for professional and personal development that I experienced during my employment. I have enjoyed working for the Town and appreciate everything during my tenure of employment.

If I can be of any help during this transition, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Josh Brown". The signature is written in a cursive, slightly slanted style.

Josh Brown

PO Box 777
11 Golf Course Rd.
Malone, NY 12953

September 18th, 2024

Malone Town Board
27 Airport Rd
Malone, NY 12953

RECEIVED

SEP 18 2024

TOWN OF MALONE

To Whom it May Concern:

Please consider this my letter of interest in the vacant spot on the Town of Malone Planning Board. I am currently chairman of the Village of Malone Zoning Board of Appeals and treasurer of the Community Connections of Franklin County Board of Directors. I would very much appreciate the opportunity to serve the Town of Malone as well.

Thank you,



Michael Dufort
michael_dufort@icloud.com
(518) 524-6700