

Town of Windsor, County of Broome, State of New York
RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE THE
ATTACHED CONSENT ORDER AND TO PROCEED WITH PERMIT
RENEWAL AND APPLICATION
Resolution #3-2013

PRESENT: Supervisor Carolyn W. Price
Councilman George B. West
Councilman Timothy Bates
Councilwoman Lesa Hawk-Shuler
Councilman William McIntyre

At a regular meeting of the Town of Windsor Town Board, held at the Town Hall on the 9th day of January, 2013, the following resolution was

OFFERED BY: _____
SECONDED BY: _____

WHEREAS, the Town of Windsor has been in contact with New York State Department of Environmental Conservation regarding the Town owned quarry, and

WHEREAS, the Town Board of the Town of Windsor must make a determination as whether it wishes to close the quarry or renew its application to mine, and

WHEREAS, the Town Board has researched the matter, and discussed the matter with the highway superintendent, town engineer and attorney for the town and after discussions it has determined that it is in the best interest of the Town of Windsor to renew the mine application and to continue mining, and

WHEREAS, the Town has received the attached proposed consent order from New York State Department of Environmental Conservation, and has determined that it is in the best interest of the Town of Windsor to execute the Consent Order and

WHEREAS, the decision to renew the permit is a type II action under 6 NYCRR 617.5(26), as it is a "license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities", and

WHEREAS, in accordance with SEQRA and the Mined Land Reclamation Law (MLRL) and its amendments, only New York State can regulate mining operations under the MLRL; and as such DEC has principal environmental review responsibility for any mining activity and application;

WHEREAS, the Town's approval of the Consent Order and the town's authorization of the Supervisor to execute the Consent Order is a type II action under 6 NYCRR 617.5(20), as it is "routine or continuing agency administration and

management, not including new programs or major reordering of priorities that may affect the environment", and

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby makes a determination that the Project is Type II action as indicated above and/or that such a review is under the jurisdiction of New York State; and no further analysis is necessary and further

RESOLVED, the Town authorizes the Supervisor to execute the attached consent order and further

RESOLVED, the Town authorized the Supervisor to renew the mining permit, submit an application and take any other administrative actions necessary to proceed with the mining permit and application and further

RESOLVED, this resolution shall take effect immediately.

Vote of the Board:

- Supervisor Carolyn W. Price -
- Councilman George B. West -
- Councilman Timothy Bates -
- Councilwoman Lesa Hawk-Shuler -
- Councilman William McIntyre -

Motion Approved? / Not Approved?

Resolution Adopted: _____

CERTIFICATION

I, Barbara Rajner Miller, do hereby certify that I am the Town Clerk of the Town of Windsor and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Windsor at a meeting thereof held at the Windsor Town Hall, 124 Main Street, Windsor, NY on the **9th day of January, 2013**. Said resolution was adopted by the following roll call vote:

- Supervisor Carolyn W. Price -
- Councilman George B. West -
- Councilman Timothy Bates -
- Councilwoman Lesa Hawk-Shuler -
- Councilman William McIntyre -

Dated: _____ 2013

Town of Windsor Seal

Barbara Rajner Miller
Town Clerk of the Town of Windsor

