Town Board Meeting Agenda
October 8, 2026 7:00 pm REV 1

Pledge of Allegiance

Public Hearing – Mining Moratorium Local Law

Public Hearing – Fire Protection District #3 Contract with Town & Country

Roll Call

Audit of the Bills

Minutes: 10-SEP-2026, 21-SEP-2026 and 24-SEP-2026

Petitions and Communications

Planning Board Report

Zoning Board of Appeals Report

Code Enforcement Officer Report[1]

Comprehensive Plan Committee Report

Supervisor Report[1]

Clerk Report[1]

Highway Superintendent Report[1]

Public Comment

Motions to place Public Comment Topics on the New Business portion of the Agenda

Resolutions

1. Resolution Authorizing a Revised Wedge Solar Decommissioning Agreement
2. Resolution to Authorizing the 2027 Town & Country Fire Protection District #3 Contract
3. Resolution Regarding Public Meeting Streaming Project
4. Resolution to Refer the Mining Moratorium Local Law to the Chemung County Planning Board

OLD BUSINESS:

1. Sale of parcel 40.00-2-3
2. Discussion of HRMP and RUA for Mitstifer Mine Project
3. Amendment to Rules of Procedure - Section 7 (tabled in September)
4. Establishing the Final Form and Setting a Public Hearing for the Property Maintenance Local Law

NEW BUSINESS:

1. Introduction of a Local Law Regarding Disabled Veteran Property Tax Exemption
    a. Resolution Setting a Public Hearing for the Local Law

Adjourn

[1]The Town Board may act to accept these reports by simple resolution.

Regular Town Board Meeting Town of Veteran
September 10, 2026 7:00 PM

Pledge of Allegiance:
Supervisor Lewis called the meeting to order at 7:00 PM with the Pledge of Allegiance.

Roll Call:
Supervisor D. Lewis, Councilmen M. DeMichele, F. Henke, J. Emanuel, W. Wolf, Town Clerk J. Reese

Others Present:
Highway Superintendent C. Rhodes, Code Enforcement Officer K. Ripley, Planning Board Chair D. Adams, Planning Board Members D. Peters and D. Hable, Zoning Board Member T. Roe, Deputy Town Clerk S. Bump, Residents P. Gray, M. Hable, S. Bump, M. Little, C. and M. Austin, J. Zawko

Audit of the Bills:
Motioned by Emanuel, seconded by Henke to accept the bills as submitted in the amount of $287,531.07.

General Fund-Townwide A & B	207-226	$15,276.83
Highway Fund-Townwide DA	103-112	$84,875.68
Highway Fund-Part Town DB	113-114	$187,378.56

AYES: Henke, Emanuel, Wolf, DeMichele, Lewis NAYES: None
Motion Carries 5-0

Minutes:
Motioned by Henke, seconded by DeMichele to accept the minutes of August 6 and August 13, 2026.
AYES: Emanuel, Wolf, Lewis NAYES: None
ABSTAIN: Henke, DeMichele
Motion Carries 3-2

Petitions and Communications:
- August 2026 Dog Control Report
- August 2026 Chemung County Sheriff Report
- Town of Horseheads Planning Board response to Town of Veteran referral Veteran Hill Solar Project-No impact upon the Town of Horseheads
- Town of Horseheads- referral for a change they were making to the zoning law
- iMTT-Pipeline-asking for assistance in identifying locations along pipelines where there are places of congregation
- Charter Communications- paid franchise fee of $5.983.33 to the Town

Planning Board:
Motioned by Lewis, seconded by Henke for the report of the Planning Board.
Planning Board Chair D. Adams-

- Meeting is Monday, September 14, 2026
- Public Hearing for the new solar project
- Discuss a subdivision project

Zoning Board of Appeals:
Motioned by Lewis, seconded by Emanuel to open the Zoning Board of Appeals Report.
Zoning Board Member T. Roe-

- Meeting held August 17, 2026
- Minutes were drafted
- T. Roe voiced intent to resign as of January 1, 2027

Code Enforcement Officer Report:
Motioned by Lewis, seconded by Emanuel for the presentation and acceptance of the Code Enforcement Officer Report.
Code Officer K. Ripley-

- Seeking clarification on Zoning Law and how Veteran is using it
- Property Maintenance Law is getting worked on
- Charges pending on multiple properties for garbage citations
- 2 new house applications
- Quotes for vestibule rebuild are in process
- 55 Burch Hill paid his fine, next step in considering cost of taking to Supreme Court in Chemung County to get him to abide by the zoning law

AYES: Wolf, DeMichele, Henke, Emanuel, Lewis NAYES: None
Motion Carries 5-0

Comprehensive Plan Committee Report:
Motioned by Lewis, seconded by Emanuel to open the Comprehensive Plan Committee Report.
Chair M. DeMichele-

- August 24 meeting included G. France, Cornell Instructor, who will work pro bono through January 1, 2027
- Set framework for the comprehensive plan
- Next meeting September 28, 2026

Supervisor Report:
Motioned by Lewis, seconded by Henke for the presentation and acceptance of the Supervisor Report.
Supervisor Lewis-

- July 2026 report
- Budget Officer J. Savash anticipates resigning November 23, 2026, will need to hire a replacement before that date, may overrun finances on that line item

AYES: DeMichele, Henke, Emanuel, Wolf, Lewis NAYES: None
Motion Carries 5-0

Clerk Report:
Motioned by Lewis, seconded by Henke for the presentation and acceptance of the Clerk Report.
AYES: Henke, Emanuel, Wolf, DeMichele, Lewis NAYES: None
Motion Carries 5-0

Highway Superintendent Report:
Motioned by Lewis, seconded by Emanuel for the presentation and acceptance of the Highway Superintendent Report.
Superintendent C. Rhodes-

- Patchwork, mowing, cutting trees, preparing for winter
- CHiPS money to be configured and turned in in October for reimbursement

AYES: Emanuel, Wolf, DeMichele, Henke, Lewis NAYES: None
Motion Carries 5-0

Public Comment:
J. Zawko-Benjamin Road-

- Asking if the Board of Ethics had new appointments made

M. Little-East Sullivanville Road-

- Historical Society has an Open House September 19, 2026 from 1-3 PM
- Supports the idea of a Mine Moratorium
- Supports streaming meetings
- Was not called upon to participate in a conversation at last month's meeting, hand was raised
- Believes it is unacceptable for a resident holding three town positions to bring information on his phone to the Supervisor at his seat

M. Hable-Benjamin Road-

- Sent in an application for a seat on Board of Ethics, hasn't heard back in any manner, curious of where things stand

Motioned by Wolf, seconded by DeMichele to move topic of Board of Ethics to New Business.

Resolutions:
1-Authorizing a Revised Wedge Solar Decommissioning Agreement-Supervisor Lewis moved from Resolutions to item "0" under Old Business

2-Motioned by Lewis, seconded by Wolf to remove the tabled resolution regarding the Road Use Agreement for the Mitstifer Mine Special Use Permit off of town business
AYES: Wolf, DeMichele, Henke, Emanuel, Lewis NAYES: None
Motion Carries 5-0

3-Resolution to Set a Public Hearing for the 2027 Town & Country Fire Protection District Contract

Resolution 84 of 2026
Relative to Set a Public Hearing Regarding the 2027 Town & Country Fire Protection District Contract

Motioned by: Lewis Seconded by:Henke

The Town Board of the town of Veteran, New York (the "**Town Board**"), duly convened in session on September 10, 2026 at the Town of Veteran Clerk's Office at 4049 Watkins Road, Millport, New York 14864 does hereby resolve as follows:

WHEREAS, preliminary discussions between Town Supervisor, David Lewis and the Town and Country Fire Department, Inc. indicated the desire for a continuation of the services consistent with the 2026 contract for Fire Protection District #3; and

WHEREAS, the updated version of the contract has been provided to the Town Board by the Town Supervisor; and

WHEREAS, the financial terms of the contract increased from $92,000 in 2026 to a proposed $93,800 in 2027, an increase of 1.96%; and

WHEREAS, the Town Board desires to comply with the requirements of the New York Town Las and the New York Public Officers Law and shall schedule a public hearing to allow the public to comment on the Fire Protection District #3 contract.

NOW, THEREFORE, BE IT RESOLVED, the Town Board will hold a public hearing on October 8, 2026 at 7:00 p.m. to hear all persons regarding the contract for Fire Protection District #3 services; and

BE IT FURTHER RESOLVED, that the Town Clerk shall cause notice of such public hearing to be published in the official newspaper of the Town of Veteran in accordance with all legal notice requirements.

AYES: Emanuel, Wolf, DeMichele, Henke, Lewis NAYES: None
Motion Carries 5-0

4-Resolution Regarding Declaration and Sale of Surplus Town Equipment

Resolution 85 of 2026
Relative to the Declaration and Sale of Surplus Town Equipment

Motioned by: Lewis Seconded by: Henke

WHEREAS, from time to time certain municipal property becomes surplus to the Town's needs and may have monetary value, and

WHEREAS, Town Department Heads have provided a list of items as being surplus to the needs of the Town and have determined the condition of same to be such that it may have economic value, and

WHEREAS, the Town of Catlin, in recovery from a fire at their Highway Garage, has offered to purchase the 2011 Western Star 10 Wheel Truck with plow and wing for $25,000, and

WHEREAS, Highway Superintendent Curtis Rhodes believes the offer to be fair and in excess of the amount that could be realized at auction.

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Veteran as follows:

1. The following described property is declared to be surplus to the needs of the Town:
   a. 2011 Western Star 10 Wheel Truck with plow and wing
   b. Bolens Push Mower
   c. Yazoo Mower
   d. Cub Cadet Push Mower
   e. Airens Snowblower
   f. 10 Filing Cabinets
   g. 1 Office Desk
   h. Homemade Pull Behind Roller
   i. Roscoe Pull Behind Street Sweeper

2. The estimated value of items b. to g. is to be determined through public auction with RTI Net Auctions (Teitsworth).
   a. Any item deemed to have no value following the auction may be locally sold for scrap or disposed of at a cost to the Town Department of ownership.

3. The 2011 Western Star 10 Wheel Truck with plow and wing shall be sold to the Town of Catlin for $25,000.

4. Superintendent Rhodes shall cause the execution of this resolution.

AYES: DeMichele, Henke, Emanuel, Wolf, Lewis NAYES: None
Motion Carries 5-0

5-Appointment to the Board of Assessment Review

Resolution 86 of 2026

Relative to the Appointment to the Board of Assessment Review

Motioned by: Lewis Seconded by: Henke

WHEREAS the term of Ed Derry as a member of the Board of Assessment Review (BAR) expires on September 30, 2026 and

WHEREAS Mr. Derry has faithfully served the Town in the capacity of a member of the BAR, including the completion of all necessary training, and

WHEREAS, Mr. Derry has indicated a desire to continue to serve on the BAR.

NOW, THEREFORE, BE IT RESOLVED that Ed Derry is reappointed to the Board of Assessment, for a term to commence on October 1, 2026 an end on September 30, 2031.

AYES: Henke, Emanuel, Wolf, DeMichele, Lewis NAYES: None
Motion Carries 5-0

Old Business:

0-Resolution Authorizing a Revised Wedge Solar Decommissioning Agreement
Motioned by Lewis, seconded by Henke to open the discussion on the revised Wedge Solar Decommissioning Agreement.

- Town of Veteran wants to make the selection of the third party engineering firm

1-Public Meeting Streaming Project-Phase 1 Update and Authorization
Motioned by Wolf, seconded by DeMichele to open the discussion on the Resolution Authorizing the Town Supervisor to Execute the Agreements for Public Meeting Livestreaming and Archiving System.

- $3,850 annual subscription rate for cloud-based streaming and archiving services with Resi up to a certain amount of storage, Town of Veteran would be under it
- $200 monthly fee for support through Kingdom, Resi is first call; three-year contract if want to lock in the price
- AI will generate subtitles so may not be 100% accurate
- ADA compliance will be met once it is instituted

Resolution 87 of 2026
Relative to Authorizing the town Supervisor to Execute Agreements for a Public Meeting Livestreaming and Archiving System

Motioned by: Wolf Seconded by: Lewis

At a regular meeting of the Town Board of the Town of Veteran, Chemung County, New York, held at the Town Hall on the 10 day of September 2026.

WHEREAS, the Town Board authorized an evaluation of solutions for livestreaming and archiving public meetings within an established project budget of $20,000; and

WHEREAS, the Town Board has reviewed and considered proposals from multiple vendors for both meeting-room audio and video capture equipment and cloud-based streaming and archiving services; and WHEREAS, the Town Board has determined that the coordinated solution proposed by Kingdom Integrations (room system) and Resi (resi.io), a Pushpay company (streaming platform), best satisfies the Town's goals of government

transparency, operational simplicity, streaming reliability, and responsible stewardship of public funds; and

WHEREAS, the combined first-year cost of $18,705.55 is within the authorized project budget, with a remaining buffer available for miscellaneous and incidental project expenses;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Veteran hereby accepts the proposal of Kingdom Integrations for the supply, installation, configuration, commissioning, and support of a public meeting audio and video capture system in the amount of $14,855.55, and authorizes the Town Supervisor to execute the necessary agreement with Kingdom Integrations; and be it further

RESOLVED, that the Town Board hereby accepts the proposal of Resi (resi.io) for cloud-based streaming and archiving services at an annual subscription rate of $3,850.00, and authorizes the Town Supervisor to execute the necessary subscription agreement with Resi; and be it further

RESOLVED, that payment for these agreements shall be charged to the appropriate Town budget appropriation; and be it further

RESOLVED, that the Town Supervisor is authorized to expend remaining budget funds for miscellaneous and incidental expenses directly related to this project, with expenditures to be documented and reported to the Board; and be it further

RESOLVED, that the Town Supervisor and Town Clerk are hereby authorized to take all actions necessary to carry out the purposes of this Resolution.
AYES: Wolf, DeMichele, Henke, Emanuel, Lewis

2-Sale of Parcel 40.00-2-3
Motioned by Lewis, seconded by Emanuel to open the discussion on the Sale of Parcel 40.00-2-3.

- Attorney waiting to hear from a real estate agent he reached out to on how to proceed
  - Sealed bid
  - Normal real estate transactions

3-Town of Veteran Mining Moratorium
Motioned by Wolf, seconded by Henke to review and hopefully set a public hearing for the Town Board of the Town of Veteran introducing the proposed local law # 2, a Local Law Imposing a Moratorium on Mining Operations
Discussion followed covering the change of a 6-month moratorium to a 12 month; takes a bit of effort to establish a moratorium, have to follow a timeline, takes extra work; zoning law needs to be revised in a couple areas, town should jump in and make the revisions without a moratorium on mining; residents want a moratorium on mining

Resolution 88 of 2026

Relative to Introducing Local Law #2 of 2026, Entitled "Local Law Imposing a Moratorium on Mining Operations," and Scheduling a Public Hearing Thereon

Motioned by: Wolf Seconded by: DeMichele

WHEREAS, the Town Board of the Town of Veteran (the "Town Board") is authorized pursuant to the New York State Municipal Home Rule Law, Section 10 and 22, and the New York State Constitution to enact local laws for the protection of the health, safety and welfare of the residents of the Town of Veteran (the "Town"); and

WHEREAS, the Town Board has determined that the Town's existing Zoning Law requires review and amendment with respect to mining and mineral extraction operations to bring it into conformance with New York State law and to address inconsistencies and gaps in the Town's regulatory framework; and

WHEREAS, Town Counsel has advised the Town Board that the Town's Zoning Code requires amendment to bring it into conformance with New York State law as it pertains to mining operations; and

WHEREAS, the Town Board finds that it is necessary and appropriate to impose a temporary moratorium on applications for, review of, and approvals of Mining Operations within the Town while such review and amendment is undertaken; and

WHEREAS, the Town Board has caused to be prepared a proposed local law entitled "Local Law Imposing a Moratorium on Mining Operations," designated as Proposed Local Law No. 2 of 2026 (the "Proposed Local Law"), a copy of which is on file with the Town Clerk; and

WHEREAS, the Municipal Home Rule Law requires that a public hearing be held prior to the adoption of any local law; and

WHEREAS, the Town Board desires to introduce the Proposed Local Law and to schedule a public hearing thereon in accordance with the requirements of the Municipal Home Rule Law;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Veteran as follows:

FIRST: The Town Board hereby introduces Proposed Local Law No. 2 of 2026, entitled "Local Law Imposing a Moratorium on Mining Operations," a copy of which is on file with the Town Clerk and incorporated herein by reference.

SECOND: The Town Board hereby declares the introduction of the Proposed Local law to be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA) and its implementing regulations at 6 NYCRR part 617 and determines that no further

environmental review is required; provided, however, that this determination shall be confirmed by Town Counsel prior to adoption of the Proposed Local Law.

THIRD: A public hearing on the Proposed Local Law shall be held at the Town Hall, 4049 Watkins Road, Millport, New York 14864, on October 8, 2026, at 7:00 p.m. or as soon thereafter as the matter may be heard.

FOURTH: The Town Clerk is hereby directed to cause notice of said public hearing to be published in the official newspaper of the Town of Veteran at least ten (10) days prior to the date of said public hearing, in accordance with the requirements of the Municipal Home Rule Law, which notice shall state the date, time, and place of the public hearing and the subject matter thereof.

FIFTH: The Town Clerk is further directed to make the Proposed Local Law available for public inspection at the Town Clerk's office during normal business hours from the date of this Resolution through the conclusion of the public hearing.

SIXTH: This Resolution shall take effect immediately upon its adoption.

AYES: Wolf, DeMichele, Henke NAYES: Emanuel, Lewis
Motion Carries 3-2

4-HRMP and RUA for Mitstifer Mine Project
Motioned by Lewis, seconded by Emanuel to open the discussion on the Haul Route Management Plan and Road Use Agreement as prepared by the former committee and submitted to the Board for last month's meeting.

Discussion followed covering what elements that exist in the package that the board would like to see incorporated in the HRMP and RUA drafted by the legal team; anybody associated with the mine, all aspects of their behavior are absolved of responsibility and it all falls on the applicant; ask attorney for input of that being legal or not; the Road Use Agreement should only cover the use of the road; applicant should pay for additional signage necessary for loads, no truck traffic and a mining operation sign going up; covering only the road would be a Road Maintenance Agreement not a Road Use Agreement, other counties have laws that incorporate the applicant being responsible for any and all drivers using their mine; mine operation is primarily not in the Town of Veteran there is no benefit to the town or its residents.

Motioned by Wolf, seconded by DeMichele to submit the HRMP and RUA documents to the Town Attorney for review and that the lawyer share his comments with the board as a group.
AYES: DeMichele, Henke, Wolf
NAYES: Emanuel, Lewis "This has to be, this action that this board is motion to do has to be the most inappropriate use of town money that I may have ever seen in my 20-some years"
Motion Carries 3-2

Motioned by Lewis, seconded by DeMichele to adjourn at 9:10 p.m.
AYES: DeMichele NAYES: Henke, Emanuel, Wolf, Lewis

Motion Does Not Carry 1-4

Motioned by Henke, seconded by DeMichele to table Old Business # 5-Amendment to Rules of Procedure-Section 7 and move on to New Business
AYES: DeMichele, Henke, Emanuel, Wolf NAYES: None
SILENT: Lewis
Motion Carries 4-1

New Business:
1-Establishing the Final form and Setting a Public Hearing for the Property Maintenance Local Law
Motioned by Lewis, seconded by Henke to include Code Enforcement Officer K. Ripley in the discussion of the Property Maintenance Local Law.
AYES: Emanuel, Wolf, DeMichele, Henke, Lewis NAYES: None
Motion Carries 5-0
Motioned by F. Henke, seconded by Emanuel to include Planning Board Chair D. Adams in the discussion.
AYES: Wolf, DeMichele, Henke, Emanuel NAYES: None
SILENT: Lewis
Motion Carries 5-0
Discussion included K. Ripley suggesting two possible additions to the drafted local law.
Motioned by Henke, seconded by Wolf for Code Enforcement Officer K. Ripley to discuss additional comments with the town attorney and present a final version of the Property Maintenance Local Law so the board can put it to a public hearing.
AYES: Henke, Emanuel, Wolf, DeMichele, Lewis NAYES: None
Motion Carries 5-0

2-Establish Tow dates for 2027 Budget Meetings
Motioned by Lewis, seconded by Emanuel for polling the board on available dates October 1 and October 15, 2026.

3-Ethics Board Interviews
Motioned by Wolf, seconded by Henke to open the discussion on the topic that was brought up in public comment about ethics appointment.
Motioned by Lewis, seconded by Henke to include J. Zawko in the discussion.
AYES: DeMichele, Henke, Emanuel, Wolf, Lewis NAYES: None
Motion Carries

Adjourn:
Motioned by Lewis, seconded by Emanuel to adjourn at 9:51 p.m.
AYES: Henke, Emanuel, Wolf, DeMichele, Lewis NAYES: None
Motion Carries 5-0

Respectfully submitted, Jenny Reese, Town Clerk

Special Meeting of the Town Board of Veteran
September 21, 2026 6:00 PM

Pledge of Allegiance:
Supervisor Lewis called the meeting to order at 6:00 PM with the Pledge of Allegiance.

Roll Call:
Supervisor D. Lewis, Councilmen M. DeMichele, F. Henke, J. Emanuel, W. Wolf, Town Clerk J. Reese, Deputy Supervisor V. Azzarelli, Code Enforcement Officer K. Ripley.

Acquisition of Property-Subject to Executive Session (Enumeration h.):
6:01 PM-Motioned by Lewis, seconded by Emanuel for the Town Board, Town Clerk, Town Justice, Deputy Supervisor and Code Enforcement Officer to move to Executive Session for the Enumerated purpose of the Open Meetings Law regarding property acquisition.

AYES: Henke, Emanuel, Wolf, DeMichele, Lewis NAYES: None
Motion Carries 5-0

7:19 PM-Motioned by Lewis, seconded by Emanuel to reconvene the meeting.

Resolution 89 of 2026
Relative to a Property Acquisition Roadmap

Motioned by: Lewis Seconded by: Emanuel

WHEREAS the Town of Veteran Officers lack experience in the municipal acquisition of private property, and

WHEREAS the Town Board of the Town of Veteran finds that an understanding of the process would be beneficial for future application,

NOW THEREFORE BE IT RESOLVED, that the Town Supervisor is hereby authorized and directed to engage the Town Attorney to provide a property acquisition process roadmap for the Town and to assist in the drafting of resolutions and documents relating to the acquisition of real property by the Town.

AYES: Wolf, Emanuel, Henke, DeMichele, Lewis NAYES: None
Motion Carries 5-0

Adjourn:
Motioned by Lewis, seconded by Wolf to adjourn at 7:22 PM.

AYES: None NAYES: None
Motion Carries 5-0

Respectfully Submitted, Jenny Reese, Town Clerk

Special Town Board Meeting of Veteran
September 24, 2026 7:00 PM

Pledge of Allegiance:
Supervisor Lewis called the meeting to order at 5:45 PM with the Pledge of Allegiance.

Roll:
Supervisor D. Lewis, Councilmen M. DeMichele, F. Henke, J. Emanuel, W. Wolf, Town Clerk J. Reese.

Other's Present:
Deputy Supervisor V. Azzarelli, Planning Board Members D. Hable and D. Peters, Residents E. Whitney, M. Hable and M. Little.

Resolution Regarding Wedge Solar Decommissioning Agreement is moved to the October1, 2026 meeting.

Appointment to the Board of Ethics- Subject to Executive Session (Enumeration f.)
Acquisition of Property- Subject to Executive Session (Enumeration h.)

5:46 PM-Motioned by Lewis, seconded by Henke for the board to enter into executive session with the Clerk and candidates for appointment to the Board of Ethics, as well as for the Acquisition of Property. The candidates will be called in and dismissed at the Board's pleasure throughout the executive session. Both of these executive sessions are authorized by Enumeration f and Enumeration h.

AYES: Henke, Emanuel, Wolf, DeMichele, Lewis NAYES: None
Motion Carries 5-0

6:27 PM- Supervisor Lewis brought the meeting back into Public Session.

Resolution 90 of 2026
Relative to Appointing Members to the Board of Ethics

Motioned by: Henke Seconded by: Emanuel
The Town Board of the Town of Veteran, New York (the "Town Board"), duly convened in SPECIAL session on September 24, 2026 at the Town of Veteran Clerk's Office at 4049 Watkins Road, Millport, New York 14864 does hereby resolve through this resolution (this "Resolution") as follows:

WHEREAS, the Code of Ethics of the Town of Veteran requires a Board of Ethics; and

WHEREAS, such Board of Ethics shall serve at the pleasure of the Town Board; and

WHEREAS, Resolution 53 of 2012 appointed two members of the Board of

Ethics to serve until such time as their successor has been duly appointed.

NOW THEREFORE, BE IT RESOLVED that the Town Board hereby appoints Elizabeth Whitney and Melissa Hable as successors to Louis DeCicco and John Pastrick on the Board of Ethics to serve until such time as they resign, have been removed from office, or their successor has been duly appointed.
AYES: Emanuel, Wolf, DeMichele, Henke, Lewis NAYES: None
Motion Carries 5-0

Resolution 91 of 2026
Relative to the Authorization for Solicitation of Purchase of Real Property

Motioned by: Lewis Seconded by: Emanuel

The Town Board of the Town of Veteran, New York (the "Town Board"), duly convened in special session on September 24, 2026 at the Town of Veteran Clerk's Office at 4049 Watkins Road, Millport, New York 14864 does hereby resolve as follows:

WHEREAS, the Town Board is considering the purchase of a certain parcel of land (the "Property") in the Town of Veteran (the "Town") for the Town's future use; and

WHEREAS, the Town Board has determined that it is desirable and in the best interest of the Town for David Lewis, in his capacity as Supervisor of the Town, to negotiate the terms and conditions with the seller of the Property so that the Town Board may issue a determination whether the purchase of the Property is in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes David Lewis, in his capacity as Supervisor of the Town and the Attorneys for the Town to negotiate the terms and conditions pursuant to the sale of the Property;

BE IT FURTHER RESOLVED, that the Town Supervisor and Attorneys of the Town are hereby authorized and directed on behalf of the Town to execute and deliver a non-binding letter of intent and/or an agreement to purchase the Property (the "Contract"), provided that any agreement to purchase the Property shall include a condition precedent requiring the Town Board to approve the Contract prior to the consummation of any transaction and/or delivery of Town funds pursuant to the Town's purchase of the Property;

BE IT FURTHER RESOLVED, that the Town Board authorizes any and all necessary expenses associated with the aforementioned, including, but not limited to, seeking the services of the Attorneys of the Town pursuant to the potential purchase of the Property, and seeking the services of an appraiser to determine fair market value of the Property; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

AYES: Wolf, DeMichele, Henke, Emanuel, Lewis NAYES: None
Motion Carries

Adjourn:
Motioned by Lewis, seconded by DeMichele to adjourn at 6:31 PM.
AYES: DeMichele, Emanuel, Wolf, Henke, Lewis NAYES: None
Motion Carries 5-0

Respectfully submitted,

Jenny Reese
Town Clerk

DRAFT

SHERIFF OF CHEMUNG COUNTY

203 William Street
P.O. Box 588
Elmira, New York 14902-0588
Administrative Office: (607) 737-2987 Fax: (607) 737-2930

WILLIAM A. SCHROM
Sheriff

DOUGLAS W. HOUPER
Undersheriff

VETERAN TOWN RESIDENTIAL STATISTICS

Date: September 2026	
Category	**Number**
Incident Reports	62
Uniform Traffic Tickets	4
Parking Tickets	0
Traffic Stops	14
Traffic Accidents handled	2
Code Enforcement Violations	0
Felony Arrests	0
Misdemeanor Arrests	2
DWI Arrests	0
Violation Arrests	0

Submitted by: Simona Bermingham, CCSO Records Clerk

Veteran Call Sheet & Report - September 2026

Call	Date
Two dogs running loose on Ridge Rd. - Patrolled but counld not locate.	9/11/2026
Night Call - The two dogs running loose on Ridge Rd. were caught - Impounded - No owners were located, dogs will be placed for adoption.	9/11/2026
Welfare check on cow in a small pen on Watkins Rd. - Cow is Fine, waiting to be seen by a Ve	9/17/2026
Loose dog found on Watkins Rd. - Impounded - Owner found and dog redeemed.	9/30/2026

Number of Article 7 calls	3	Number of Tickets issued	0
Number of Article 26 calls	1	Number of Impounded Dogs	3
Number of Wildlife calls	0		
Number of Court case appearances	0	Humane Custody Hold	0

Southern Tier Animal Control Inc.
320 Crane Road
Elmira, NY 14901

Joel Pearson, DCO #1
southerntieranimalcontrol@gmail.com
Cell: 607-333-0563

Town of Veteran Planning Board

September 14, 2026, at 6:30 PM

Attendance:

Jeremy Ackerman

Richard Winkky

Nicholas Curren

Carol Edwards

Dan Hable

Dominic Peters

David Adams

Jennifer Vanetten

Winston Wolf

Scott McGrain

Members of the Veteran Hill Solar Project

Members of the public

Public Hearing – Veteran Hill Solar Project:

The board read the rules for public comment and then the public were able to ask questions or express concerns.

Here are the main topics that were discussed about The Veteran Hill Solar Power Project:

- The history of the solar power project
- The finances
- The benefits
- The effect on local taxes
- The forest and the wildlife
- The duration and the noise decimal of the construction
- How the public can be notified for future projects
- Who must be notified for future projects – neighbors within 250 feet

- Cresta Sheridan, from 227 Veteran Hill Drive, is concerned about how this project will affect her property value, the wildlife, and water runoff. She also asked about notifications, how long it would take, and how to vote.
- Joseph Shelly, 27 Paula Drive, says that he is concerned about the storm water runoff being aimed at his property, the driveway pipe being too close to his property, and viewing the solar farm from his property.
- Mary Mcintosh, 39 Greenview Drive, was concerned about the truck traffic and wildlife displacement.
- Sarah Bowey asked about the effects of the finical burdens of the public & the safety of the panels
- The solar panels are made with non-toxic materials.
- Scott McGrain from Veteran Hill Road, said that this topic should be a Variance topic, not a Public Planning Board topic.
- David extended the Public Hearing to Monday, October 5th at 7 PM. Nick Seconded. All in favor. Carried.

Public Hearing – Veteran Hill Solar Project:

Veteran Hill Solar Project

Reading of Minutes:

August Meeting Minutes

D. Winkky made a motion to approve the August minutes. David seconded. All in favor. Carried.

Public Comment:

Marlene Little, of Sullivan Road, wants road restrictions. She was told that the board does not have any restrictions.

D. Winkky wants a copy of the new comprehensive plan when it is ready. Mario told the public that the existing comprehensive plan is on the website.

David made motion to close public comment. Jeremy seconded. All in favor. Carried.

New Business:

- Discussion on potential new applications
    - There are no official new applications
- New Planning Board members: Dan Hable & Dominic Peters
- 473 Terry Hill Road Subdivision –
    - Greg Harley, of Terry Hill Road,
    - Sold 9 acres

- Father and son bought the first property; the father wants to buy the other property so that he can come to town to visit his son
- Amount of property
- There are typos on the paper that need to be corrected
- David made a motion to schedule a public hearing for this for October 5 at 6:30 PM. Jeremey seconded. All in favor. Carried.
- David made a motion to close the new business and to move to Old Business. Nick Seconded. All in favor. Carried.

Old Business:

Veteran Hill Solar Project

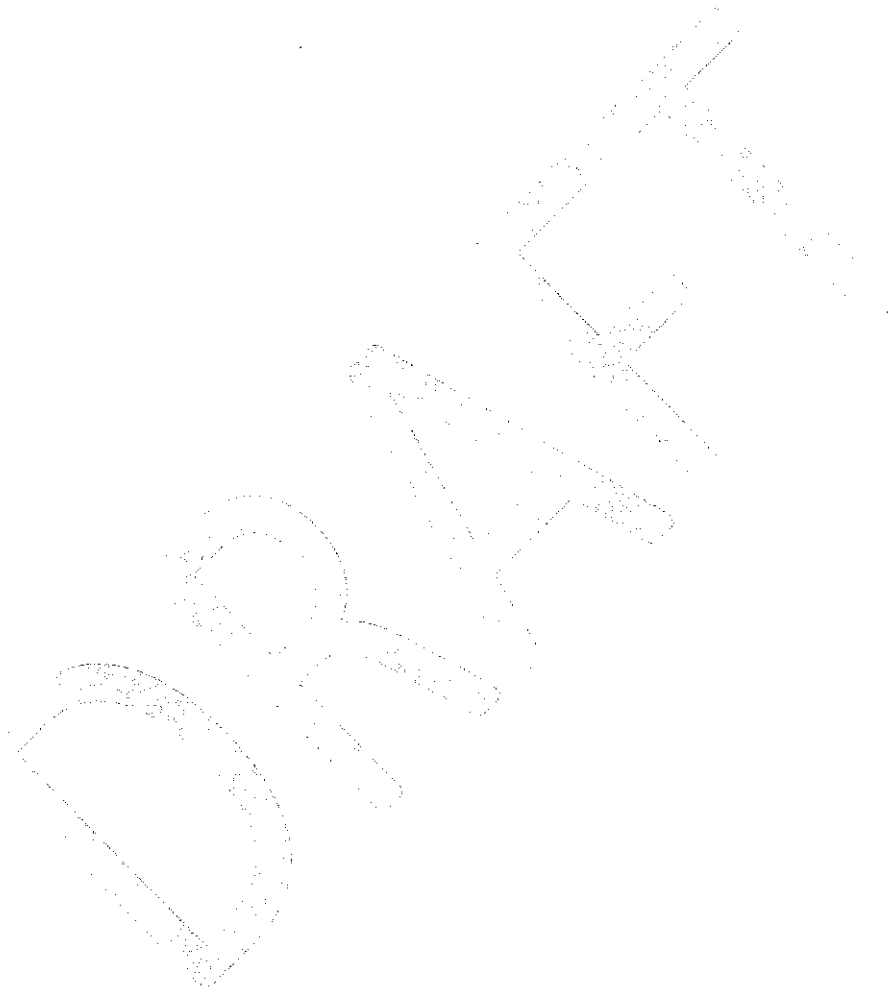
- The members of the Veteran Hill Solar Project discussed the following:
  - Location of the project and the driveway
  - Environmental impacts – no endangered species, tree survey
  - Barriers and fences
  - The access for the Fire Department
  - Emergency plans including access for the fire department and truck access
  - The storm water flow plan was discussed
  - Timeline – construction – unknown but possibly 6 to 12 months.
  - Updated photos of the land were shown.
  - The panels are antiglare.
  - Sean McInerney, a member of the fire department, discussed a potential emergency plan. It will be finalized and written.
  - There's no energy storage.
  - David made a motion to recognize a speaker from the public. D. Hable seconded the motion. All in favor. Carried.
  - Marlene Little, of Sullivan Road, asked questions about the map of the project. Elizabeth, from the Veteran Hill project, answered the questions.
  - The project will last for an estimated 25 years, with 5-year options available
  - The town is responsible for hiring the engineers.
  - The members of the Veteran Hill Solar Project asked questions about the timeline and the board answered the questions
  - Nick made a motion to close . Jeremy seconded the motion. All in favor. Carried

Closing of Meeting:

D. Winkky made a motion to close the meeting. Nick seconded. All in favor. Carried.

Next Meeting:

The next meeting will be held October 5th, at 6:30 PM.



STATE OF NEW YORK TOWN OF VETERAN COUNTY OF CHEMUNG
BUILDING DEPARTMENT
OFFICE OF CODE ENFORCEMENT
PO Box 183
4049 Watkins Rd
Millport, NY 14864
Tel 607.742-9645 – Fax 607.739.8371

Re: Code Enforcement Summary Report September 08th, 2026, to October 08th, 2026

Hon. David Lewis and Town Board

Code Training Fire Academy	MONTHLY NUMBERS	YTD NUMBERS	COMMENTS
Certificate of Compliance/Occupancy	0	134	
Complaints/Violations –	6	20	
Properties posted for unfit for living.		4	
Open Cases Open Violation, also properties sited	6		1.2015 NYS Route 13 (garbage ticket) Ther is a bench warrant issued. PENDING. 2. 79 old Sullivanville Rd (Garbage) Sited again also for high grass and garbage. 3.1749 New York route 13 garage case is still pending.
Inspections / Site Visits	29		
Permits	6	58	For the year 2026
Phone Calls	41		Phone calls are made and received.
Appearance tickets issued	0	10	

Fires/ call outs by the fire dept.	0	2	
Code training		2	Feb 2026 code training in NYC Code training in Rochester March 2026 **COMPLETED for the 2026**
Value of construction in the Town for the month from building permits ----------	----------	----------	$57.533.00 ----------
Projects on the planning board			1.Veteran hill solar project, working its way through the Planning Board. 2. Harvey`s minor subdivision project. This is working its way through the planning Board.

NOTE All required reports for the State and Federal government have been completed and submitted.

Respectfully Submitted,
Ken Ripley
Building Inspector/Code Enforcement Officer
Town Of Veteran

Comprehensive Plan Review Committee
Minutes

September 28, 2026

Members:

- ~~Nicholas Curren~~
- Anthony Pucci
- ~~Judy Wolf~~
- Dominic Peters
- Mario DeMichele
- Nadiya Auerbach
- George Dale

Discussion / Comments:

- Reviewed minutes from 8/24/2026
- 2014 Comprehensive Plan Recommendations Review
  - Utilized Judy's spreadsheet to discuss recommendations created in 2014
  - List completed items [2014]
  - Determine items to remove
  - Continue to track high-priority recommendations
  - Forward Judy's spreadsheet to team for additional feedback [Mario]

- 2023 Comprehensive Recommendation [3/29/2023]
  - Reviewed 2023 emails regarding committee's recommendations
  - Confirm 2022-2023 Comprehensive Recommendations have been recorded with the Clerk
    - Date
    - Comments
  - Confirm future record keeping regarding recommendations

- 2025 Survey Results Priority List
  - Keep town as is [no changes]
  - Roads [maintain & upgrade]
  - Local Agriculture
  - Taxes

- 2026 Comprehensive Plan Recommendations & Short-term objectives
  - Highlight 3-5 tasks for the town boards to focus on during a 12-month period
  - Communication improvements
  - Time-line Review
  - Public Meeting

- George Frantz SR-14 Recommendations
  - Mario to contact George

- Next Comprehensive Plan Review Committee Meeting October 19, 2026, at 7:00PM
    - Reschedule 10/12/2026 Comprehensives due to Columbus Holiday
    - Forward email to Clerk [Mario]

Mario DeMichele
Chair, Town Board Member

MONTHLY REPORT OF SUPERVISOR

TO THE TOWN BOARD OF THE TOWN OF VETERAN:

Pursuant to Section 125 of the Town Law, I hereby render the following detailed statement of all moneys received and disbursed by me during the month of August, 2026:

DATED: October 6, 2026

SUPERVISOR

		Balance 07/31/2026	Increases	Decreases	Balance 08/31/2026
A GENERAL FUND - TOWNWIDE					
CASH - CHECKING		1,405.44	43,420.90	43,870.90	955.44
CASH - SAVINGS		902,141.30	60,741.01	43,420.90	919,461.41
NYCLASS - ARPA FUNDS		105,811.99	322.05	0.00	106,134.04
NYCLASS - ARPA INTEREST		31,566.05	96.05	0.00	31,662.10
PETTY CASH		200.00	0.00	0.00	200.00
	TOTAL	1,041,124.78	104,580.01	87,291.80	1,058,412.99
B GENERAL FUND - PART TOWN					
CASH - CHECKING		0.00	4,244.74	4,244.74	0.00
CASH - SAVINGS		112,086.75	670.61	4,244.74	108,512.62
	TOTAL	112,086.75	4,915.35	8,489.48	108,512.62
DA HIGHWAY FUND - TOWNWIDE					
CASH - CHECKING		366.57	43,660.34	43,660.34	366.57
CASH - SAVINGS		602,937.40	81,525.04	43,660.34	640,802.10
	TOTAL	603,303.97	125,185.38	87,320.68	641,168.67
DB HIGHWAY FUND - PART TOWN					
CASH - CHECKING		594.72	22,774.50	22,774.50	594.72
CASH - SAVINGS		278,967.67	773.07	22,774.50	256,966.24
	TOTAL	279,562.39	23,547.57	45,549.00	257,560.96
H CAPITAL PROJECTS FUND					
		0.00	0.00	0.00	0.00
	TOTAL	0.00	0.00	0.00	0.00
SF1- MILLPORT FIRE PROTECTION					
CASH - CHECKING		0.00	48,072.59	48,072.59	0.00
CASH - SAVINGS		48,072.59	0.00	48,072.59	0.00
	TOTAL	48,072.59	48,072.59	96,145.18	0.00
SF2- ODESSA FIRE PROTECTION DISTRICT					
		0.00	0.00	0.00	0.00
	TOTAL	0.00	0.00	0.00	0.00
SF3- HORSEHEADS FIRE PROTECTION					
		0.00	0.00	0.00	0.00

		Balance 07/31/2026	Increases	Decreases	Balance 08/31/2026
	TOTAL	0.00	0.00	0.00	0.00
TA TRUST & AGENCY					
CASH - CHECKING		1,153.18	44,311.76	45,054.59	410.35
	TOTAL	1,153.18	44,311.76	45,054.59	410.35
TOTAL ALL FUNDS		2,085,303.66	350,612.66	369,850.73	2,066,065.59

TOWN CLERK'S MONTHLY REPORT

TOWN OF VETERAN, NEW YORK

SEPTEMBER, 2026

TO THE SUPERVISOR:

Pursuant to Section 27, Subd 1 of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office during the month stated above, excepting only such fees and moneys the application and payment of which are otherwise provided for by Law:

A1255					
	11	DECALS		53.72	
	2	MARRIAGE LICENSES	NO. 92010 TO 26006	17.50	
	1	COPIES		1.00	
	1	CERTIFICATE OF MARRIAGE		10.00	
		TOTAL TOWN CLERK FEES			**82.22**
A2544					
	39	DOG LICENSES		408.00	
		TOTAL A2544			**408.00**
B2110					
	4	BUILDING PERMITS		360.00	
		TOTAL B2110			**360.00**

TOWN CLERK'S MONTHLY REPORT

SEPTEMBER, 2026

DISBURSEMENTS	
PAID TO SUPERVISOR FOR GENERAL FUND	490.22
PAID TO SUPERVISOR FOR PART TOWN FUND	360.00
PAID TO NYS DEC FOR DECALS	714.28
PAID TO NYS ANIMAL POPULATION CONTROL FUND	47.00
PAID TO NYS HEALTH DEPT FOR MARRIAGE LICENSES	22.50
TOTAL DISBURSEMENTS	**1,634.00**

OCTOBER 1, 2026 _____ , SUPERVISOR

David Lewis

STATE OF NEW YORK, COUNTY OF CHEMUNG, TOWN OF VETERAN

I, Jenny Reese , being duly sworn, says that I am the Clerk of the TOWN OF VETERAN that the foregoing is a full and true statement of all Fees and moneys received by me during the month above stated, excepting only such Fees the application and payment of which are otherwise provided for by law.

_____

Town Clerk

	Town of Veteran Highway Department
Week Ending:	sept 18
	this week we had 1 guy off vac,we worked on lights on the 1 truck,filled in some pot holes and mowed the sides of the roads.
	sept 24
	we had a tree come down on lower middle rd we clean it up,we had 2 trucks help the town of erin haul sand for 2 days,we also helped the town of hhs do some blacktoping for 1 day,and we been mowing the sides of the rds
	Oct 1
	this week we been hauling in sand for winter,we also been blacktoping in bad spots in the town,english hill and beardsely hollow rd,
	me and jason went to look at his new truck and they need to fix some light on it,this week we have been patching up some of the dirt rds,
Shared Services:	2 days helping erin,4 hours help hhs,hhs been helping us for 2 days blacktoping in bad spots in the rds
Injuries:	none
Hours:	Millport (Total for the Month):
	Millport (Fiscal YTD):

TOWN OF VETERAN
RESOLUTION NO. __ OF THE YEAR 2026

RESOLUTION APPROVING THE DECOMMISSIONING AGREEMENT BY AND BETWEEN WEDGE SOLAR, LLC AND THE TOWN OF VETERAN

The Town Board of the Town of Veteran, New York (the "**Town Board**"), duly convened in regular session on September 24, 2026 at the Town of Veteran Clerk's Office at 4049 Watkins Road, Millport, New York 14864 does hereby resolve through this resolution (this "**Resolution**") as follows:

WHEREAS, Wedge Solar, LLC (hereinafter, "**Wedge Solar**") has secured necessary permits to construct, operate and maintain solar energy facilities with an aggregate size of three megawatts of alternating-current nameplate capacity (the "**Project**") that will generate electric power on a portion of the real property commonly known as 80 Old Sullivanville Road in the Town of Veteran, Chemung County, New York, having tax map parcel number 40.00-2-14 (the "**Property**");

WHEREAS, pursuant to Local Law #2 of 2019, a Local Law to Regulate Solar Energy Systems, Wedge Solar is required to enter into a certain decommissioning agreement with the Town of Veteran pertaining to the policies, procedures, and costs associated with the decommissioning of the Project;

WHEREAS, the decommissioning agreement drafted on behalf of the Town Board was presented to the Town Board (the "**Decommissioning Agreement**"), and is subject to Town Board approval; and

WHEREAS, after careful consideration, the Town Board has determined that the following actions are in the best interest of the Town of Veteran.

NOW THEREFORE, BE IT RESOLVED that the Town Board hereby approves the revised Decommissioning Agreement (DCN-XXXX-TBD).

BE IT FURTHER RESOLVED that the Town Supervisor is empowered to execute the Decommissioning Agreement on behalf of the Town of Veteran.

BE IT FURTHER RESOLVED that the Town Board hereby authorizes the Town Supervisor and the Town Attorney to take such other steps as may be necessary to carry out this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

The adoption of the foregoing Resolution was moved by _____, seconded by _____, and duly put to vote, which resulted as follows:

David Lewis	Aye	/	Nay
Joseph Emanuel	Aye	/	Nay
Francis Henke	Aye	/	Nay
Mario DeMichele	Aye	/	Nay
Winston Wolf	Aye	/	Nay

This Resolution was thereupon declared duly adopted.

Dated: September 24, 2026

_____
Jenny Reese, Town Clerk

Relative to Town and Country Fire Protection District Contract

WHEREAS, the Veteran Town Board having on the 8th of October 2026 duly held a Public Hearing for the purpose of considering a new contract for the calendar year 2027 with the Town and Country Fire Department, Inc. which contract shall be for fire protection to "Town of Veteran Fire Protection District No. 3" and having heard all persons desiring to be heard in the matter and the matter of said contract for such fiscal years having been fully discussed and considered, and

WHEREAS, the proposed contract is for a term of 1 year at an increase in cost from 2026 of $1,800 to $93,800.

NOW, THEREFORE, BE IT RESOLVED, that Supervisor David Lewis be and hereby is authorized and directed, with the assistance of the Town Attorney to execute said contract, copies of which are on file in the office of the Town Clerk, on the terms and conditions contained therein, for the calendar year 2027, in the following amount:

2027 - $93,800.00

Resolution Regarding Public Meeting Streaming Project

WHEREAS Resolution 87 of 2026, *Relative to Authorizing the Town Supervisor to Execute Agreements for a Public Meeting Livestreaming and Archiving System,* was passed by the Town Board, and

WHEREAS, the suitability of the $14,856 system from Kingdom Integrations as a long-term solution for the Town of Veteran could be further explored to avoid future hardware modifications and additional purchases to meet the needs of the Town,

NOW THEREFORE BE IT RESOLVED, that the Town Supervisor is hereby authorized and directed to re-engage Kingdom Integrations regarding a potential project scope change for their professional recommendation,

AND BE IT FURTHER RESOLVED, the Town Board of the Town of Veteran hereby authorizes a change to the supply, installation, configuration, commissioning, and support of a public meeting audio and video capture system by Kingdom Integrations for an amount not to exceed $16,150, and authorizes the Town Supervisor to execute the necessary agreement with Kingdom Integrations to realize any benefits from their recommendation regarding the change in scope.

TOWN OF VETERAN
CHEMUNG COUNTY, NEW YORK
TOWN BOARD RESOLUTION
RESOLUTION NO. _____ OF 2026

A RESOLUTION REFERRING THE PROPOSED LOCAL LAW IMPOSING A MORATORIUM ON MINING OPERATIONS TO THE CHEMUNG COUNTY PLANNING DEPARTMENT FOR REVIEW AND RECOMMENDATION

WHEREAS, the Town Board of the Town of Veteran is considering the adoption of a local law entitled "Local Law Imposing a Moratorium on Mining Operations" (Proposed Local Law No. ___ of 2026); and

WHEREAS, pursuant to New York State General Municipal Law §239-m, the adoption or amendment of any zoning regulation or local law must be referred to the County Planning Department for review if it affects real property within 500 feet of certain geographic features or would change the regulations applicable to any zoning district; and

WHEREAS, the proposed Local Law Imposing a Moratorium on Mining Operations constitutes such an action requiring County Planning Department review; and

WHEREAS, the Town Board seeks to ensure compliance with all applicable laws and regulations in the adoption process of the Local Law Imposing a Moratorium on Mining Operations;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Veteran hereby directs the Town Supervisor to refer the proposed Local Law Imposing a Moratorium on Mining Operations to the Chemung County Planning Department for review and recommendation pursuant to New York State General Municipal Law §239-m; and

BE IT FURTHER RESOLVED that the Town Supervisor shall submit all necessary documentation, including but not limited to the full text of the proposed law and any other supporting materials, to the Chemung County Planning Department no later than _____, 2026; and

BE IT FURTHER RESOLVED that the Town Board acknowledges that it may not take final action on the proposed Local Law Imposing a Moratorium on Mining Operations until it has received the recommendation of the Chemung County Planning Department or until 30 days have elapsed from the date of referral.

THE ABOVE RESOLUTION was offered by _____ and seconded by _____.

ROLL CALL VOTE:

Supervisor Lewis _____

Councilman DeMichele _____

Councilman Emanuel _____

Councilwoman Henke _____

Councilman Wolf _____

Ayes: _____ Nays: _____ Abstentions: _____ Absent: _____

RESOLUTION ADOPTED / DEFEATED

I, Jenny Reese, Town Clerk of the Town of Veteran, do hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by the Town Board of the Town of Veteran at a meeting held on _____, 2026.

_____

Jenny Reese, Town Clerk

Town of Veteran

Date: _____

v1.5 CHANGES: All Gantt step references removed from body text and INSERT placeholders. §12.2 gating step column replaced with plain trigger descriptions. §12.2 and §12.5 flagged as working draft only -- delete prior to execution. Page numbers added. All other text preserved verbatim from v1.4.

MITSTIFER MINE
HAUL ROUTE MANAGEMENT PLAN

Town of Veteran / Austin's Excavating & Paving, Inc.
Exhibit F -- Master Road Use Agreement v1.9
RUA Committee -- Henke & Wolf | Draft v1.5 | April 3, 2026

Section 1. Purpose and Authority

This Haul Route Management Plan ("HRMP") is adopted as Exhibit F of the Road Use Agreement between the Town of Veteran and Austin's Excavating & Paving, Inc. ("Applicant"), dated _____, 2026 ("Agreement"), pursuant to Zoning Law §9.3.D. Compliance with this HRMP is a mandatory condition of the Agreement. Violation of this HRMP constitutes an Event of Default under RUA §III.

This HRMP governs operational protocols for all mine-related vehicle movements on Town-controlled roads. Legal obligations, financial security, and enforcement authority are governed by the Agreement. In the event of conflict between this HRMP and the Agreement, the Agreement controls.

This HRMP supersedes any haul route management plan submitted by Applicant pursuant to §9.3.D. Applicant's §9.3.D submission obligation is satisfied by Town Board acceptance of this HRMP by resolution.

Section 2. Approved Haul Route

2.1 Approved Route

The sole approved haul route for all mine-related vehicle movements is:

Benjamin Road (Town road) -- from East Sullivan Road to Town Line boundary

No deviation from the approved haul route shall occur without prior written Town Board approval and formal amendment to this HRMP and the Agreement.

2.2 Prohibition on Expansion to Remainder of Benjamin Road

The remainder of Benjamin Road beyond the approved segment is not approved for mine-related vehicle traffic. Applicant is solely responsible for compliance by all Authorized Haulers, including employees, agents, contractors, independent owner-operators, and third-party haulers. Applicant shall not avoid liability for route violations through use of independent contractors.

Prior to first haul, every Authorized Hauler shall receive a copy of this HRMP and execute a written acknowledgment of receipt. Applicant shall maintain a driver acknowledgment log available to the Town Code Enforcement Officer on demand.

Each unauthorized vehicle trip on any unapproved Benjamin Road segment is grounds for immediate suspension of hauling operations. Each violation is subject to Compliance Deposit draw per Section 9. No cure period applies.

NEW -- v1.1 | Cross-reference added to reflect RUA v1.7

See also: RUA §1.C (Applicant Responsibility for All Authorized Haulers) and RUA §II-B (Applicant Certification of Complete Route). Applicant's responsibility for Authorized Haulers under this HRMP is consistent with and governed by RUA §1.C.

2.3 Bulkley Creek Bridge

The approved haul route crosses Bulkley Creek Bridge (county-owned). No mine trucks shall cross the bridge until Chemung County certifies bridge replacement completion and load adequacy for projected mine truck configurations per RUA §V.A.

2.4 Route Map

The approved haul route is depicted in Exhibit A of the Agreement.

[INSERT -- attach route map prior to Board acceptance]

NEW -- v1.1 | Cross-reference added to reflect RUA v1.7

See also: RUA §II-A (Precise Haul Route Map -- Required Before Execution) and Exhibit G (Applicant Certification of Complete Haul Route). The route map attached to Exhibit A must include the precise haul route map submitted by Applicant under RUA §II-A, accepted by Town Board resolution prior to RUA execution, identifying every road segment by name, ownership, and direction of travel.

2.5 Required Signage

Applicant shall fund all mine-related road signage. Signage shall be installed and maintained by the Town Highway Department, charged to Applicant at RUA §2.C and §2.D rates. Applicant shall deposit estimated signage costs with the Town Clerk prior to commencement, subject to true-up.

Signage shall include at minimum:

- Route markers at every turn point on the approved haul route;
- Mine truck warning signs at the Benjamin Road / East Sullivan Road intersection and Town Line boundary;
- Speed limit signs at locations approved by Town-retained professional engineer;
- School bus stop warning signs at all bus stop locations on Benjamin Road;
- Weight limit and bridge warning signs at the Bulkley Creek Bridge approach;
- No mine truck access signs at all Benjamin Road segments not included in the approved route.

Sign placement shall be approved by Town-retained professional engineer prior to installation. Damaged or missing signs shall be replaced by the Town Highway Department within 48 hours of written notice from the Code Enforcement Officer, charged to Applicant at RUA §2.C and §2.D rates.

2.6 Non-Waiver of Billing Obligations

Applicant's obligation to reimburse the Town for all costs under this HRMP is self-executing and arises upon the Town incurring the cost, not upon presentation of an invoice. Town's failure to timely invoice does not waive, reduce, or extinguish Applicant's payment obligation. Unbilled costs accrue and remain fully collectible. This provision applies to all cost-recovery obligations throughout this HRMP.

Section 3. Operating Hours

3.1 Standard Operating Hours

All mine-related vehicle movements are permitted only during the following hours:

Monday through Friday	7:00 AM -- 5:00 PM
Scale House	7:00 AM -- 4:00 PM
Saturday	No operations
Sunday	No operations

Each unauthorized vehicle movement outside approved hours is subject to Compliance Deposit draw per Section 9. No cure period applies.

3.2 Holiday Schedule

No mine-related vehicle movements shall occur on the following holidays:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving
- Christmas Day

Each unauthorized movement on a designated holiday is subject to Compliance Deposit draw per Section 9. No cure period applies.

3.3 Emergency Operations Exception

Standard operating hours and holiday restrictions may be waived upon declaration of a State of Emergency by a governmental official with authority to declare the same, and only when materials from the Mitstifer Mine are specifically required. Normal operating hours resume upon satisfaction of emergency demand.

3.4 Applicant Responsibility

Applicant is solely responsible for ensuring all Authorized Haulers comply with operating hours and holiday restrictions. Hours restrictions shall be included in the driver acknowledgment log required under Section 2.2.

Section 4. Traffic Volume Limits

4.1 Operative Volume Figures

Based on Applicant's representation to NYSDEC of 2 loaded trucks per hour, and applying Planning Board Resolution operating hours (10 hours/day, 254 operating days/year), the operative annual volume figures are:

Metric	Calculation	Result
Loaded trucks/day	2/hr x 10 hrs	20 trucks
Total passes/day	20 x 2	40 passes
Annual loaded trucks	20 x 254 days	5,080
Annual total passes	40 x 254 days	10,160

4.2 Board-Established Volume Caps

[INSERT -- Town Board determination required. Board shall establish binding caps for: annual loaded trucks; annual total road passes; monthly maximum; daily maximum; hourly maximum. Board-established caps control for all enforcement purposes.]

4.3 Volume Variance

Any variance exceeding +/-10% of the Board-established annual cap requires prior written Town Board approval and formal amendment to this HRMP. Applicant shall notify Town Clerk in writing when cumulative annual volume reaches 90% of cap within 5 business days.

4.4 Monthly Reporting

Monthly haul log requirements are governed by Section 8.4.

4.5 Traffic Counter

Applicant shall install and maintain an automated traffic counter on Benjamin Road at a location approved by Town-retained professional engineer prior to commencement. Counter data shall be accessible to Town Code Enforcement Officer on demand. All costs borne by Applicant.

4.6 Volume Cap Violations

Each trip exceeding any Board-established cap is subject to Compliance Deposit draw per Section 9. No cure period applies.

Section 5. Truck Specifications and Dispatch Protocols

5.1 Truck Specifications

All mine-related vehicles shall conform to specifications disclosed in Exhibit C of the Agreement:

- Gross Vehicle Weight Rating (GVWR): [INSERT -- Applicant Exhibit C]
- Axle configuration: [INSERT -- Applicant Exhibit C]
- Empty / loaded weight: [INSERT -- Applicant Exhibit C]
- Maximum width / height / length: [INSERT -- Applicant Exhibit C]

No vehicle exceeding approved specifications shall operate on the approved haul route. Substitution of vehicle type or configuration requires prior written Town Board approval.

5.2 Vehicle Condition Requirements

All mine-related vehicles shall:

- Be maintained in safe operating condition;
- Comply with all NYS Vehicle and Traffic Law requirements;
- Display Applicant identification markings visible from roadside;
- Carry a copy of this HRMP at all times while on the approved haul route;
- Not park or stage on Benjamin Road except in genuine emergency per RUA §1.A.

5.3 Load Securement

All loads shall be covered and secured prior to entering the approved haul route. Applicant is responsible for immediate cleanup of any spillage on Benjamin Road within 4 hours of discovery or Town notice, at RUA §2.C and §2.D rates.

5.4 Dispatch Protocols

[INSERT -- Dispatch protocols to be finalized upon receipt of Applicant truck specifications and Board volume cap determination. Protocol shall address: staging location; trip sequencing; driver-dispatch communication; and breakdown procedure.]

Pending finalization:

- All drivers shall check in with Applicant dispatch before entering the approved haul route;
- No more than [INSERT -- Board-established hourly cap] loaded trucks dispatched per hour;
- Minimum following distance between mine vehicles: [INSERT -- engineer determination];
- Applicant dispatch shall monitor traffic counter daily and halt dispatching upon reaching daily cap.

5.5 Breakdown Protocol

In the event of vehicle breakdown on Benjamin Road:

- Driver shall immediately notify Applicant dispatch and place emergency warning devices;
- Applicant dispatch shall notify Town Highway Superintendent within 30 minutes;
- Disabled vehicle shall be removed within 2 hours;
- If removal exceeds 2 hours, Applicant shall provide traffic control at Applicant cost per RUA §2.C and §2.D.

Section 6. School Bus and Public Safety Protocols

6.1 Governing Standard

Benjamin Road is a 20-foot wide gravel road confirmed inadequate for projected mine truck traffic without accelerated deterioration (LaBella Associates, Exhibit B). The road serves active school bus routes. All protocols in this section reflect the heightened duty of care these conditions require. Engineer's determination may require additional restrictions.

6.2 School Bus Coordination

Prior to commencement and annually thereafter, Applicant shall coordinate with the local school district to identify bus routes, morning and afternoon pickup and drop-off windows, and bus stop locations on Benjamin Road. Bus stop locations will change over the mine's operating life.

- Annual coordination is mandatory throughout the full term of mining operations;
- Applicant shall submit coordination results to Town Clerk by August 15 each year;
- Upon notification of any mid-year route or stop change, Applicant shall update dispatch blackout periods within 5 business days and submit updated schedule to Town Clerk;
- Updated driver acknowledgments required within 10 business days of any change;
- Failure to update following notification is a violation subject to Compliance Deposit draw per Section 9.

[INSERT -- Initial morning and afternoon blackout windows to be established upon school district coordination prior to commencement.]

6.3 Dispatch Blackout Periods

Mine truck dispatching shall be suspended during active school bus operations on Benjamin Road.

[INSERT -- Morning blackout window: to be established upon school district coordination. Afternoon blackout window: to be established upon school district coordination. Updated annually.]

Each dispatch during a blackout period is subject to Compliance Deposit draw per Section 9. No cure period applies.

6.4 School Bus Priority

School buses have absolute priority on Benjamin Road. In the event of an unplanned encounter:

- Mine truck driver shall yield completely and pull to the furthest available road edge;
- Mine truck shall not proceed until school bus has fully cleared;
- Mine truck driver shall not pass a stopped school bus under any circumstances;
- All school bus encounters shall be reported to Applicant dispatch immediately.

6.5 Driver Safety -- Road Conditions

Applicant shall communicate the following road conditions to all Authorized Haulers in writing prior to first haul:

- Confirmed structural inadequacy: LaBella Associates (Exhibit B) confirmed the road is not adequate for projected mine truck loading. Required improvements pending Design Engineering Analysis. Road surface shall be treated as structurally compromised until engineer-required improvements are completed;
- Narrow carriageway: 20-foot total width. Drivers shall reduce speed and yield at blind curves, crests, and intersections;
- Soft shoulders: 2-3 feet with unknown bearing capacity. No driving or parking on shoulders -- risk of rollover;
- Subbase condition unassessed under projected cumulative loading. Report unusual road movement, rutting, or instability to dispatch immediately;
- Freeze-thaw vulnerability: seasonal restrictions per Section 7 apply;
- Bridge: no mine trucks shall cross Bulkley Creek Bridge until County certification per Section 2.3.

6.6 Driver Training

Prior to first haul, Applicant shall provide documented training to all Authorized Haulers covering: approved haul route; operating hours; school bus priority and blackout periods; road hazard conditions; breakdown protocol; load securement; and incident reporting. Training records shall be maintained and made available to Code Enforcement Officer on demand.

6.7 Pedestrian and Resident Safety

Driver training shall include: reduced speed in residential sections; yield protocol for driveway access; no horn use except emergency warning; compliance with all posted speed limits.

6.8 Emergency Vehicle Access

Mine truck operations shall not impede emergency vehicle access. Upon approach of any emergency vehicle, mine truck driver shall immediately pull to the furthest available road edge and stop until the emergency vehicle has fully cleared.

Section 7. Seasonal Restrictions

7.1 Governing Standard

Seasonal restrictions are a mandatory operating condition of this HRMP. The Design Engineering Analysis will determine whether road improvements modify or eliminate specific restrictions. Until

engineer's determination is received and required improvements are completed and certified, the full restrictions of this section apply.

7.2 Mandatory Spring Suspension

Hauling shall be suspended annually from March 15 through May 31, subject to earlier release or extension upon written determination by Town-retained professional engineer. Town shall provide written notice to Applicant by March 1 each year. Applicant shall cease hauling within 24 hours of notice. Each trip during suspension is subject to Compliance Deposit draw per Section 9. No cure period applies.

[INSERT -- Design Engineering Analysis shall address whether suspension period is modified or eliminated based on recommended design scenario. Revised dates incorporated as Amendment No. 1.]

7.3 Declared Soft-Road Suspension

Town-retained professional engineer may declare a soft-road suspension at any time upon written determination that road conditions are inadequate due to rainfall, frost heave, saturated subgrade, or any other condition creating unacceptable risk. Applicant shall cease hauling within 24 hours. Each trip during suspension is subject to Compliance Deposit draw per Section 9. No cure period applies.

7.4 Hazardous Weather Suspension

Hauling shall be suspended immediately during: active ice storms or freezing rain; unsafe snowfall; flood conditions on Benjamin Road; or any weather event for which a travel advisory has been issued for Chemung County. Applicant dispatch is responsible for proactive monitoring and self-suspension.

7.5 No Volume Credit

Suspension periods create no entitlement to make up suspended volume. Annual caps apply to actual operating days. Applicant may not exceed hourly or daily caps to compensate for suspension days.

7.6 Effect of Road Improvement

[INSERT -- Design Engineering Analysis shall determine whether road improvements modify or eliminate any restriction in this section. Revisions incorporated as Amendment No. 1. Full restrictions remain in effect until Amendment No. 1 is adopted by Board resolution.]

Section 8. Incident Reporting

8.1 Governing Standard

Applicant shall maintain complete and accurate records of all incidents arising from mine-related vehicle operations. Reporting obligations are mandatory throughout the full term of mining operations. Failure to report does not limit Town's authority to investigate or draw upon financial security.

8.2 Immediate Reporting -- Within 2 Hours

Applicant shall notify Town Highway Superintendent and Code Enforcement Officer within 2 hours of:

- Vehicle accident or collision on Benjamin Road;
- Personal injury arising from mine truck operations;
- Fuel, hydraulic, or hazardous material spill;
- Structural damage to Bulkley Creek Bridge or road infrastructure;
- Any road condition posing immediate safety risk;
- Damage to residential property adjacent to Benjamin Road;
- Any encounter or near-miss with a school bus, pedestrian, cyclist, or emergency vehicle;

- Vehicle breakdown requiring road closure or traffic control.

Telephone notification shall be followed by written confirmation to Town Clerk within 24 hours.

8.3 24-Hour Reporting

Written notice to Town Clerk within 24 hours of: road deterioration exceeding RUA §VIII.C thresholds; signage damage; any unauthorized trip on unapproved road segment; dispatch outside approved hours; any trip exceeding volume caps.

8.4 Monthly Haul Logs

Monthly haul logs shall be submitted to Town Clerk by the 15th of the following month per RUA §XIII.A. Each monthly submission shall include:

- Daily truck counts (loaded and empty separately);
- Date and time of each movement;
- Driver identification;
- Cumulative annual total;
- Percentage of cap consumed;
- Incident summary;
- Suspension days.

Failure to submit is subject to Compliance Deposit draw per Section 9. No cure period applies.

8.5 Annual Summary Report

Annual summary report to Town Board by December 31 per RUA §XIII.C, including: annual truck counts versus cap; incident and repair summary; suspension periods; school bus coordination results; and Compliance Deposit and bond status.

8.6 Cost Recovery

All investigation, repair, cleanup, and third-party damage costs arising from incidents are borne by Applicant at RUA §2.C and §2.D rates. Town may draw upon Compliance Deposit and Road Protection Bond without further notice. Town's failure to timely invoice does not waive cost recovery rights per Section 2.6.

8.7 Record Retention

All haul logs, incident reports, driver acknowledgments, and training records shall be retained for the full term of mining operations plus 5 years. Records available to Code Enforcement Officer within 3 business days of written request.

Section 9. Compliance Deposit

9.1 Purpose

The Compliance Deposit ensures immediate financial consequence for operational violations of this HRMP. It is separate from and in addition to the Road Protection Bond (RUA §VII).

9.2 Deposit Requirement

Prior to commencement, Applicant shall deposit $10,000 in cash with the Town Clerk, held in an interest-bearing account throughout mining operations and for 12 months following cessation. Interest accrues to Applicant and is applied to replenishment before additional cash is required.

9.3 Draw Mechanism

Town Code Enforcement Officer may draw $500 per documented violation without prior notice, cure period, or Town Board action. Written draw notice shall be transmitted to Town Clerk and Applicant simultaneously. Applicant may dispute a draw by written notice to Town Board within 10 business days. Disputed draws are reviewed at the next regular Board meeting; draw stands pending resolution.

9.4 Violations Subject to Immediate Draw

Each of the following is a separate violation. No cure period applies:

- Each unauthorized trip on any unapproved Benjamin Road segment (Section 2.2);
- Each trip outside approved operating hours (Section 3.1);
- Each trip on a designated holiday (Section 3.2);
- Each trip exceeding Board-established hourly or daily cap (Section 4.2);
- Each trip dispatched during a school bus blackout period (Section 6.3);
- Each trip during a declared seasonal suspension (Section 7);
- Each sign not replaced within 48 hours of notice (Section 2.5);
- Each month of missing haul log (Section 8.4);
- Each failure to update dispatch protocols within 5 business days of school bus route change (Section 6.2);
- Failure to maintain Compliance Deposit minimum balance (Section 9.5).

9.5 Minimum Balance and Replenishment

Minimum balance: $10,000 at all times. If draws reduce balance below $10,000, Applicant shall replenish within 30 days of Town Clerk notice. If balance falls below $5,000, replenishment required within 15 days. Failure to replenish constitutes an Event of Default under RUA §3.

9.6 Non-Waiver of Other Remedies

Compliance Deposit draws do not limit any other Town remedy under this HRMP or the Agreement.

9.7 Deposit Return

Upon satisfaction of all post-mine obligations, Applicant may apply to Town Board for return of remaining balance including accrued interest. Town Board shall act within 60 days and may withhold return pending resolution of any outstanding obligation.

9.8 Non-Waiver of Draw Rights

Town's failure to draw for any violation does not waive the right to draw for that or any subsequent violation. Undrawn violations accrue without limitation of time.

Section 10. Enforcement and Default

10.1 Enforcement Authority

- Code Enforcement Officer: Documents violations, issues notices, draws Compliance Deposit per Section 9.3, and refers violations to Town Attorney;
- Town Highway Superintendent: Inspects Benjamin Road at any time and orders immediate hauling suspension upon any unsafe road condition;
- Town Board: Suspends or terminates hauling operations, modifies HRMP terms per RUA §XVII, and exercises all remedies under RUA §4.

All engineering determinations are made by Town-retained professional engineer under Local Law No. 1 of 2010.

10.2 Immediate Suspension Triggers

Code Enforcement Officer or Town Highway Superintendent may order immediate suspension without prior notice upon:

- Unauthorized use of any unapproved Benjamin Road segment;
- Hauling during any declared seasonal suspension;
- Hauling during any school bus blackout period;
- Any road condition posing immediate safety risk;
- Failure to maintain Compliance Deposit minimum balance after replenishment period;
- Use of Bulkley Creek Bridge prior to County certification;
- Any condition posing imminent risk of harm to any person or to Benjamin Road.

NEW -- v1.1 | Suspension trigger added to reflect RUA v1.7 §II-A and §II-B

- Use of any road segment not identified on the Applicant's accepted haul route map (RUA §II-A) by any Authorized Hauler.

Hauling shall cease within 1 hour of oral suspension order. Hauling shall not resume until Town Board issues written reinstatement authorization.

10.3 Event of Default

Violation of any provision of this HRMP constitutes a violation of the Agreement. Material violations constitute an Event of Default under RUA §3, entitling Town to exercise all remedies under RUA §4 including termination of hauling rights.

10.4 Non-Waiver

Town's failure to enforce any provision on any occasion does not waive the right to enforce it subsequently. No delay or pattern of non-enforcement constitutes waiver of any Town right.

Section 11. Post-Mine Obligations

11.1 Governing Standard

Applicant's obligations under this HRMP continue until Town-retained professional engineer certifies full restoration to the Restoration Baseline (Section 11.2) and Town Board issues written confirmation of satisfaction.

11.2 Restoration Baseline

The Restoration Baseline is the engineer-certified pre-commencement road condition -- following completion of any improvements required by the Design Engineering Analysis. If no improvements are required, the baseline is the LaBella Study condition (Exhibit B) supplemented by pre-mining documentation (Exhibit E). Restoration baseline documentation is a prerequisite to commencement per RUA §V.

11.3 Cessation Notice

Applicant shall provide Town Board written notice of intended cessation not less than 90 days prior to last haul, including: anticipated last haul date; current road condition assessment; proposed restoration schedule; and current bond and deposit status.

11.4 Post-Mine Road Restoration

Within 12 months of last haul, Applicant shall restore Benjamin Road to Restoration Baseline per RUA §IX.C, including: repair of all surface deterioration; restoration to Restoration Baseline surface standard (including asphalt if required); shoulder and drainage restoration; removal of all mine-related signage; and restoration of signage areas. All work performed by Town Highway Department at Applicant cost at RUA §2.C and §2.D rates, or by Applicant using Town-engineer-approved contractor.

11.5 Engineer Certification

Engineer shall inspect upon Applicant's written notice of completion and issue certification or written notice of deficiencies. Deficiencies shall be corrected within 60 days and re-inspected. Certification filed with Town Clerk. Town Board confirmation of satisfaction issued within 30 days of certification.

11.6 Financial Security

Road Protection Bond and Compliance Deposit remain in full force for 24 months following last haul. Deposit not returned until certification is complete and all cost recovery claims are resolved per Section 9.7.

11.7 Post-Mine Reporting

Applicant shall submit quarterly status reports to Town Clerk during the post-mine period until engineer certification is issued, covering: restoration progress, costs, projected completion date, and bond and deposit status.

11.8 Survival of Obligations

All post-mine obligations survive termination or expiration of the Agreement and remain binding on Applicant and successors until fully discharged.

Section 12. HRMP Administration and Amendment

12.1 HRMP Administrator

The Town Code Enforcement Officer administers this HRMP, including: receiving and filing all Applicant submissions; issuing violation notices and Compliance Deposit draw instructions; maintaining the compliance record; coordinating with Town Highway Superintendent and Town-retained engineer; and reporting compliance status to Town Board at each regular meeting.

12.2 Pass 1 / Pass 2 Structure

WORKING DRAFT ONLY -- DELETE PRIOR TO EXECUTION

This HRMP was adopted in two passes. Pass 1 sections are finalized at adoption. Pass 2 sections require professional services input and are finalized by Amendment No. 1:

Section	Insert Required	Trigger
4.2	Board-established volume caps	Town Board volume cap determination
5.1	Truck specifications	Applicant Exhibit C submission
5.4	Dispatch protocols	Applicant Exhibit C and Board volume cap determination
6.3	School bus blackout windows	School district coordination prior to commencement
7.2	Spring suspension dates	Design Engineering Analysis completion
7.6	Effect of road improvement	Design Engineering Analysis completion

11.2	Restoration baseline	Design Engineering Analysis completion

12.3 Amendment Process

This HRMP may be amended by Town Board resolution at any time per RUA §XVII. Applicant consent is not required. All amendments filed with Town Clerk and transmitted to Applicant within 5 business days of adoption.

12.4 Annual HRMP Review

Town Board shall conduct an annual HRMP review at the second or third regular meeting of each calendar year, assessing: compliance record; adequacy of volume caps and financial security; road condition relative to Restoration Baseline; and whether amendment is warranted. Applicant shall attend and provide information as requested.

12.5 Document Control

WORKING DRAFT ONLY -- DELETE PRIOR TO EXECUTION

Version	Date	Resolution	Description
v0.1	March 2026	--	RUA Committee master draft -- with footnotes and board notes
v1.0	March 2026	--	RUA Committee clean operational draft -- Exhibit F to RUA v1.4
v1.1	April 3, 2026	--	Updated to reflect RUA Draft v1.7 -- cross-references added for RUA §1.C, §II-A, §I
v1.2	April 3, 2026	--	Updated to reflect RUA Draft v1.8 -- header and document control updated.
v1.3	April 3, 2026	--	§4.4 consolidated into §8.4; §12.5 deleted (supersession retained in §1).
v1.4	April 3, 2026	--	"Benjamin Hill Road" corrected to "Benjamin Road" throughout. Inline $500/no-cure
v1.5	April 3, 2026	--	All Gantt step references removed. §12.2 trigger column updated. §12.2 and §12.5
v1.6 (Pass 1)	[INSERT]	[INSERT]	Adopted with Agreement -- Board resolution
v2.0 (Pass 2)	[INSERT]	[INSERT]	Amendment No. 1 -- Pass 2 finalization

NOTE: This version prepared for board presentation. All attorney/committee notes, footnotes, and attributions removed. No substantive text has been changed. All text is verbatim from Master RUA Draft v1.9.

ROAD USE AGREEMENT

Town of Veteran / Mitstifer Mine

Austin's Excavating & Paving, Inc.

THIS ROAD USE AGREEMENT (this "Agreement") made as of the _____ day of _____, 2026 (the "Effective Date") by and between the TOWN OF VETERAN, a municipal corporation in the State of New York, with administrative offices located at 4049 Watkins Road, Millport, New York 14864 (the "Town") and AUSTIN'S EXCAVATING & PAVING, INC., a New York corporation, having an address at 121 Talmadge Hill West Road, Waverly, New York 14892-9707 (the "Applicant").

RECITALS

WHEREAS, Applicant is the recipient of a conditional use permit (the "Permit") with the Town for the operation of a mine at Tax Map Parcel # 31.00-1-5.111 (the "Mine"), subject to the execution of this Agreement pursuant to Section 9.3 of the Town's Zoning Law;

WHEREAS, Applicant and Town acknowledge that operation of the Mine requires heavy vehicular traffic along the Town's portion of Benjamin Road from East Sullivan Road to the boundary of the Town (the "Road"), as further described in Exhibit A;

WHEREAS, Applicant and Town engaged Labella Associates, DPC to conduct a Roadway Condition Report dated July 2024, revised April 2025 (the "Study"), attached as Exhibit B; and

WHEREAS, the Study identified that Mine operations may exceed the normal and anticipated use of the Road, potentially causing distress which may increase overall maintenance, oversight, repair, and replacement costs.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the Parties hereby agree as follows:

I. AUTHORITY AND PURPOSE

This Agreement is entered pursuant to: Town of Veteran Zoning Law §9.3(D); Town Law §130(7); Highway Law §140(2); Municipal Home Rule Law §10(1)(ii)(a)(6); Local Law No. 1 of 2010 (Professional Services Reimbursement); and the Planning Board Resolution dated December 1, 2025 approving the Conditional Use Permit for the Mitstifer Mine.

Purpose:

- Implement Zoning Law §9.3.A.1 -- mining/reclamation plan reviewed and found acceptable by Town Board prior to commencement;
- Establish enforceable haul route management requirements per §9.3.D;
- Protect the structural integrity and safety of Town highways, and the safety of all persons using those highways -- including residents, pedestrians, school bus passengers, emergency responders, and truck drivers -- per §9.3.A, §9.3.C, §9.3.E, §9.3.F;

- Provide financial security for roadway protection and post-mine restoration;
- Establish objective deterioration thresholds, inspection protocols, and repair requirements;
- Incorporate mandatory Haul Route Management Plan (HRMP) compliance.

Prerequisites to commencement of hauling operations are governed by §V.

1. Benjamin Road Status

A. Use. Applicant and its employees, agents, representatives, and contractors (collectively, "Applicant's Representatives") have the Town's consent to traverse the Road for Mine operations as of the Effective Date through the Termination Date. Applicant and Applicant's Representatives shall not park or stage any vehicles on or alongside the Road except in the event of an emergency or unplanned maintenance condition in which continued travel would pose a risk to safety, health, or welfare of Town residents.

B. Road Condition. Applicant acknowledges that Town makes no representations or warranties as to the physical or environmental condition of the Road, and Applicant agrees to use the Road "as is" and "with all faults" as they may exist as of the Effective Date.

C. Applicant Responsibility for All Authorized Haulers. Applicant is solely and fully responsible for compliance with this Agreement by all persons and entities operating mine-related vehicles under this Agreement, including Applicant's employees, agents, representatives, contractors, independent owner-operators, and third-party haulers (collectively "Authorized Haulers"). Applicant shall not avoid or reduce its obligations under this Agreement by use of independent contractors or third-party hauling arrangements. Any act or omission by an Authorized Hauler that would constitute a violation of this Agreement if committed by Applicant shall constitute a violation of this Agreement by Applicant.

II. APPROVED HAUL ROUTE

Applicant shall use only the following locally controlled roadway: Benjamin Road (Town road), from East Sullivan Road to Town Line boundary. Ingress and egress shall be limited strictly to the route identified in the HRMP (Exhibit F). No deviation shall occur without prior written Town Board approval.

II-A. Precise Haul Route Map -- Required Before Execution. Prior to execution of this Agreement, Applicant shall submit to the Town a precise haul route map identifying every road segment to be used by mine-related vehicles, by road name, road ownership (Town, County, State, or private), and direction of travel, from the mine site to the nearest state highway. This map shall be attached to this Agreement as a supplement to Exhibit A and shall be accepted by the Town Board by written resolution prior to execution. No road segment not identified on the accepted haul route map shall be used by any Authorized Hauler for any purpose related to mine operations.

II-B. Applicant Certification of Complete Route. Concurrent with submission of the haul route map required under §II-A, Applicant shall deliver to Town a written certification, executed by an authorized officer of Applicant, that: (i) the submitted haul route map identifies every road segment that will be used by mine-related vehicles; (ii) no road segment has been used or will be used that is not identified on the map; and (iii) the haul route as described in the map is consistent with all representations made to the New York State Department of Environmental Conservation in connection with DEC Project Number 8-0799-00027/00001. Use of any road segment not identified on the accepted haul route map by any Authorized Hauler constitutes an Event of Default under this Agreement. See §3 Additional Events of Default.

Prohibition on Expansion to Remainder of Benjamin Road

The approved haul route is expressly limited to the Benjamin Road segment identified above. The remainder of Benjamin Road beyond the approved segment is NOT included in this Agreement and is NOT approved for mine-related truck traffic.

- Applicant shall NOT operate mine-related vehicles on any portion of Benjamin Road beyond the approved haul route segment without separate, duly-noticed Town Board review and written amendment to this Agreement;
- Any mine expansion necessitating additional Benjamin Road segments requires new engineering assessment, amended HRMP, new financial security determination, and Town Board approval;
- Unauthorized use of unapproved Benjamin Road segments constitutes an Event of Default and grounds for immediate suspension of hauling operations;
- This prohibition applies regardless of whether the additional segment is a Town road, County road, or private road.

Bulkley Creek Bridge

The haul route crosses Bulkley Creek Bridge (county-owned). The existing bridge is not load-rated for projected heavy truck traffic. County bridge replacement and load certification are prerequisites to commencement of hauling per §V.A. See also §VI-A.C (engineer bridge assessment).

III. MANDATORY HAUL ROUTE MANAGEMENT PLAN

The document titled "Mitstifer Mine Haul Route Management Plan," dated _____, is attached as Exhibit F and incorporated by reference as a mandatory requirement per Zoning Law §9.3.D.

- Compliance with the HRMP is a mandatory condition of this Agreement;
- Violation of the HRMP constitutes an Event of Default under this Agreement;
- Town Board retains authority under Zoning Law §9.3 to review and amend the HRMP to protect public safety and infrastructure;
- Town Code Enforcement Officer, in consultation with Town Attorney, shall enforce this Agreement and HRMP.

2. Damage to Road; Materials; Services; Inspections

A. Damage. Any and all damage to the Road as of the Effective Date shall be presumed to be solely and directly caused by Applicant or Applicant's Representatives. All such damage shall be repaired by Town, and all costs shall be reimbursed by Applicant pursuant to this paragraph 2. Town shall repair and restore the Road to the condition that existed at the time of the Study (Exhibit B). Applicant shall not be liable for damage resulting from the negligence of Town.

B. Materials. Materials to repair or maintain the Road shall be provided by Applicant at Applicant's sole cost and expense, of equivalent quality as identified in the Study and approved by the Town Highway Superintendent. In the event Town procures such materials, all sums due shall be paid to Town within thirty (30) days after presentation of an invoice.

C. Equipment. In the event Town provides equipment directly attributable to this Agreement, all sums due shall be paid within thirty (30) days after presentation of an invoice. Costs shall be charged pursuant to the current FEMA Schedule of Equipment Rates.

D. Employee Services. Services provided by Town's employees shall be reimbursed by Applicant within thirty (30) days after presentation of an invoice, charged at 150% of the highest prevailing wage rate. The

current agreed rate through January 1, 2027 is $40.50 per hour per Town employee.

Non-Waiver of Billing Obligations

Applicant's obligation to reimburse the Town for all costs under §2.B, §2.C, and §2.D is self-executing and arises upon the Town incurring the cost, not upon presentation of an invoice. Town's failure to timely invoice Applicant does not waive, reduce, or extinguish Applicant's payment obligation. Unbilled costs accrue and remain fully collectible. Town may invoice retroactively for any unbilled costs without prejudice to its right of recovery. This non-waiver provision applies to all cost-recovery obligations under this Agreement.

E. Inspections. Town reserves the right to inspect the Road to determine whether it is in good condition and whether Applicant is complying with its obligations; to interrupt or temporarily suspend Applicant's use of the Road to service, repair, and maintain the Road; and at any time without notice in the event of an Emergency Situation. "Emergency Situation" shall mean a state of emergency declared by a local, county, state, or federal jurisdiction.

IV. BASELINE ROAD CONDITION

Baseline roadway condition is documented in the Study (LaBella Associates Pavement Evaluation, Rev. 1, April 2025), attached as Exhibit B. Parties acknowledge that the Study documents existing condition but does not constitute certification of structural adequacy for projected heavy truck traffic.

Prior to commencement of hauling, Applicant shall fund supplemental baseline documentation including: high-resolution photographs of full haul route; quantified measurements of existing distress; and video recording of road condition. This documentation (Exhibit E) shall govern damage attribution during mining operations.

V. PREREQUISITE CONDITIONS TO COMMENCEMENT

Applicant shall not commence hauling until ALL of the following are satisfied:

A. County Bridge Replacement Complete

- Bulkley Creek Bridge replacement by County completed;
- Professional load-rating assessment confirms bridge accommodates projected mine truck loads;
- Town Board receives written County Highway Department certification.

B. Engineer Determination of Roadway Adequacy

- Town-retained engineer completes roadway adequacy assessment;
- Engineer determines roadway can safely accommodate projected ESAL loading OR Applicant completes required improvements;
- Engineer's written determination delivered to Town Board.

C. Financial Security Posted

- Applicant posts Road Protection Bond or Irrevocable Letter of Credit in amount determined by engineer;
- Proof of bond delivery to Town Clerk.

D. HRMP Accepted by Town Board

- Town Board formally accepts Haul Route Management Plan (Exhibit F) by written resolution.

E. Mining Plan §9.3.A.1 Review Complete

- Town Board completes review of mining and reclamation plan per Zoning Law §9.3.A.1;
- Town Board issues written findings: ACCEPTABLE or NOT ACCEPTABLE;
- If NOT ACCEPTABLE: mining does not proceed.

F. Precise Haul Route Map Accepted

- Town Board has accepted the precise haul route map submitted by Applicant pursuant to §II-A by written resolution, and Applicant has delivered the certification required by §II-B.

VI. ENGINEERED DETERMINATION OF ROADWAY ADEQUACY

Prior to commencement of hauling, Town shall retain a licensed New York professional engineer to evaluate structural adequacy of the approved haul route.

Engineer shall determine:

- Whether existing roadway width (20 feet total, 10 feet per direction) and shoulder configuration (2-3 feet gravel) safely accommodate projected heavy truck traffic;
- Whether pavement, base, and subbase are structurally sufficient to withstand projected cumulative loading;
- Whether drainage systems are adequate to prevent accelerated deterioration;
- Whether projected cumulative traffic would cause premature structural failure;
- Whether widening, reinforcement, stabilization, drainage improvement, or other modification is required;
- Whether 20-foot road width safely accommodates simultaneous school bus and heavy truck traffic.

Truck Parameters for Assessment (Applicant to provide -- Exhibit C):

- Gross Vehicle Weight Rating (GVWR): _____ lbs
- Axle configuration: _____ (tandem/tri-axle)
- Empty weight: _____ lbs; Loaded weight: _____ lbs
- Maximum dimensions: width _____, height _____, length _____

Annual volume: 5,080 loaded trucks (derived from Applicant's SEQR representation of 2 trucks/hour x 10 operating hours x 254 days). +/-10% variance requires Town Board approval. Board-established cap controls. Operating period: 20 years mining + 2 years post-closure.

VI-A. DESIGN ENGINEERING ANALYSIS

As established in §IV, the LaBella Study confirmed the current road design is not adequate for projected mine traffic without accelerated deterioration, and did not provide a specific road design recommendation. Prior to commencement of hauling, Town shall retain a licensed New York professional engineer -- independent of LaBella Associates -- to prepare a Design Engineering Analysis. Professional services reimbursement governed by §VI-B.

A. Road Design Scenario Analysis

Engineer shall evaluate and compare the following design scenarios, providing for each: ESAL capacity, projected 20-year maintenance cost, seasonal restriction implications, safety assessment, and estimated implementation cost:

- Scenario A: Maintain existing gravel/oil-stone surface with periodic maintenance -- no structural improvement;
- Scenario B: Base reinforcement and drainage improvements, maintain gravel surface;
- Scenario C: Base reinforcement, shoulder widening, and asphalt surface installation;
- Scenario D: Full reconstruction to NYSDOT rural highway standard.

Engineer shall issue a specific written recommendation from the four scenarios. Engineer's recommendation -- not a predetermined Town position -- establishes the design standard for bonding, repair obligations, and post-mine restoration under this Agreement.

B. ESAL Calculation

Engineer shall calculate cumulative Equivalent Single Axle Loads (ESALs) for the full projected mine life (20 years, 5,080 loaded trucks annually) using Applicant's disclosed truck specifications (Exhibit C). ESAL calculation shall be the basis for pavement design adequacy determination and bond amount recommendation.

C. Bulkley Creek Bridge Assessment

Engineer shall assess whether Bulkley Creek Bridge is structurally adequate for projected mine truck configurations at projected frequency. Engineer's bridge findings shall be transmitted to Chemung County DPW.

D. Bond Amount Recommendation

Based on the scenario analysis and ESAL calculation, engineer shall recommend a specific bond amount sufficient to cover: required road improvements under the recommended scenario; projected 20-year maintenance and repair costs attributable to mine traffic; post-mine restoration to the recommended design standard; and a 25% contingency.

E. Cost

All costs of the Design Engineering Analysis are borne by Applicant per Local Law No. 1 of 2010. The Design Engineering Analysis shall be completed and delivered to the Town Board prior to commencement of hauling per §V.B.

VI-B. PROFESSIONAL SERVICES REIMBURSEMENT

All professional services retained by the Town in connection with this Agreement -- including engineering review, inspections, determinations, legal review, and administrative oversight -- are governed by Local Law No. 1 of 2010, A Local Law Pertaining to Professional Services Reimbursement. Costs of all Town-retained professionals are reimbursable by Applicant pursuant to that law. Cost recovery mechanics, equipment rates, and employee service rates are governed by paragraphs 2.B, 2.C, and 2.D of this Agreement.

VII. FINANCIAL SECURITY

A. Road Protection Bond Requirement

Per Zoning Law §9.3.A.1(g), Applicant shall post a Road Protection Bond or Irrevocable Letter of Credit prior to commencement of hauling. Amount determined by Town-retained engineer per §VI-A.D, sufficient to cover: anticipated roadway improvements under engineer's recommended design scenario; potential road reconstruction over 20-year mining period; post-mine restoration to Restoration Baseline (as defined in §IX.C); and 25% contingency (see also §VI-A.D). Preliminary estimate range: $75,000-$250,000

subject to engineer's detailed assessment.

B. Bond Form and Terms

- Surety Bond from A.M. Best-rated surety company, naming Town as obligee, 22-year term; OR
- Irrevocable Letter of Credit from FDIC-insured bank, naming Town as beneficiary, callable on demand, 22-year term; OR
- Cash Escrow in interest-bearing account held by Town Clerk or independent escrow agent.

C. Town's Right to Draw on Bond

Town may draw upon bonding security without proof of default if: Applicant fails to timely complete repairs; road deterioration exceeds engineer-established thresholds and Applicant fails to correct; Applicant ceases operations and fails to complete post-mine restoration within 12 months.

D. Annual Bond Refreshment

Town-retained engineer shall annually review and refresh bond amount. If engineer increases bond estimate, Applicant shall post additional bonding within 30 days. Failure to maintain bonding at engineer-determined amount results in immediate hauling suspension.

E. Bonding for Post-Mine Obligations

Financial security shall remain in full force for 2 years following mining cessation. Town may draw upon bond without notice if restoration is not completed within 12-month deadline.

VIII. ROADWAY CONDITION MONITORING AND INSPECTIONS

A. Inspection Schedule

- Quarterly inspections by Town-retained engineer;
- Mandatory post-thaw inspection (April/May);
- Spot inspections as needed upon Town notice or Applicant incident report;
- Post-event inspections following significant weather events.

C. Deterioration Thresholds Triggering Repair

- Rutting exceeding 1.5 inches in wheel paths;
- Shoulder drop-off exceeding 2 inches;
- Potholes exceeding 6 inches diameter or 3 inches depth;
- Surface cracking exceeding 25% of road surface;
- Any condition deemed unsafe for school bus operations by engineer.

IX. REPAIR OBLIGATIONS

A. Repair Timeframes

- Safety hazards: repair within 48 hours of Town or engineer notice;
- Non-emergency deterioration exceeding thresholds: repair within 21 days of engineer notice;
- Post-season restoration: completed by June 30 following each winter season;
- Post-mine restoration to Restoration Baseline: completed within 12 months of mining cessation.

B. Repair Standards

All repairs shall be performed to NYSDOT standards using materials approved by Town engineer. Town engineer shall inspect and certify completed repairs.

C. Post-Mine Restoration

Upon cessation of mining, Applicant shall restore Benjamin Road haul route to the Restoration Baseline -- defined as the engineer-certified pre-commencement road condition following completion of any improvements required by the Design Engineering Analysis (§VI-A). If no improvements are required, restoration baseline is the LaBella Study condition (Exhibit B) supplemented by pre-mining baseline documentation (Exhibit E). Restoration to the pre-improvement LaBella condition is NOT an acceptable post-mine standard if engineer-required improvements were made prior to commencement. Town-retained engineer shall inspect and certify restoration.

X. OPERATING HOURS

A. Standard Operating Hours

Hauling operations shall comply with Planning Board Resolution dated December 1, 2025:

Monday through Friday	7:00 AM -- 5:00 PM
Scale House	7:00 AM -- 4:00 PM
Saturday	No operations
Sunday	No operations

B. Holiday Schedule -- No operations on:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving
- Christmas

C. Emergency Operations Exception

Hours may be waived upon declaration of a State of Emergency by a governmental official with authority to declare the same, and only when materials from the Mitstifer Mine are needed during said emergency. Normal operating hours resume once demand is satisfied.

XI. SEASONAL RESTRICTIONS

Town may suspend hauling operations upon written notice during: spring thaw periods (March 15 - May 31, subject to engineer assessment); declared soft-road conditions; hazardous weather events. Applicant shall cease hauling within 24 hours of written suspension notice.

XII. SCHOOL BUS AND PUBLIC SAFETY

A. School Bus Coordination

Applicant shall coordinate annually with the local school district to identify school bus routes on Benjamin Road, morning and afternoon pickup/departure windows, and bus stop locations. Bus stop locations will change over the mine's operating life -- annual coordination is mandatory throughout the full term of

mining operations. Operational dispatch protocols are addressed in the HRMP (Exhibit F).

B. Safety Assessment Requirement

The engineer's pre-mine roadway adequacy assessment (§VI) must specifically address compatibility of simultaneous school bus and mine truck operations.

C. School Bus Priority

School buses have priority use of Benjamin Road. Truck operations shall not impede, delay, or compromise school bus access or safety.

XIII. REPORTING REQUIREMENTS

A. Monthly Haul Logs

Applicant shall maintain monthly haul logs and submit to Town Clerk by the 15th of the following month. Contents: daily truck counts (loaded and empty), dates, driver names, incidents. Board-established caps control.

B. Incident Reporting

Applicant shall report to Town Superintendent within 24 hours: spills; vehicle breakdowns on Benjamin Road; accidents or near-misses; bridge concerns; any third-party property damage.

C. Annual Summary

Annual summary report to Town Board by December 31: annual truck counts vs. approved limit; summary of incidents, repairs, maintenance; operational changes planned for following year.

3. Event of Default

The occurrence of any of the following events shall constitute an "Event of Default" by Applicant under this Agreement:

- A. Failure of Applicant to pay when due any fees or reimbursements, continuing for 10 days following the date when due;
- B. Failure of Applicant to comply with any term, condition or covenant, continuing for 30 days after Town's written notice; provided that if such failure is not reasonably susceptible to cure within 30 days, Applicant shall have additional time as is reasonably necessary, so long as Applicant commences cure within 30 days and diligently pursues such cure;
- C. Assignment, lease, or license of obligations without prior written consent of Town;
- D. Town's revocation of Applicant's Permit.

Additional Events of Default:

- Applicant operates mine-related vehicles on Benjamin Road segments not approved under this Agreement;
- Applicant operates mine-related vehicles on any road segment not identified on the accepted haul route map (§II-A);
- Applicant violates HRMP in material fashion (operation outside approved hours, traffic limits exceeded by more than 10%, school bus coordination failures);
- Applicant fails to maintain financial security (bond) in full amount and required form;

• Applicant fails to maintain Compliance Deposit at minimum balance after applicable replenishment period.

XIV. PENALTIES FOR VIOLATIONS

Any person who violates the terms of this Agreement or the HRMP shall be subject to:

• Fine of not more than $500 per violation;

• Each unauthorized truck trip on Benjamin Road outside the approved route or approved hours constitutes a separate violation;

• Each day of non-compliance with repair obligations constitutes a separate violation;

• Violations may be prosecuted by the Town Attorney or any other person with authority to prosecute violations within the Town.

4. Town's Remedies

On the occurrence of an Event of Default, Town may pursue any one or more of the following remedies without any notice or demand:

• A. Terminate this Agreement by giving written notice of termination to Applicant;

• B. Perform any and all obligations of Applicant under this Agreement, and Applicant shall pay to Town, on demand, the expenses incurred by Town in effecting compliance.

5. Assignment and Subletting

Applicant covenants that during the Term it will not sublet, assign, pledge or otherwise encumber or transfer its obligations in this Agreement without obtaining the express written consent of the Town. Any assignment without Town's prior written consent shall be invalid and without force and effect.

6. Attorney's Fees

In the event Applicant defaults and Town places enforcement of this Agreement in the hands of attorneys, or files suit, Applicant agrees to pay Town's costs, expenses and reasonable attorney's fees.

7. Indemnification; Liability

Applicant agrees to indemnify and hold harmless the Town and Town's Representatives from and against any and all claims, suits, actions, damages, costs arising out of or resulting from the negligence or willful misconduct of Applicant relating to its use of the Road, except to the extent attributable to the negligence or willful misconduct of the Town.

XV. INSURANCE REQUIREMENTS

A. General Liability Insurance

Applicant shall maintain commercial general liability insurance with minimum limits of $_____ per occurrence / $_____ aggregate. Town named as additional insured. Certificate to Town Clerk prior to commencement and annually thereafter.

B. Pollution Liability Insurance

Applicant shall maintain pollution/environmental liability insurance with minimum limit of $1,000,000 per occurrence.

8. Term and Termination

The term of this Agreement shall commence on the Effective Date and shall continue through the earlier to occur of: (i) Town's termination under an Event of Default; or (ii) two (2) years as of the Effective Date. After the expiration of such two-year period, Town may terminate at any time upon ninety (90) days' prior written notice.

9. Contingency

Town's obligations under this Agreement shall be contingent upon the approval and acceptance of this Agreement by the Town Board of the Town of Veteran.

10. Governing Law

This Agreement shall be governed by and interpreted in accordance with the laws of the State of New York without regard to conflicts of laws principles. The parties consent to exclusive jurisdiction in the Supreme Court of the State of New York, County of Chemung, for resolution of any disputes arising from this Agreement.

11. Binding Effect

This Agreement shall be binding upon and inure to the benefit of the Parties, and their respective successors and assigns.

12. Notice

Any notice in this Agreement must be in writing and may be given by depositing in the United States mail, postage prepaid and certified, addressed to the Party to be notified, with return receipt requested, or by delivering in person.

- For Town: Town of Veteran, Attn. David Lewis, 4049 Watkins Road, Millport, New York 14864; Email: town.supervisor@townofveteranny.gov; With copy to: Bond, Schoeneck & King, PLLC, Attn: Ryan M. Marquette, Esq. -- rmarquette@bsk.com
- For Applicant: [To be completed by Applicant]

13. Entire Agreement

This Agreement sets forth the entire understanding between the Parties. No alteration, amendment, change or addition shall be binding upon either Party unless in writing and signed by the Party to be charged.

14. Severability

If any provision of this Agreement is declared null and void, such provision shall be considered separate and apart from the remainder of this Agreement, which shall remain in full force and effect.

15. Execution in Counterparts

This Agreement may be signed in counterparts, all of which taken together shall constitute one and the same instrument. Signatures transmitted by facsimile or electronic delivery shall be valid for all purposes.

XVI. NO WAIVER OF POLICE POWER

Nothing in this Agreement shall limit the Town's authority under Zoning Law §9.3, Town Law §130, Highway Law §140, Municipal Home Rule Law §10, or the Town's general police power to protect public health, safety, and welfare. Town retains full authority to enforce zoning, highway, safety, and environmental standards independently of this Agreement.

XVII. TOWN'S UNILATERAL MODIFICATION AUTHORITY

Notwithstanding any other provision of this Agreement, the Town Board reserves the right to modify the terms and conditions of this Agreement -- including but not limited to operating hours, traffic volume limits, financial security requirements, inspection frequency, repair standards, seasonal restrictions, and haul route conditions -- upon thirty (30) days written notice to Applicant, when the Town Board determines, in its reasonable discretion, that modification is necessary to:

- Protect the structural integrity of Benjamin Road or any Town highway affected by mine operations;
- Protect the safety of residents, pedestrians, school bus passengers, emergency responders, truck drivers, or any other persons using Benjamin Road;
- Address changed conditions, new engineering findings, or unanticipated impacts of mine operations;
- Respond to violations, patterns of non-compliance, or deterioration exceeding projected rates;
- Comply with applicable law, court order, or directive of a governmental authority.

Applicant's consent shall not be required for modifications made pursuant to this Section. Modifications shall take effect thirty (30) days after written notice to Applicant unless the Town Board determines an emergency requires immediate effect.

Basis for This Authority: This Section reflects the Town's pre-existing regulatory authority under Town Law §130(7), Municipal Home Rule Law §10, and Zoning Law §9.3. This Agreement is a regulatory instrument implementing the Town's conditional use permit authority -- not a commercial contract between equals. The Applicant's right to haul on Town roads is a privilege granted by the Town subject to ongoing regulatory conditions, not a vested right acquired by contract.

Biennial Review: The Town Board shall conduct a mandatory review of this Agreement's performance every two (2) years from the Effective Date. The review shall assess road condition, Applicant compliance, adequacy of financial security, and whether modification of any Agreement terms is warranted.

IN WITNESS WHEREOF

TOWN OF VETERAN

By: _____

Name:

Title:

AUSTIN'S EXCAVATING & PAVING, INC.

By: _____

Name:

Title:

EXHIBITS

- Exhibit A: The Road -- Benjamin Road map/diagram [attach map] -- including Applicant's precise haul route map per §II-A
- Exhibit B: Roadway Condition Report -- LaBella Associates, DPC, July 2024, revised April 2025
- Exhibit C: Truck Specifications and Configuration -- Applicant to complete: GVWR, axle configuration, empty/loaded weights, maximum dimensions
- Exhibit D: Financial Security -- Bond/Letter of Credit/Escrow Agreement -- Applicant to provide prior to commencement
- Exhibit E: Pre-Mining Supplemental Baseline Road Condition Documentation -- High-resolution photographs, measurements, video recording -- Applicant to complete prior to commencement
- Exhibit F: Mitstifer Mine Haul Route Management Plan (HRMP) -- Separate document per Zoning Law §9.3.D
- Exhibit G: Applicant Certification of Complete Haul Route per §II-B

TOWN OF VETERAN — TOWN BOARD

MOTION TO AMEND RULES OF PROCEDURE — SECTION 7

August 13, 2026

AUTHORITY

Section 15 of the Rules of Procedure provides: "The foregoing procedures may be amended from time to time by a majority vote of the Board." No resolution or public hearing is required.

MOTION

> *"I move that the Town Board amend Section 7 of the Rules of Procedure for Meetings pursuant to Section 15 by: (1) deleting the words 'silence or absence' from the sentence that reads 'An abstention, silence or absence shall be considered a negative vote for the purposes of determining the final vote on a matter,' so that the sentence reads: 'An abstention shall be considered a negative vote for the purposes of determining the final vote on a matter;' and (2) adding the following sentence: 'Each member present shall state their position as Aye, No, or Abstain when called.'"*

WHAT THIS CHANGES

1. Deletes: "silence or absence" from the negative vote rule.

2. Preserves: abstention as a negative vote — consistent with court interpretation of Town Law §63 and General Construction Law §41.

3. Adds: Board policy requiring each member present to state their position when called.

WHAT THIS DOES NOT CHANGE

The abstention rule is unchanged. Absent members are addressed in Section 8, which already requires the Clerk to note presence or absence of all Board members.

Submitted by: Board Member Wolf — August 5, 2026

TOWN OF VETERAN — TOWN BOARD

RULES OF PROCEDURE — SECTION 7

REDLINE — Rev 2.0

Strikethrough red = deleted Bold underline blue = added Black = unchanged

[STATUTE] = verbatim from cited law [BOARD POLICY] = Town Board rule

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Section 7 - VOTING.

[BOARD POLICY] Pursuant to Town Law, each Member of the Board shall have one vote. The Supervisor may vote on any matter but must vote in case of a tie. A majority of the totally authorized voting power is necessary to pass a matter unless otherwise specified by State law.

[BOARD POLICY] An abstention, ~~silence or absence,~~ shall be considered a negative vote for the purposes of determining the final vote on a matter.

[STATUTE — Town Law §63] A vote upon any questions shall be taken by roll call, by ayes and noes, and the names of the members present and their votes shall be entered in the minutes.

[BOARD POLICY] **Each member present shall state their position as Aye, No, or Abstain when called.**

TOWN OF VETERAN — TOWN BOARD

RULES OF PROCEDURE — SECTION 7

AS AMENDED — Rev 2.0

[STATUTE] = verbatim from cited law [BOARD POLICY] = Town Board rule

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[BOARD POLICY] Each member present shall state their position as Aye, No, or Abstain when called.

Amended: _____, 2026 | Original adoption: February 27, 2025 | Last reformatted: January 7, 2026

Property Maintenance

Sec. 1 **Purpose and Legislative Intent.**

This local law (this "Local Law") is adopted pursuant to § 10 of the Municipal Home Rule Law to provide for the administration and enforcement of the New York State Property Maintenance Code in the Town of Veteran. Except as otherwise provided by the New York State Property Maintenance Code, other applicable state law, or this Local Law, all buildings, structures, lots, and premises, regardless of use or occupancy, shall be subject to the provisions of the New York State Property Maintenance Code, as amended from time to time, which is hereby incorporated by reference.

This Local Law is further enacted in recognition that the outdoor storage of garbage, litter, or rubbish; the growth of weeds and noxious plants; the harborage or infestation of insects, vermin, or rodents; and the outdoor storage of abandoned motor vehicles, junk cars, appliances, and similar items on private property may constitute both public and private nuisances affecting the public interest within the Town of Veteran. Such conditions are hereby declared to be nuisances and unsightly sources of vexation to neighboring property owners, occupants, and the general public. These items may also pose significant hazards, particularly as attractive nuisances to children, often containing broken glass, sharp metal edges, combustible fuel residues, and harmful battery acids. Their presence diminishes neighboring properties and the Town as a whole. Accordingly, the preservation of peace and good order, the safeguarding of health, safety, and general welfare, and the protection of private property compel the Town Board to legislate on this subject.

The purpose of this Local Law is to promote and maintain a sanitary, safe, and hazard-free environment for the residents of the Town of Veteran, which is essential to their health, welfare, and safety, as well as the protection of their property rights. Such enforcement is deemed vital to the continued economic development and overall well-being of the community. Recognizing these needs, the Town Board hereby establishes effective and well-regulated procedures for the maintenance of all properties within the Town of Veteran. Nothing in this Local Law is intended to supplant or replace the provisions of the current or future Town of Veteran Zoning Ordinance(s), the New York State Property Maintenance Code, or the New York State Fire Safety and Building Code.

Sec. 2 **Definitions.**

For purposes of this Local Law the following words shall have the following definitions, other words shall have the definitions provided for in the NYS Property Maintenance Code:

ABANDONED MOTOR VEHICLE - Any vehicle in whatever condition which has not been registered and/or licensed in the State of New York or issued a valid New York State vehicle inspection sticker by a motor vehicle inspection station licensed by the State of New York, no more than 365 days preceding, and counting from, the date of detection by the enforcement officer; and Junk Cars (as hereinafter defined).

APPLIANCE - Any stove, range, washing machine, dryer, freezer, refrigerator, food or drink cooler, hot water heater, air conditioner, water softener, television, radio, antenna or other household or commercial device or equipment abandoned, junked, discarded, wholly or

partially dismantled, no longer intended or in condition for ordinary use for the purpose for which it was designated originally.

BRUSH - Uncultivated woody shrubs and immature trees.

GARBAGE - The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food, or the discard of other customary household items.

GRASS - Herbaceous ornamental plants intended to be periodically cut close to the ground for the establishment of a lawn or ground covering. Grass may also be used for ground covering for the establishment of drainage swales, flood routes or water detention or retention basins.

JUNK CAR - Any motor vehicle in such condition or state of repair which renders the vehicle incapable of being lawfully driven or operated upon the public highway in its condition, immediately without repairs; any motor vehicle which has been abandoned, junked, discarded or dismantled, wholly or partially. The absence of a current inspection sticker shall be prima facie evidence that said vehicle is incapable of being lawfully operated on a public highway. An antique or classic motor vehicle shall be exempt from said definition if the owner can establish that he is engaged in a program of rehabilitation of said vehicle.

LITTER - Garbage, Refuse, Rubbish, each as herein defined, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

MOTOR VEHICLE - Any automobile, bus, tractor, truck, trailer, mobile home or any other contraption propelled or drawn by power other than human muscular power.

OCCUPANT - Any individual living or sleeping in a building or having possession of a space within a building.

OPERATOR - Any person who has charge, care or control of a structure or premises which is offered for occupancy pursuant to a written or unwritten lease agreement or pursuant to a recorded or unrecorded agreement of contract for sale of land.

OUTDOOR STORAGE - The placing, maintaining or keeping in a place other than a structure having a roof and fully enclosed permanent sides in a state of good repair, and capable of being secured.

OWNER - The person having legal title to property; the person shown as the owner of real property on the current assessment rolls of the Town.

PERSON - Any natural person; any association, partnership, firm or corporation, trust, estate, foundation or fund, charitable or otherwise; any municipality or municipal corporation; or any other unit or entity owning real property or abandoned Motor Vehicle, Junk Car or Appliance in the Town.

PREMISES or LOT - A tract of land with or without a building on it.

REFUSE or RUBBISH - Plastics, combustible trash, including but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree limbs and branches, yard trimmings, wood furniture and bedding. Also included is noncombustible trash, including but not limited to tires, metals, cans, plastics, metal furniture, small quantities of rock, brick and concrete, glass, metal

fixtures, bottles and street rubbish, street sweepings, dirt, leaves, catch-basin dirt and contents of litter receptacles, ashes, dead animals, junked vehicles, solid market and industrial wastes, cardboard, leaves, crockery and similar materials.

RUBBISH - Combustible and noncombustible waste materials, including but not limited to the residue from the burning of wood, coal or other combustible materials, paper, brush, rags, cartons, boxes, lumber, rubber, plastics, leather, tin cans, metals, glass, crockery, discarded appliances or vehicle tires and garbage.

TOWN - The Town of Veteran.

WASTE MATERIAL - Includes, but is not limited to, waste produced by industrial or manufacturing processes, including food processing waste, boiling house cinders, lumber scraps and shavings, tires and oils and large amounts of wood, concrete, rocks, brick, sand and other wastes from building operations.

WEEDS - Wild, useless, poisonous or noxious and generally undesirable plants growing at random in inappropriate locations.

YARD - The area on all sides of every structure on a Premises; for each such structure, said area shall be equal to the setbacks of the zoning district as measured from the sides of each Structure.

Sec. 3 **Property maintenance.**

The Owner, Operator, tenant, lessee, agent, or Occupant of the Premises shall maintain the Premises as follows:

A. All yards on a Premises shall be trimmed, mowed and maintained free of Weeds and noxious plant growth in excess of 10 inches, other than trees, shrubs and cultivated flowers and gardens, and with all dead, damaged or diseased trees or shrubs, or portions thereof, removed or replaced.

B. The Premises shall be maintained free of Garbage, Rubbish, insects, vermin and rodent harborage and infestation. All Rubbish and Garbage must be stored in a clean and sanitary manner by placing such in leakproof containers provided with close-fitting covers until removed from the Premises for disposal.

C. The Premises shall be maintained in compliance with the NYS Property Maintenance Code, which is incorporated herein by reference as amended from time to time, and this Local Law.

D. The Premises shall be maintained not to allow the storing, depositing, placing, maintaining or causing or permitting to be stored, deposited, placed or maintained in outdoor storage any abandoned Motor Vehicle, Junk Car, discarded, wholly or partially dismantled or unlicensed motor vehicle, appliance, motorized equipment, Rubbish, or debris, upon any public or private property within the Town.

E. The Premises shall be maintained such that surface or subsurface water shall be properly drained to protect buildings and structures and to prevent the accumulation of stagnant water.

F. The Premise shall be maintained such that all unoccupied buildings, structures and Premises shall be maintained in a clean, safe, secure and sanitary condition so as not to cause a blighting problem or adversely affect public health or safety.

The Premise shall be maintained free of litter; provided, however, that this section shall not prohibit the storage of litter for a reasonable period of time in authorized private receptacles for collections. The Premise shall not allow for any person to throw, spill, place, deposit, leave or cause to be thrown, spilled, placed, deposited or left, or permit any agent, servant or employee to throw, spill, place, deposit or leave, in or upon any street, highway, alley, sidewalk, park or public building or in any running water or body of water any Garbage, Refuse, Rubbish, waste material or litter or filth, including but not limited to sewage, excrement, slops, dead carcasses, compost, ashes, soot or any material subject to be carried by the wind or unwholesome or putrescible matter of any kind.

Sec. 4 **Code Enforcement Officer.**

The Code Enforcement Officer of the Town of Veteran shall administer and enforce all the provisions of the New York State Property Maintenance Code and this Local Law. The Code Enforcement Officer shall have the following powers and duties:

A. To review and investigate complaints;

B. To conduct inspections incidental to the investigation of complaints and to conduct inspections incidental to the Code Enforcement Officer's own witnessing of violations of the New York State Property Maintenance Code or of this Local Law;

C. To maintain records;

D. To pursue administrative enforcement actions and proceedings;

E. In consultation with the Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the New York State Property Maintenance Code and this local law; and

F. To issue an appearance ticket to any person whom the Town of Veteran Code Enforcement Officer has reason to believe has violated this Local Law, causing such person to appear before the Town Justice.

Sec. 5 **Complaints; inspection; notice to Owner.**

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the New York State Property Maintenance Code or with this Local Law. The process for responding to a complaint or upon the Code Enforcement Officer witnessing a violation of the New York State Property Maintenance Code or of this Local Law shall include such of the following steps:

A. Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

B. If a violation is found to exist, providing the Owner or operator of the affected Premises and any other Person who may be responsible for the violation with notice of the violation

and opportunity to abate, correct or cure the violation. The Town of Veteran Code Enforcement Officer shall personally serve such notice(s) within the Town of Veteran or shall post a copy of the violation on the Premises if an Owner, operator or responsible person cannot be found to personally serve. If the Owner or operator of said premises is a nonresident of the Town of Veteran or if the Code Enforcement Officer was unable to personally serve the Owner or operator, a notice to cure the violation shall also be mailed to such Owner or operator by registered mail, addressed to the Owner or operator's last known address.

C. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

Sec. 6 **Emergency Situations.**

A. Where the violation or condition existing on said property is of such a nature as to constitute an immediate threat to the public health, safety and general welfare unless abated without delay, the Town may either cause the violation to be abated or order the Owner to correct the violation within a period of time not to exceed three days. Upon failure by the Owner to do so, the violation or condition may be abated pursuant to and subject to the provisions of this chapter.

Sec. 7 **Performance of mowing work by Town; assessment of costs.**

A. If the Person upon whom is served a notice to abate, correct or cure a violation of the New York State Property Maintenance Code regarding the keeping of Premises and immediate exterior Premises maintained free from Weeds or plant growth in excess of the height set forth in the New York State Property Maintenance Code or this Local Law fails, neglects or refuses to abate, correct or cure such violation within the timeframe specified in the notice, the Town of Veteran Code Enforcement Officer shall cause such Weeds, grass and other vegetation on such lot or land to be cut and removed, and the actual cost of such cutting and removal plus a service charge of 50% thereof or $100.00, whichever is greater, to cover the cost of supervision, inspection, administration and other additional costs in connection therewith, shall be certified by the Town of Veteran Code Enforcement Officer to the Town Supervisor and such certified amount shall thereupon be charged and assessed against the Owner, operator, tenant or occupant of the premises that was the subject of the violation. The expense, so assessed, shall constitute a lien and charge on the real Premises on which it is levied until paid or otherwise satisfied or discharged and shall be collected and enforced in the same manner and at the same time as other Town taxes and charges.

B. The Owner and/or responsible Person of any lot, land or Premises found in violation of the New York State Property Maintenance Code regarding the keeping of Premises and immediate exterior Premises maintained free from Weeds or plant growth in excess of the height set forth in the New York State Property Maintenance Code or this local law shall be notified in writing only once in any given calendar year for such violation. Subsequent violations of a similar nature at the same location during the same season shall be corrected by the Town or its agent without notice to the Owner or operator of said Premises. After initial notification, such Owner, operator, occupant or Person having control of said Premises will be presumed to have been given sufficient notice of infraction for the entire

season. The costs incurred by the Town in curing any subsequent violations shall be collected in the same manner as set forth in Subsection A of this section.

C. The performance of any work by the Town of Veteran or its designee or agent pursuant to this section shall not operate to excuse such Owner or responsible Person from properly maintaining such Premises as required by this Local Law, and such Owner, operator, tenant or occupant shall, notwithstanding, be subject to the penalties set forth in this Local Law.

Sec. 8 **Performance of other than mowing work by Town; assessment of costs.**

A. Upon the failure of an Owner or responsible person who was served with notice of a violation to abate, correct or cure a violation of the New York State Property Maintenance Code, other than violations discussed in Sec. 7 of this Local Law, or of this Local Law, the Town Board of the Town of Veteran may hold a public hearing to determine whether the violation constitutes a violation of this Local Law, including but not limited to, a public nuisance requiring abatement by the Town. The public hearing shall be held upon notice posted conspicuously on the subject Premises. The notice shall also be sent to the last-known address of the Premises Owner, as it appears on the current assessment records of the municipality, by certified mail, return receipt requested, or served on the Owner by personal service. Posting and service of such notice shall not be less than fifteen calendar days, exclusive of the date of service, prior to the date of the public hearing. The notice shall:

(1) Identify the Premises as the same appears on the current assessment roll;

(2) Contain a statement of the conditions on the Premises deemed upon inspection to constitute a violation of this Local Law, including, but not limited to, a public nuisance;

(3) Contain a demand that the condition or conditions constituting the violation of this Local Law, including, but not limited to, a public nuisance be immediately abated or removed before the date of the hearing specified in the notice;

(4) Contain a statement that failure or refusal to comply within the period specified may result in a duly authorized officer, agent or employee of the Town entering upon the Premises and abating or removing the violation of this Local Law, including, but not limited to, a public nuisance; and

(5) Contain a statement that the cost and expense of such abatement or removal shall be the responsibility of the Owner, operator, tenant or occupant, and, without limitation on the Town's potential remedies to recoup its expenses, such cost and expense shall be assessed against the described Premises on the next Town tax bill and shall constitute a lien thereon to be collected in the same manner and at the same time as other Town charges.

B. Where the Town Board finds, based on substantial evidence in the public hearing record, that the violation or violations amount to a violation of this Local Law, including, but not limited to, a public nuisance requiring abatement by the Town, the Town Board may cause the abatement or removal of the violation of this Local Law, including, but not limited to, a public nuisance. The abatement or removal may be performed by the Town

or by its designee or agent, including a private contractor lawfully engaged and authorized by the Town Board. The Town Board shall ascertain the cost of removal and assess such expense against the record owner of the Premises. The expense so assessed shall constitute a lien and charge on the real Premises on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges. The foregoing shall not be construed as a limitation on the Town's potential remedies to recover its costs.

C. The performance of any work by the Town or its designee or agent pursuant to this section shall not operate to excuse such Owner or responsible Person from properly maintaining such Premises as required by this Local Law, and such Owner, operator, tenant or Occupant shall, notwithstanding, be subject to the penalties set forth in this Local Law.

Sec. 9 **Penalties.**

A. Any Person convicted of violating any provision of this Local Law, and the Owner of any Premises on which a first violation is committed, shall be subject to a fine not to exceed $500, and/or a term of imprisonment not to exceed fifteen days.

B. Any second or subsequent conviction of the same offense within five years shall be deemed an unclassified misdemeanor, punishable by a fine not to exceed $1,000, and/or a term of imprisonment not to exceed one year.

Sec. 10 **Civil relief.**

The Town may institute and maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of any provision of the New York State Property Maintenance Code or of this Local Law.

Sec. 11 **Remedies not exclusive.**

No remedy or penalty specified in this Local Law shall be the exclusive remedy or penalty available to address any violation described in this Local Law, and each remedy or penalty specified in this Local Law shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Local Law, in the Code of the Town, in the New York State Property Maintenance Code, or in any other applicable law. Any remedy or penalty specified in this Local Law may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Local Law, in the Code of the Town, in the New York State Property Maintenance Code, or in any other applicable law.

Sec. 12 **Effect of state law.**

The provisions of this Local Law shall be subject to and subordinate to the provisions of the New York State Agriculture and Markets Law.

Sec. 13 **Severability.**

If any clause, sentence, paragraph, or section of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof; but shall be confined in its operation to the clause, sentence, paragraph,

section or article thereof directly involved in the controversy in which such judgment shall have been rendered.

Sec. 14 **Repealer.**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Sec. 15 **SEQRA Determination.**

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 NY ECL, Section 0101 et seq. and its implementing regulations, Part 617 of 6 NYCRR, that the adoption of the local law is a Type 'II' Action within the meaning of Section 617.5 (c)(1), (26) and (33) of 6 NYCRR, and accordingly, is of a class of actions which do not have a significant effect on the environment, no further review is required.

Sec. 16 **Effective date.**

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

TOWN OF VETERAN
RESOLUTION NO. __ OF THE YEAR 2026

PROPOSED LOCAL LAW TO REGULATE PROPERTY MAINTENANCE
IN THE TOWN OF VETERAN, NEW YORK

The Town Board of the Town of Veteran, New York (the "**Town Board**"), duly convened in regular session on September 10, 2026 at the Town of Veteran Clerk's Office at 4049 Watkins Road, Millport, New York 14864 does hereby resolve as follows:

WHEREAS, pursuant to Municipal Home Rule Law §20(4), Councilman _____ introduced for consideration Local Law No. ___ of 2026 entitled "A Local Law to Regulate Property Maintenance in the Town of Veteran, New York" (the "**Proposed Local Law**"); and

WHEREAS, the purpose of the Proposed Local Law is to promote and maintain a sanitary, safe, and hazard-free environment for the residents of the Town of Veteran, which is essential to their health, welfare, and safety, as well as the protection of their property rights. Such enforcement is deemed vital to the continued economic development and overall well-being of the community. Recognizing these needs, the Town Board hereby establishes effective and well-regulated procedures for the maintenance of all properties within the Town of Veteran; and

WHEREAS, the Town Board desires to comply with the requirements of the State Environmental Quality Review Act (hereinafter, "**SEQRA**") and its implementing regulations set forth at 6 NYCRR Part 617 with respect to adopting the Proposed Local Law; and

WHEREAS, the Town Board desires to comply with the requirements of the New York Town Law and the New York Public Officers Law and shall schedule a public hearing to allow the public to comment on the Proposed Local Law.

NOW THEREFORE, BE IT RESOLVED the Town Board declares the Proposed Local Law to be a Type II action pursuant to SEQRA, and determines that no further action is needed under SEQRA; and

BE IT FURTHER RESOLVED, the Town Board will hold a public hearing on _____ ___, 2026 at ___ p.m. to hear all persons interested in the Proposed Local Law and to consider the adoption of the Proposed Local Law; and

BE IT FURTHER RESOLVED, the Town Clerk shall cause notice of such public hearing to be published in the official newspaper of the Town of Veteran in accordance with all legal notice requirements.

The adoption of the foregoing Resolution was moved by _____, seconded by _____, and duly put to vote, which resulted as follows:

David Lewis	Aye	/	Nay
William Winkky	Aye	/	Nay
Francis Henke	Aye	/	Nay
Mario DeMichele	Aye	/	Nay
Winston Wolf	Aye	/	Nay

This Resolution was thereupon declared duly adopted.

Dated: September 10, 2026

_____
Jenny Reese, Town Clerk

TOWN OF NEW VETERAN
RESOLUTION NO. __ OF THE YEAR 2026

PROPOSED LOCAL LAW TO ESTABLISH A FULL REAL PROPERTY TAX EXEMPTION FOR DISABLED VETERANS AS AUTHORIZED BY REAL PROPERTY TAX LAW § 458-a(11) WITHIN THE TOWN OF VETERAN

The Town Board of the Town of Veteran, New York (the "**Town Board**"), duly convened in regular session on October 8, 2026 at the Town of Veteran Clerk's Office at 4049 Watkins Road, Millport, New York 14864 does hereby resolve as follows:

WHEREAS, pursuant to New York State Real Property Tax Law § 458-a(11), Town Board Member _____ introduced for consideration Local Law No. ___ of 2026 entitled "A Local Law to Establish a Full Real Property Tax Exemption for Disabled Veterans as Authorized by Real Property Tax Law § 458-a(11)" (the "**Proposed Local Law**");

WHEREAS, the purpose of the Proposed Local Law is to provide a full exemption from Town, Special District, assessments and special ad valorem levies for the primary residence of permanently and totally disabled military veterans who meet the statutory eligibility requirements; and

WHEREAS, the Town Board desires to comply with the requirements of the New York Town Law and the New York Public Officers Law and shall schedule a public hearing to allow the public to comment on the Proposed Local Law.

NOW THEREFORE, BE IT RESOLVED the Town Board will hold a public hearing on _____ ___, 2026 at ___ p.m. to hear all persons interested in the Proposed Local Law and to consider the adoption of the Proposed Local Law; and

BE IT FURTHER RESOLVED, that the Town Clerk shall cause notice of such public hearing to be published in the official newspaper of the Town of Veteran in accordance with all legal notice requirements.

The adoption of the foregoing Resolution was moved by _____, seconded by _____, and duly put to vote, which resulted as follows:

David Lewis	Aye	/	Nay
William Winkky	Aye	/	Nay
Francis Henke	Aye	/	Nay
Mario DeMichele	Aye	/	Nay
Winston Wolf	Aye	/	Nay

This Resolution was thereupon declared duly adopted.

Dated: October 8, 2026

Jenny Reese, Town Clerk

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TOWN OF VETERAN
RESOLUTION NO. __ OF THE YEAR 2026

A LOCAL LAW TO ESTABLISH A FULL REAL PROPERTY TAX EXEMPTION FOR DISABLED VETERANS AS AUTHORIZED BY REAL PROPERTY TAX LAW § 458-a(11) WITHIN THE TOWN OF VETERAN

Be it enacted by the Town Board (the "**Town Board**") of the Town of Veteran as follows:

Section 1. Legislative Intent
It is hereby declared to be the intent of the Town Board of the Town of Veteran to adopt a local law pursuant to the authority granted under New York State Real Property Tax Law ("**RPTL**") § 458-a(11), in order to provide a full exemption from Town, Special District, assessments and special ad valorem levies (collectively, the "**Tax Exemption**") for the primary residence of permanently and totally disabled military veterans who meet the statutory eligibility requirements.

Section 2. Authority
This local law is adopted pursuant to RPTL § 487-a(11), which expressly authorizes the Town Board to adopt a local law to apply the Tax Exemption to qualifying veterans.

Section 3. Tax Exemption
1. Pursuant to RPTL § 458-a(11), the primary residence of any permanently and totally disabled military veteran shall be fully exempt from Town, Special District, assessments and special ad valorem levies, provided that such veteran meets all of the following requirements:

(A) must have been discharged or released from active military, naval, space or air service, including army and air national guard service performed pursuant to federal orders under title 10 of the United States code, under honorable conditions; or

(B) must have a qualifying condition, as defined in section one of the veterans' services law, and must have received a discharge other than bad conduct or dishonorable from such service; or

(C) must be a discharged LGBT veteran, as defined in section one of the veterans' services law, and must have received a discharge other than bad conduct or dishonorable from such service; and

(D) must be considered by the United States department of veterans affairs to be permanently and totally disabled as a result of military service, as evidenced by a letter, official form, or other document sent to such veteran from such department that specifically states such veteran is considered to be permanently and totally disabled as a result of such service.

2. The real property for which the Tax Exemption is claimed must be used exclusively as the veteran's primary residence and must otherwise meet all requirements set forth in RPTL § 458-a(11) and applicable rules and regulations.

3. In no case shall the taxable assessed value of the property of a qualifying veteran be reduced below zero. Nothing contained herein shall be construed to require or authorize the discontinuance of any exemption granted pursuant to RPTL § 458(3).

Section 4. Severability
If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date
This local law shall take effect immediately upon filing with the Secretary of State.

Section 6. Additional Filing
A copy of this local law shall also be filed with the department of veterans' services within thirty days of such adoption, but failure to do so within thirty days shall not render this local law ineffective.