

May 22, 2009

Dear Modock Springs Resident

As I have described to you in the past, a partnership has been established with the New York State Department of Environmental Conservation (NYSDEC), State Senator Nozzolio, the Town, the Modock Springs Citizens, and Modock Spring's Potential Responsible Party (Syracusa Sand & Gravel). This partnership has resulted in a solution to the Modock Springs situation where everyone wins.....it is called the Value Protection Plan (VPP). The VPP will provide a much different result than normally occurs when groundwater contamination incidents impact people's lives and property values.

The Modock Springs citizens have been represented by the Modock Springs Citizen Advisory Committee (MSCAC). The committee was instrumental in developing the partnership as well as the actual VPP. Without the hard work of this committee, Senator Nozzolio, and the Town, the Modock Springs citizens might have end up with more limited support than what we have in place today. No water hookups, no basement ventilations systems, and no Seller Protection Program.

In an earlier correspondence to you, we described the water hook up and the basement ventilation programs. Both programs are in place. A key part of the VPP, yet to be finalized, is the Seller Protection. We have scheduled a meeting in Albany with the NYSDEC to discuss funding for the Seller Protection Program. Senator Nozzolio, Mike Annechino (Chairman for the MSCAC), and representatives from the Town will be participating.

The VPP as proposed is composed of several funding components – NY State funds, Town of Victor funds, and PRP (Syracusa S&G) funds. Senator Nozzolio has pledged \$250,000 from the State of NY. This funding however is in serious jeopardy pending the ultimate decisions on the overall state budget. The leadership of the Town of Victor has repeatedly said they are morally obligated to insure that a VPP program is in place and some meaningful funding from the Town has always been seen as a necessity to fully implement an appropriate VPP.

Syracusa Sand & Gravel has pledged \$850,000, which is by far the major funding commitment, to support the Seller Protection Program. We need to have the NYSDEC agree to postpone the reimbursement of the Modock Springs groundwater investigation

costs from Syracuse Sand & Gravel until after the Seller Protection Program is up and running. NYSDEC is driven by their legislative statutes to collect this money from Syracuse Sand & Gravel to cover the costs for both the groundwater investigation and any remediation system they install. Initially, the Syracuse Sand & Gravel's pledge of \$850,000 can't fund both programs (as the \$850,000 will be paid out over 15 years).

The technical staff members of the NYSDEC have been proactive and actively involved with the Town as they completed their investigation and as the MSCAC developed the VPP. The NYSDEC administrative staff is open to identifying a mechanism that will enable the implementation of the Town's VPP (by postponing their reimbursement of investigation costs from Syracuse Sand and Gravel). However, we believe they are struggling to come up with a way to do this that doesn't contradict their legislative directives or set a precedent that complicates other groundwater investigations across New York State. Our Albany meeting is intended to work out an agreement with the NYSDEC to enable the Seller Protection Program to be funded in this manner.

We asked each of you to sign a petition to the NYSDEC, asking that you support the VPP and want the NYSDEC to postpone the reimbursement of their investigation costs until after the Seller Protection Program is finalized and running. There are a few residents that haven't signed the petition. We hope to be able to put 59 petitions (100% of the homes in Modock Springs) on the table during our meeting in Albany so please, if you haven't already signed a petition please do so quickly and send it into Tina Kolaczyk at the Victor Town Hall. Depending on our success in this Albany meeting, we may be asking you to do more to generate continued support for the entire VPP to be completed.

The VPP has been identified by other States and Towns across New York State as a groundbreaking tool that is being studied and copied. If we are successful in Albany, we will generate positive recognition for New York State and the Town of Victor. We will be perceived as innovators that were always focused on helping our citizens. However, the best return on our work will be helping to return your lives back to normal and protecting your property values.

If you have any suggestions or questions, don't hesitate to contact me or Councilman Accorso. We will be communicating the results of our Albany meeting to each of you.

Jack Marren

Town of Victor Supervisor