



KINSELLA QUARRIES

Serving The Greater Syracuse Area Since 1967

T.H. Kinsella, Inc.

P.O. Box 7
Fayetteville, NY 13066

Phone: 315.637.3390

Fax: 315.637.1808

www.thkinsella.com

February 7, 2012

Town Board of the Town of Manlius

RE: Certificate of Deposit Bond

Dear Board Members;

T.H. Kinsella Inc. holds a \$40,000 certificate of deposit for the benefit of the Town of Manlius. (See attached statement) This CD is a condition (#25) of our special use permit and was intended for reclamation in the event T.H. Kinsella Inc. did not reclaim the quarry. This CD is expiring in early May, and we would like the board to consider changing this requirement because we feel it is no longer necessary. The following are reasons supporting this change:

1. The NYSDEC is the agency that is now responsible for reclaiming a mine in the event the operator fails to reclaim it, not the municipality that the mine operates.
2. In 1981, the NYSDEC Mined Land Reclamation was in its infancy had not proven itself in its ability to reclaim a mine. Since then, they have reclaimed mines in the very rare instances the operator fails to do so.
3. This was a condition the town put in our permit because of their uncertainty of the states ability to reclaim a mine and to assuage the neighbor's reclamation concerns in 1981.
4. The NYSDEC reclamation bond requirement is now \$408,750 (See enclosed DEC letter). We feel this is more than adequate to reclaim the quarry based on previous reclamation experience. Much of the expensive reclamation of placing the backfill on the quarry high wall is complete. We practice concurrent reclamation which means we are constantly reclaiming as we mine, therefore, reclamation is not far behind the active face.
5. In regards to this bond guaranteeing all conditions of the permit is not necessary. If we fail to comply with the permit conditions, the board has the ability to revoke the permit. That is much more of a threat than a \$40,000 CD.

While this CD is not a major problem in the realm of our business, it has become more of a hassle that we feel is out dated and unnecessary.

Thank you for your consideration and if you have any questions please feel free to call.

Sincerely,

Thomas P Kinsella, President
P 637-3390

CRUSHED STONE
SIZED STONE
WASHED SAND
TOPSOIL

New York State Department of Environmental Conservation
Division of Mineral Resources
Bureau of Resource Development & Reclamation, 3rd Floor
625 Broadway, Albany, New York, 12233-6500
Phone: (518) 402-8072 • Fax: (518) 402-8060
Website: www.dec.ny.gov



September 27, 2011

T.H. Kinsella, Inc.
P.O. Box 7
Fayetteville, NY 13066

Re: Mine File #70077 (NYS Rt. 5)
Letter of Credit #SB9115530001 - \$408,750 (M&T Bank)

Dear T.H. Kinsella, Inc.:

The increase to your mined land financial security in the amount of \$408,750 submitted to cover your liability for the reclamation of the above-referenced mine has been reviewed and is acceptable.

Financial security must be maintained until final reclamation is approved by this Department.

If you have any questions, please contact me.

Sincerely,


Jeannine Coons
Agency Program Aide

c: Mike Spadafore, Region 7, Syracuse
M&T Bank, Trade Finance, 1800 Washington Blvd., 8th Floor, Baltimore, MD