

CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN CRAIG ARTIST - Absent
TOWN COUNCILMAN DAVID BRINK
TOWN COUNCILMAN JOEL B. BRINK
TOWN COUNCILMAN ROCCO SECRETO
SUPERVISOR NICKY B. WOERNER

Supervisor Woerner stated that the purpose of the meeting was to open a round table discussion with Callanan Industries Blasting and to have experts answer questions. He stated that the town was unable to act on any individual resident's behalf to initiate a civil claim to recuperate any damages. That is solely the individual's concern. The Town will review the site plan and the blasting permit given to Callanan Industries to see if they are compliant. Further, a sample letter notice of claim was written for people to use if they believe their property has been damaged by Callanan.

The floor was open to questions in the following order: the DEC, a seismograph expert, Dyno Nobel, the blasting company and Mr. Stark, a representative of Callanan Industries. The following is a summary of comments.

Halina Duda, a mined land reclamation specialist for the State DEC, fielded questions. She stated that Callanan Industries is within their limits for blasting, as permitted. The permit limits are set by the State DEC and they are based on the Federal Mining Bureau guidelines. The limits are based on partial velocity per second and are short of the limits that could cause damage to the most sensitive part of a building which is sheet rock, lathe and plaster. They reviewed the application, the readings and have field inspections to ensure compliance. They have a seismograph machine that is calibrated. They can use it to ensure that the one monitoring the blasting is reading right. She stated that if there is fly rock (falling rocks from the air) or dust, the residents need to contact her so she can inspect it from the field. She is not a health expert nor could she answer questions about breathing in dust. This matter was referred to County Legislator Brian Cahill, to refer to Dean Palen at the County Board of Health. The County Board of Health can test water for people if they are experiencing any turbidity. Any air quality complaints for the black top smell, will have to be referred to another DEC expert, an Air Quality Technician. The mining permit allows Callanan the right to crush rock. There was a concern about a gas pipe line going through the Perry's property. Mrs. Duda will contact Central Hudson to mark it and review that issue, as well as check into some rocks located on top of the ridge off of Main Street, East Kingston near the Watzka's house. There will be no blasting until the gas issue is resolved. There is a concern about the caves, possibly collapsing, in East Kingston with the blasting. Mr. Stokes will contact a geologist to investigate them. The DEC is aware of the high pressure gas line near the landfill and everything is fine there. The DEC stated that there is no effect on the recognized wetlands from the blasting and that there is no law that requires a fence to be placed around a mining operation. Mrs. Duda did state that she spoke to

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Mr. Stokes and recommended a fence be placed near the Perry property due to the delineation of the land. It was criticized that the company should not monitor its own blasting. It was countered that it was in there own interest to monitor the blast to ensure the efficiency of the blast. By directing more of the blast energy into the rock, they gain a higher yield. Any energy that goes in the air is a waste of money. It is also an industry practice for blasting companies to monitor there own blasts.

Callanan Industries expressed interest in setting up seismographs that feed into a satellite to provide accurate information.

A seismograph machine expert briefed the town about seismographs. An incorrect setup would yield a high reading resulting in a violation. There are a variety of types of machines, but only a few are suited to measuring blasting, require certification and calibration. Machines are placed at the ground level as conservative measurement of the blast as too low or in the ground results in lower readings and higher in the air results in higher readings. The guidelines regulating the blasting are conservative and are set higher to prevent damage to the most sensitive parts of building such as lathe and sheet rock. In answering concerns about damage to properties, he stated he was not a structural engineer.

A problem was reported that two filled oil drums were found in the hamlet. Supervisor Woerner referred this matter to the Town Building Inspector. He also stated that any resident who is connected to the East Kingston Water District who has water problems should report it to the Town.

An expert from Dyno Nobel answered questions from the audience. He stated that the blasting product contains nitrous and sulfur that pose no harm to people after the blast. About a pound would yield a yard of materials. An average of 6,000 pounds of explosives are used per blast. There are pre-shot plans for a blast, as well as post reviews to make the process better and to ensure they are within their limits. They try to get the most out of the energy to save money and do not want it to go into the air. He explained cosmetic blasting is the removal of rock that was already blasted, but need to be removed with a smaller quantity of explosive. That blast would be less severe. He explained that the DEC monitors each blast and the Health Administration handles the other items. It was explained that sometimes machinery needs to be used to remove denser material that is layered on top of less dense materials for safety reasons when blasting and that may be the cause of the machinery noise some people hear. The hours and times of operation are dependant upon the material that is needed. There are areas where they are allowed to blast and if they go outside those limits they will be in violation. The DEC enforces this. If residents have fly rock, he would like to know so that they can review the blast and correct this. His company takes this very seriously. The Dyno Nobel expert answered questions about housing damage in general. There are many reasons for houses to have damage; settling, ph balance of the soil changing, temperature changes, quality of the materials used, chemical reactions, etc, etc.

Halina Duda, from the DEC, stated that the company has not violated their permit. Further, if it was violated, it would be reviewed to see if there is a pattern. If it was a one time event, it would be a judgment call. There were no past violations to her knowledge since 2001.

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A resident requested that the Town send a letter to all the elected representatives of the town to request help in fixing the problem.

Mr. Stokes, a representative of Callanan Industries, stated that the life of a mine is hard to determine, while a value is given, it is based on market conditions. The east operation will be finished first as there is less material there, but their plant is located there. When the mine is finished the land will be reclaimed, but it would not be cost effective to do so before the business has finished its operation. He could not answer how many blasts will be left in the area. The business in Esopus is moving to this location, as the material has been exhausted there. He could not answer definitely about the amount of material that is available on the property without reviewing his records.

There was a discussion about the egress to the property and the trucks moving through a tunnel. All were legal and no permission was required to do anything that was done. Further, there's a concern about the effect the blasting has on the values of homes in the area. There was no answer that could be determined at the time.

The round table discussion ended at 11:36 PM

Supervisor Woerner motioned to hire a seismograph expert to perform testing in the area to see if Callanans is compliant with their blasting, with the cost not to exceed \$5,000.00

2nd by Councilman Secreto

Four Ayes – Councilman Artist was absent

Supervisor Woerner motioned to hire engineers and/or attorneys to evaluate the data and information to see if Callanans is compliant with their blasting permit, with the cost not to exceed \$5,000.00

2nd by Councilman Secreto

Four Ayes – Councilman Artist was absent

Councilman Woerner motioned to adjourn the meeting at 11:58 PM

2nd by Councilman Joel Brink

Four Ayes – Councilman Artist was absent

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk