



February 1, 2016

Dr. Barry A. Weinstein, Town Supervisor  
Town of Amherst Municipal Building  
5583 Main Street  
Williamsville, NY 14221

**Re: "Hole #6 Pilot Study" - Draft Report related to the Remedial Site Investigation for the former Westwood Country Club submitted to the NYSDEC**

Dear Dr. Weinstein:

This letter is being submitted on behalf of Mensch Capital Partners, LLC ("Mensch") to notify the Amherst Town Board ("Town Board") earlier today Mensch submitted a draft sampling report to the New York State Department of Environmental Conservation ("NYSDEC") providing updated soil sampling test results pursuant to the Brownfield Cleanup Agreement ("BCA") entered into between Mensch and NYSDEC for the remediation of environmental contamination identified at the former Westwood Country Club site ("Westwood Site").

As the Town Board is aware, soil testing commissioned in the fall of 2014 by Mensch at the request of the Erie County Department of Health uncovered levels of arsenic that exceed NYSDEC's Soil Cleanup Objectives for residential, commercial or industrial uses. The updated soil test results submitted to NYSDEC today confirmed the presence of arsenic and found a number of additional metals not previously detected in the initial testing, including cadmium, chromium, copper, mercury, lead and zinc. The test screen for this latest round of soil sampling was approved by NYSDEC as part of the Remedial Investigation Work Plan for the Westwood Site.

The new metals identified based on the new soil sampling tests appear to be consistent with the historic use of pesticides, fungicides and herbicides that were regularly applied by the former country club and in keeping with then generally accepted golf course industry maintenance protocols. It is also important to note that the levels of arsenic, cadmium, chromium and mercury identified based on this latest soil sampling tests each exceed NYSDEC Soil Cleanup Objectives for residential, commercial and industrial uses, yielding the Westwood Site, based upon current regulatory guidelines, as unsuitable for residential and/or recreation uses, including both active or passive recreation uses. These new soil test results further underscore the importance of developing and implementing a cleanup and remediation plan in cooperation with NYSDEC that meets or exceeds its stringent standards for residential and/or recreational uses of the site. Mensch wants assure the Town Board that it will continue to work cooperatively with NYSDEC under the BCA towards fulfilling this important objective.

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There is no question that implementing such a remediation plan will be costly. The New York State Brownfield Cleanup Program ("BCP") was created, in part, to ensure that remediation of sites like the Westwood Site are economically feasible in coordination with the redevelopment of the site. Mensch's decision to apply for the BCP and subsequently entering into a BCA with NYSDEC ensures that remediation of the Westwood Site is both technically and economically feasible. To be clear, the redevelopment of the site is the only viable catalyst that enables the remediation of the site, resulting in a "clean" site that will be certified by NYSDEC as meeting its rigorous standards for residential and/or recreational uses. The remediation of the site will definitively mitigate the contamination issues at the Westwood and enhance the value of nearby properties.

The draft sampling report submitted to NYSDEC provides a summary of the results of the updated soil sampling testing and conclusions where appropriate. The NYSDEC will review the draft report and may provide comments. A final report will be prepared based on comments from the NYSDEC, if any, and submitted to NYSDEC for final review and approval.

In the interest of full public disclosure and transparency, Mensch has decided to make public its submittal of this draft sampling report to NYSDEC, known as Hole #6 Pilot Study Report. Enclosed is a copy of the draft sampling report and our press release announcing the submittal of the draft sampling report to the NYSDEC. We further believe it is appropriate to notify the Town Board, as the designated Lead Agency for the coordinated environmental review of the Westwood Project pursuant to SEQRA, of the submittal of the draft sampling report to the NYSDEC.

As always, I am available to answer any questions you may have and I can be reached at (716) 362-7880 or via email.

Thank you in advance for reviewing the enclosed information.

Sincerely,



Andrew J. Shaevel  
Managing Partner

Cc: Steven D. Sanders, Deputy Supervisor & Councilmember  
Ramona D. Popowich, Councilmember  
Deborah Bruch Bucki, RN, PhD, Councilmember  
Francina J. Spoth, Councilmember  
Marjory Jaeger, Town Clerk  
Stanley J. Silwa, Esq., Town Attorney  
Eric W. Gillert, AICP, Planning Director  
Gary Black, AICP, Assistant Planning Director  
Brian Andrzejewski, P.E., Commissioner of Buildings

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Brad Packard, Ciminelli Real Estate Corporation  
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