

NOYAC CIVIC COUNCIL

P.O. Box 2565, Sag Harbor, NY 11963 • 631-725-3304 • NoyacCivic@optimum.net • www.Noyac.org

COMMUNICATION - PRESERVATION - SUSTAINABILITY - EDUCATION - REPRESENTATION



The following are the letters of response to NCC President Elena Loreto regarding Sand Land's illegal operations.

From NYS Assemblyman Fred Thiele:

Hi Elena:

As you know, I have long worked to close Sand Land. Why? Because it is a non-conforming land use that is located in a State designated Special Groundwater Protection Area (SGPA) which has been documented to have polluted our water supply. I've been a petitioner in lawsuits. I've passed legislation that was vetoed by the Governor, and I have publicly advocated for its closure for years in the public interest.

The Appellate Division decision accomplishes that goal. However, it must be enforced. The actions of the Town of Southampton to issue stop-work orders against the mine pursuant to its zoning authority is helpful and laudable. However, ultimately, the enforcement of a court decision interpreting the State ECL lies with the DEC and the State Attorney-General. The DEC's inaction regarding the decision does harm to the rule of law. They are protecting the polluter at the expense of public health. It is official malfeasance.

We must all demand that the DEC enforce the law. I did that just this week in a letter to the DEC with State Senator Palumbo. I have forwarded you that demand under separate cover. If the DEC fails to enforce, the petitioners in the successful lawsuit must act again to seek enforcement.

I assure you that we are all taking every action we can to get the scofflaws at the DEC to do their job. If they don't, we will have to take further actions ourselves. I can assure you we will.

Regards,

Fred
[NYS Assemblyman Fred Thiele]

From Southampton Town Supervisor Jay Schneiderman:

Elena,

I want to assure you that the Town is doing everything in its power to try to halt the ongoing, non-permitted activity of Sand Land. As you are aware, the Town has maintained a position that activities (an expansion of activities) at Sand Land should not have been permitted. The Town has held firmly to these beliefs and was recently vindicated in the Courts through the May 27th Appellate Division decision.

Since the time of the decision the Town has conducted enforcement activities on site every day since June 11, 2021. We have issued a cease and desist letter to Sand Land, as well as a Stop Work Order. Along with those actions, the Code Enforcement Division has issued summonses to Sand Land for each day of activities. We will continue to write them for every single day that they violate our orders and the Appellate decision. We have also been speaking regularly to the District Attorney's Office and are attempting to cooperate with them on additional possible criminal and civil violations. They have shown interest and we welcome their involvement.

Unfortunately, the one party that should definitely be involved in these enforcement actions, and the party that could/should have the greatest impact on the continued non-permitted operations in the face of the Appellate decision, is the DEC. The Town has sent notice to the DEC to act on the Court decision and take steps to enforce

the rule of law. We have heard nothing. We continue to try to reach out to the DEC and their counsel but have had no success in compelling them to act. We are also aware of similar outreach from the District Attorney's Office to the DEC, which has been met by similar silence and inaction. To say the least, we are disappointed in the failure of the DEC to enforce the Court decision and take the necessary and appropriate actions to protect the safety and well-being of our residents.

I assure you that we are continuing to push the DEC to do their job and investigating all legal options that we may have to compel them to act. We will continue to investigate Sand Land and enforce the codes and laws of the Town of Southampton. We would encourage any residents to report activity observed at Sand Land to our Public Safety and Emergency Management Administrator, Ryan Murphy, atrmurphy@southamptontownny.gov so that those complaints can be added to the record for future court proceedings. We would also encourage everyone to continue to demand that the DEC take action and do their jobs.

If any new information or activity develops we will be sure to share that with you so that you can communicate it to all of the other CAC members.

Jay
[Southampton Town Supervisor Jay Schneiderman]

Tell the DEC and Gov. Cuomo to Enforce the Law and PROTECT OUR WATER!

WRITE TO:
Basil Seggos, Commissioner
NYS Dept. of Environmental Conservation
625 Broadway
Albany, New York 12233-0001

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224
Email: <http://www.governor.ny.gov>