Minutes of a Special Board Meeting of the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Thursday, March 25, 1991 at 7:30 A.M.

Present:	Joseph F. Janoski,	Supervisor
	Vic Prusinowski,	Councilman
	Denise Civiletti,	Councilwoman
	James Stark,	Councilman
Also Present:	Patricia Moore,	Town Attorney
	Irene J. Pendzick,	Town Clerk

WAIVER OF NOTICE AND CONSENT OF SPECIAL MEETING

We, the undersigned, being all members of the Town Board of the Town of Riverhead, Suffolk County and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at Riverhead Town Hall, at 3:48 P.M. on the 25th day of March, 1991 and do consent to the holding of such meeting for the purpose of considering **Resolution #201** - STATEMENT OF POSITION AND CONCERNS WITH REGARD TO NOMINATION OF PECONIC RIVER SYSTEM INTO THE NATIONAL ESTUARY PROGRAM and **Resolution #202** - TEMPORARY CERTIFICATE OF OCCUPANCY FOR LAURAMA PROPERTIES. Both resolutions were voted on unanimously.

Dated: March 25, 1991

TOWN BOARD MEMBERS
TOWN OF RIVERHEAD

JOSEPH F. JANOSKI
Supervisor

VIC PRUSINOWSKI
Councilman

DENISE CIVILETTI
Councilwoman

JAMES STARK
Councilman

There being no further business on motion or vote, the meeting adjourned at 3:50 P.M.

Irene J. Pendzick
Irene J. Pendzick
Town Clerk

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STATEMENT OF POSITION AND CONCERNS WITH REGARD TO NOMINATION OF PECONIC RIVER SYSTEM INTO THE NATIONAL ESTUARY PROGRAM

Councilperson Prusinowski offered the following resolution, which was seconded by Councilperson Stark:

WHEREAS, the Suffolk County Department of Health Services has completed a draft nomination document calling for a management conference upon the Peconic Estuary under the National Estuary Program, and

WHEREAS, the draft document has been submitted to the Towns of East Hampton, Riverhead, Southampton, Southold, and Shelter Island as well as the Incorporated Villages existing in these Towns, and

WHEREAS, the County of Suffolk has solicited the comments of the Towns and Villages on the proposed document, and

WHEREAS, the Town of Riverhead has submitted significant commentary to the County of Suffolk with respect to the extent of study parameters and the contemplated implementation of study findings, and

WHEREAS, the County of Suffolk has issued a response to this commentary and has requested that the Town Board consider a resolution in support of the nomination document and resulting National Estuary Program, and

WHEREAS, in the consideration of a supporting resolution, the Riverhead Town Board has carefully considered the nomination document in its entirety and has analyzed the impacts that a management conference would have upon the prerogatives of Riverhead Town Government as well as the ecological balance of the Peconic Estuary;

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board makes the following general findings respecting the nomination document and contemplated management conference:

First, that true environmental protection cannot be achieved without cost and that historically these costs have been borne exclusively by Town Governments;

Second, that prior environmental legislation enacted by State Government has seriously impacted upon Municipal Home Rule the Town authority to plan and zone and has created regulation which is counterproductive to proper land use planning;

Third, that the Peconic Estuary is presently characterized by good to excellent surface water and groundwater quality and there already exists regulation which would be beneficial to the integrity of the Estuary if it were enforced;

Fourth, that the Riverhead Sewage Treatment Plant is meeting virtually every requirement of the relevant SPDES Permit and that the Riverhead Town Board has successfully instituted a program of modification to provide for a higher level of treatment; further, the Riverhead Southampton Scavenger Waste Treatment facility is either meeting or exceeding its design parameters for total nitrogen, even though same is not currently required by any applicable regulation or permit standard;

Fifth, the Town of Riverhead is supportive of the fact that the National Estuary Program expects to expand the BTCAMP Study to the entire Estuary and considers this expansion critical to true protection of the identified natural resource. Further, the Town Board finds that regulation based upon a study incorporating scientific method, as is the NEP, is preferable to regulation based upon a single agency natural resource assessment as was effected upon lands proximate to the Peconic River, and

BE IT FURTHER

RESOLVED, that the Riverhead Town Board does not oppose the designation of the Peconic River and Bay System as a National Estuary and does not oppose the creation of a management conference for said Estuary. The Town Board takes this posture with these reservations:

1. That the nomination document does not contain language recommending against permit moratoria which could be potentially issued by governmental agencies participating in the conference. There should be an expressed policy against moratoria;

2. That the nomination document does not clearly state that new regulation designed to implement the findings of the BTCAMP Study will be postponed until the more comprehensive recommendations of the management conference are offered;

3. That the nomination document does not provide for unanimous vote on the part of the management committee, and

BE IT FURTHER

RESOLVED, that upon the institution of a management conference, the Town of Riverhead will adhere to the following principles:

1. That since the Peconic River and certain contiguous uplands are part of the study area and that existing Federal and State regulation which conflicts with the Comprehensive Conservation Management Plan (CCMP) shall be superseded;

2. That the Management Committee shall be required to identify sufficient Federal, State, and local funding sources prior to the recommendation of any structural solutions mandated by CCMP;

3. That the Management Committee shall be organized in such a way as to gain consensus upon the recommendations of the CCMP; that is unanimous agreement of all Committee members;

4. That in order to encourage consistency of the National Estuary Program with more local environmental regulation, the management conference shall, prior to its adoption, approve any proposed Federal or State regulation designed to implement the Comprehensive Conservation Management Plan;

5. That since the nomination document expresses the policy that "the program intrinsically has no explicit or implicit authority to alter or usurp the existing jurisdictional structure within the Peconic Estuary Area," the Town of Riverhead will vigorously support this policy and the legitimate authority of a Town to complete land use plans and implement zoning ordinances, and

BE IT FURTHER

RESOLVED, that the Town Board of the Town of Riverhead pledges mutual cooperation with other levels of Government to achieve the goal of preserving the Peconic Bay Ecosystem with recommendations that are both economically affordable and environmentally sensible, and

BE IT FURTHER

RESOLVED, that the Town Clerk is authorized to send a certified copy of this resolution to Vito Minei, Supervisor of Office of Ecology, Suffolk County Department of Health Services; Michael J. Caracciolo, First Legislative District; Kenneth P. LaValle, First State Senatorial District; and Joseph Sawicki, Jr., First Assembly District.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#202 3-25-91

Councilperson Stark offered the following resolution, which was seconded by Councilperson Prusinowski:

WHEREAS, the Riverhead Town Board, by Resolution #790, of 1990, did amend the site plan of Laurama Properties to provide for additional landscaping, and

WHEREAS, an inspection of the property on December 17, 1990, revealed that the installation of a black vinyl coated chain link fence and the planting of 23 Taxus Angelica (Yews) had yet to be completed, and

WHEREAS, a temporary Certificate of Occupancy was issued on this premises which expired on November 8, 1990, and

WHEREAS, the agent for the applicant has requested that the Town Board issue a Certificate of Occupancy for the premises, and

WHEREAS, the items identified in the Town of Riverhead inspection of December 17, 1990, are still required, and

WHEREAS, the costs of the provision of the aforementioned site improvements as estimated by the Planning Department is $3,000;

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board hereby directs the Building Department to issue a temporary Certificate of Occupancy for the premises of Laurama Properties, Route 58, Riverhead (Suffolk County Tax Map Number 0600-84-3-30.1); such temporary Certificate of Occupancy to expire on June 25, 1991; such Certificate of Occupancy predicated upon a Certificate of Deposit assigned to the Town of Riverhead in the amount of $3,000 in a form acceptable to the Town Attorney.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

WAIVER OF NOTICE AND CONSENT OF SPECIAL MEETING

We, the undersigned, being all members of the Town Board of the Town of Riverhead, Suffolk County and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at the Town Hall, Riverhead, New York, at 3:00 P.M. on the 25th day of March, 19 91, and do consent to the holding of such meeting for the purpose of

Considering a resolution regarding the National Estuary Program and any other matters that may come before the Board.

Dated: March 25, 1991

TOWN BOARD MEMBERS,
TOWN OF RIVERHEAD, NEW YORK

Supervisor

Councilman

Councilwoman

Councilman

Councilman