

**MEETING OF APRIL 8, 2014**  
**OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY**  
**OF THE TOWN OF EAST HAMPTON, NY**

Present: Diane McNally, Trustee Clerk  
Timothy Bock  
Brian Byrnes  
Deborah Klughers  
Sean McCaffrey  
Bill Taylor

Not Present: Stephanie Forsberg, Assistant Clerk  
Stephen Lester  
Nathaniel Miller

Also Present: John Courtney, Trustee Attorney  
Lori Miller-Carr, Trustee Secretary  
Chris Walsh, Star Reporter  
Ira Barocus  
Larry Cantwell, Supervisor  
Billy Hajek  
Rona Klopman

The meeting was opened at 6:00 pm by the Clerk.

Billy Hajek was present concerning the applications of Scott Silver of 108 Runnymede Drive and Joel Zbar 100 Runnymede Drive for bulkhead reconstruction. The Clerk told Mr. Hajek the applications were given to the Hog Creek Committee for review at the last meeting. She said she would like more details as far as what portions of the project will be done from the upland side versus from the barge. She also inquired what the plans will be for the barge during the 7 to 10 days it takes to complete the project and asked for submission of an updated survey indicating the mean high water mark. The Clerk noted she would like the name of the contractor and his East Hampton Town license number. Mr. Hajek replied the contractor is Terry Marine Contracting. Mrs. Klughers pointed out she likes the hardwood, mahogany and different variations of wood which is being proposed in the project. She went on to say she also likes the idea there is less clearing than that permitted. She added she would like to review the DEC permit. The Clerk asked Mr. Hajek if both properties are proposing upland structures. Mr. Hajek replied they are both replacing staircases; he added Mr. Silver has applied to replace the house but hasn't received a permit to date. He noted Mr. Zabar has been issued a DEC permit and Mr. Silver is expecting his DEC permit in the mail. Mr. Hajek added he will submit the requested information to the Trustees.

Diana Walker said she was present to discuss the proposed ban of alcohol on lifeguard beaches. She pointed out she felt it is important the Trustees listen to what the public has to say about this issue. She asked what the Trustees liability would be if someone was drunk and got injured on the beach. Mr.

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Courtney replied whoever caused the injury would be liable (the intoxicated person). Ms. Walker asked how alcohol could be banned on the Village beaches and not on the Town beaches. The Clerk advised Ms. Walker to review in the Village Code and she won't find anything that indicates there is a ban. Ms. Walker pointed out it is disturbing there is a perceived turf war between the Town Board and the Trustees. She noted it has become an issue in the press, and doesn't serve the Trustees well as it puts them on the defensive; and takes away from the good things the Trustees do for the community. The Clerk stated Ms. Walker the Town Board proposed an amendment to Chapter 91 without consulting with the Trustees; and the Code clearly states this Chapter will not be amended without a majority approval of the Trustees. Ms. Walker said she feels the public didn't realize that. The Clerk said the Trustees had one meeting with the Supervisor and discussed how the alcohol could be addressed; but before they had time to consider alternatives, the Town Board proposed an amendment. Mrs. Klughers pointed out the Town Board should have discussed the proposal with the Trustees beforehand. The Clerk has she drafted a proposed response to the Town Board and gave a copy to the Trustees for their review. She is trying to approach the problem through Chapter 82 "Peace and Good Order" as opposed to Chapter 91. She noted she also took four sections from the Village Code and to take to the Town Board as an alternative to a prohibition. Mr. Taylor suggested the Trustees allocate a small portion of the beach for people who do not wish to engage in alcohol. He compared this to the beach vehicle law- setting aside an area where vehicles can go and enjoy the peace and quiet. Mr. Byrnes told the Board he reached out to the public including the lifeguards, police, etc...and concluded he is in favor of a ban on an experimental basis during lifeguard hours. He added it is unfortunate certain groups ruin it for others; but it has to be hard for the lifeguards to keep track of those who are drinking. He's afraid as a true emergency may be overlooked. The Clerk said the Trustees have received several emails and letters concerning this issue. She noted CFAR did an online survey and the results are not overwhelming one way or the other, but a lot of people don't seem to understand the issue at all. She pointed out she doesn't want to see a "domino effect" for restrictions to beach use. She said she had a quick conversation with the Supervisor today and he suggested going back to posting a certain area on an experimental basis for the season. The Clerk went on to say she understands there is an issue at Indian Wells Beach; but knowing human nature, once someone has a bad experience and it is anticipated something will happen again, people get angry and want it stopped. She pointed out the Trustees have heard the situation on the beach has improved over the past few years and hope it continues to improve. She added it is the behavior that has to be addressed, not the alcohol. Mrs. Klughers said a ban might not solve the problem as people will go to other beaches. She added she felt the focus should be on enforcement. Mr. Taylor said from his experience, it is easier to enforce a ban on alcohol rather than on behavior. He pointed out if a person is arrested for bad behavior, it will mean a police officer will be involved for three or four hours- taking him/her to jail, etc...but the lifeguards can advise a person they are not allowed to have alcohol on the beach. Ms. Walker asked what the behavior experience is like at Villages beaches. Mrs. Klughers said it is her opinion that people drink on the Village beaches and there doesn't seem to be a problem. Ms. Walker asked if perhaps the behavior is better because of the perception. Mr. McCaffrey said he felt there is more of a police/enforcement presence on the Village beaches, especially Main Beach. Ms. Walker stated her experience at Indian Wells Beach last summer was terrible and she wouldn't go back. She said she hopes both Boards can come to a sensible solution before the season. Supervisor Cantwell, who came in during the discussion, said he hopes the Trustees and the Town Board can find a way to put something in place on a trial basis for a very limited ban on lifeguard beaches. He said the summer is approaching and the sooner the Trustees can come to a conclusion, the Town Board can take

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whatever steps are necessary to get the beach posted properly. Mrs. Klughers asked the Supervisor how the Village enforces the alcohol ban on their beaches. Mr. Cantwell replied from his experience, the Village is a little more proactive when it comes to beach patrols. He pointed out there is someone on the beach in the evenings all during the summer. Mrs. Klughers asked if the Town plans to have similar enforcement in the areas that would be under the prohibition in the Town. Mr. Cantwell pointed out the proposal (for the Town) is so limited as it is only effective during lifeguard protected hours and they have personnel on the beach (lifeguards), who can radio a police officer. He added Chief Sarlo has indicated the Police Department will cooperate with the lifeguards in the event an issue arises. It was agreed the Clerk will schedule a special meeting with the Trustees and also speak further with Chief Sarlo in order to come to a consensus among the Board concerning this matter.

Rona Klopman was present concerning a request from Temple Adas Israel to utilize Six Pole Highway as access to their recently acquired parcel. Upon review, it was determined trees are encroaching onto a portion of the road. It was agreed a survey would have to be done to determine what portion of the road is blocked by the trees and find out who the property owner is that planted them. The Clerk told Ms. Klopman after a determination is made, access can be granted to Temple Adas Israel. A motion was made by the Clerk to contact a surveyor to determine what portion of Six Pole Highway is being encroached by trees in the vicinity of property recently acquired by the Temple Adas Israel. This motion was seconded by Mr. McCaffrey and unanimously approved. The Clerk asked the Roads Committee to review the access easement request from Temple Adas Israel.

A motion was made by Mr. Taylor to approve payment of the following bills: a) Optimum- \$144.80; b) Anthony Tohill- Seaview- \$1,041.25 and White Sands- \$612.50; c) Hamptons Online- \$35.00; d) North Fork Water Supply- \$37.94. This motion was seconded by Mr. Byrnes and unanimously approved.

The Clerk reported she drafted a letter to Mr. Voorhis, attorney for Mullen, Lynch and Clemente, requesting he suggest alternatives and thoughts on how to protect the beach properties and the as opposed to the rock revetments which are being proposed. She asked the Trustees to review the letter and contact her if they have any comments.

Concerning the application of Mary Meeker for bulkhead repair near Accabonac Harbor, the Clerk reported she sent a letter to Dan Hall, the agent, requesting a copy of the scenic easement and color photographs of the bulkhead and groin. Mrs. Klughers added she would also like to review the DEC permit.

The Clerk reported no response has been received regarding the Zweig revetment application. She added she will contact Special Counsel Brian Matthews regarding this matter.

A motion was made by the Clerk to approve the application of Jeffrey Britz for continued placement of 165 linear feet of shoreline fence installed without a Trustee Permit with the following standard conditions: a) copies of applications and permits acquired from other agencies are to be submitted to the Trustees; b) notification in writing, two (2) days prior to start and upon completion of the project; c) a valid as-built survey of the permitted activities indicating the deed line and most seaward line of vegetation will be submitted to this Board upon completion of the project; d) if the beach is to be used as access to the project site, it shall be left in the same condition upon completion of

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the project as at the start; e) no equipment shall be left on the beach overnight; f) access along the beach for the public shall not be impeded; g) submission of color photographs at the start and upon completion of the project; and h) no treated material. In addition, only one (1) row of fence to remain installed in the most landward location; the row of fence previously installed the most seaward is to be removed; metal posts must be removed and replaced with wooden posts; and all other conditions of Town Code Chapter 255-4-70 must be met. This motion was seconded by Mr. McCaffrey and unanimously approved.

Concerning the application of James Johnson for a shoreline fence along 31 Old Beach Lane, the Clerk said she sent a letter to the applicant requesting submission of a survey that indicates the beach grass line and as well as documentation regarding the abandonment of Atlantic Avenue as shown on the survey originally submitted. She added no response has been received to date.

The Clerk reported she spoke with the attorney for Charles Phillips concerning an application for dune restoration near Dune Lane and advised him a covenant would be required if beach grass planting is proposed. She asked the Beaches Committee to inspect the site and report back to the Board.

A motion was made by Mr. McCaffrey to approve the applications of Kennell Schenck, Jennifer Landey and Robert Osborne for bulkhead repair along adjacent properties on Three Mile Harbor with the standard conditions including initiation of an annual agreement for the Landey dock. This motion was seconded by Mr. Taylor and unanimously approved.

The Clerk told the Board a letter was received from Marian McMahon asking permission to rent her house on Lot 16S to Mr. and Mrs. Matthew Feyh from April 1, 2014 to March 31, 2015. She asked the Lazy Point/Napeague Committee and Mr. Courtney to review the information received and report back to the Board at the meeting of April 22, 2014.

Notices were received from the Village Zoning Board of Appeals concerning hearings on April 11<sup>th</sup> and April 25<sup>th</sup>. The Clerk noted the application of Ms. Loida Lewis will be heard on the 11<sup>th</sup>, but after review of the project description, all the work seems to be on the upland portion of the property, not along the ocean beach. Mr. Courtney advised the Board he is Ms. Lewis' attorney and is not able to discuss this matter.

The Board discussed the proposal from the Town Board to change Chapter 151- Mass Gatherings to 'Public Assemblies'. The Clerk noted the new regulations address everything except commercial use on the beaches for less than fifty (50) people. Concerning a proposal to add a 'Special Consent' form to the Mass Gathering Permit requiring Trustees' notification at least 48 hours prior to a proposed gathering on the beach and a receipt of a Certificate of General Liability Insurance, the Clerk noted Mr. Courtney drafted a document. She asked the Trustees to review it and report back to her with any comments.

Concerning a request from the Sportsmen's Alliance for permission to hold a shellfish outing for a group of young people at Napeague Harbor, the Clerk said she will draft a special permit.

The Clerk reported she hasn't received any new information from the Natural Resources Department concerning Piping Plover Protection measures. Mr. Taylor said the monitor, Ms. Duryea

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advised him the pre-season fencing has been installed. The Clerk pointed out the fence at Louse Point is a bit excessive as it goes into the water. Mr. Byrnes agreed. Mr. Taylor added he will contact Ms. Duryea regarding this matter.

The Clerk reported an updated Beach Driving Guide was received from the Natural Resources Department. She asked the Trustees to review it for possible amendments. A motion was made by the Clerk, if upon review of the 2014 Beach Driving Guide by the Trustees and majority approval; comments will be forwarded to the Natural Resources Department. This motion was seconded by Mrs. Klughers and unanimously approved.

Concerning the previous requests from Lazy Point residents Carol Bennett, Stephen Grimaldi and Martin Pettersen for transfers/additions, the Clerk noted the Committee is still reviewing the documentation received. She also would like to contact each of them to make sure they still want to follow through with their requests, after the change of the proposal discussed at the last meeting.

A letter was received from Salvatore Forelli informing the Trustees his bulkhead repair project has been completed. The Clerk said she sent a response back to Mr. Forelli requesting the as-built survey that was a condition of the permit.

The Clerk said the Trustees are still waiting for submission of the application fee from Robin Wilder for sand placement over the existing revetment and a more detailed project description.

The 2013 Annual Report and 2014 Operating Plan were received from the Shellfish Hatchery.

The Clerk reported an as-built survey was received from Nadenia Hartley for dune restoration. She asked the Beaches Committee to inspect the completed project.

Notice of commencement of the Liebman dune restoration project was received.

The Clerk reported Mrs. Forsberg met with some of the Girl Scouts at the office to discuss their endangered species project in order to obtain their bronze award. She added Mrs. Forsberg has scheduled another meeting for May 3<sup>rd</sup> at 10:00 a.m. for the girls who couldn't attend the first meeting.

The Clerk told the Board eleven (11) Rysam Fund Scholarship applications have been received, and would like the Education Committee to review them as soon as possible.

The Clerk reported Georgica Pond inlet was opened.

Aerial photographs were received from William Fleming of the Krimendahl dock located in Georgica Pond. The Clerk asked the Georgica Committee to review the photographs and report back to the Board.

The Clerk reported no new information has been received concerning the Salter bulkhead at Hog Creek.

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In regard to a previous complaint of a derelict boat on Napeague Harbor Road, the Clerk said Mr. Miller will look into this matter and report back to the board.

Notification was received from the Devon Yacht Club advising of the start of their jetty repair project. Mr. Byrnes reported he inspected the site and it is progressing very well.

A letter was received from Daniel Neuwirth advising the Trustees he removed the outdoor shower on Lot 21N in Lazy Point and submitted an updated survey. The Clerk added the lot was previously leased by Curtis Manley.

The Clerk reported a letter was sent to David Seeler requesting his presence at the meeting of April 22<sup>nd</sup> to discuss his application for re-vegetating on Lot 38N at Lazy Point.

Notification of the next Nature Preserve meeting on Thursday, April 10<sup>th</sup> and minutes of the meeting of April 2<sup>nd</sup> were received.

The Clerk reported notification of the start of the Klein float replacement project was received. She asked the Three Mile Harbor Committee to inspect the site and report back to the Board.

An as-built survey was received of the Roaman bluff repair project. The Clerk asked the Three Mile Harbor Committee to review the survey and make sure it corresponds with the Trustee permit.

In the Report of the Clerk, Ms. McNally advised the Board a Department Head meeting was held with the Supervisor on March 27<sup>th</sup>. She noted although she couldn't attend, she received the results of the meeting. The Clerk reported she, Mr. Miller and Mr. McCaffrey met with David Rattray and Steve Boerner to discuss the delineation line of Gardiner's Bay and Napeague Bay. She said Mr. Rattray and Mr. Boerner will forward a map indicating where they feel the line should be. She added she will forward to the Board for review and a determination of agreement or not. The Clerk said an email was received from Mr. Tarbet advising the Trustees, as adjacent property owners, of an application for a variance request at 58 Bayview Avenue. She added this is for work on the upland property and not located in an area of Trustee jurisdiction.

An invitation for all Board members to a flag raising ceremony on May 3<sup>rd</sup> at the Amagansett Life Saving Station was received.

Mr. Byrnes asked if there are plans to open the Accabonac Harbor culvert in the near future. The Clerk said she was advised the Natural Resources Department is no longer acting on behalf of the Trustees in obtaining permits. She added she will contact Ms. Shaw to determine what the status is concerning the culvert.

The meeting was adjourned at approximately 8:30 p.m. by the Clerk.

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