

MEETING OF FEBRUARY 11, 2014
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON, NY

Present: Diane McNally, Trustee Clerk
Stephanie Forsberg, Assistant Clerk
Timothy Bock
Brian Byrnes
Deborah Klughers
Stephen Lester
Sean McCaffrey
Nathaniel Miller
Bill Taylor

Also Present: John Courtney, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Chris Walsh, Star Reporter
Deborah Choron
Dianne LeVerrier
Lynn Mendelman
Ben Spratford
Erica Thompson, East Hampton Press

The meeting was opened at approximately 6:00 p.m. by the Clerk.

Chic Voorhis was present concerning the status of the Mullen, Lynch, Clemente and Wilder revetment applications. Mr. Voorhis said he heard there was some discussion among the Board regarding the pending Wilder application at the last meeting. He wanted to know if there was a formal record or minutes he could review concerning the discussion. Mr. Voorhis went on to say Ms. Wilder received a letter from the Trustees stating she had not met the conditions of the Trustee permit issued for the revetment on her adjacent parcel. He said a response was sent to the Trustees and he wanted to know if they could coordinate the sand placement in the appropriate season. He pointed out Ms. Wilder provided \$10,000 for an escrow with the Trustees that was issued at the time of the original permit, but it wasn't utilized. The Clerk said upon reviewing the minutes from November 2013, the Trustees denied the application for a revetment on the second parcel. She noted she send a letter to this effect to the Ms. Wilder and the agent. She went on to say in the meantime, the Trustees are reviewing the Mullen, Lynch and Clemente parcels and inspecting the site to determine if a rock revetment is warranted. The Clerk added it is a very complicated issue as the Trustees would like to see some form of a soft approach (i.e. terracing, coir-fiber logs, etc.). Concerning Wilder, Mr. Voorhis asked if he can

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obtain additional data, updated surveys, demonstrated erosion, etc., would it be possible to re-open consideration of the application? Mr. Taylor said it would be easier to consider after the conditions of the first permit have been met. Mrs. Forsberg suggested Mr. Voorhis ask Ms. Wilder if she will consider a soft approach and submit an alternative plan. Mrs. Klughers pointed out another option is the DuneLadder. She said she can give Mr. Voorhis information on this or he can look at the website. Mr. Voorhis added he will speak with Ms. Wilder concerning this matter.

Ms. Mendelman asked about Water Quality Monitoring. Mrs. Forsberg said Dr. Gobler will give a presentation sometime in March.

Concerning Napeague Harbor dredging, the Clerk said notice was received indicating the Army Corps of Engineers is reviewing the application to dredge the west channel. She noted Supervisor Cantwell sent a letter to the Army Corps asking if the dredged material can be utilized for shoreline stabilization along the area by Mulford Lane.

The Clerk reported a meeting was held regarding Hook Pond with Mayor Rickenbach. She noted the Mayor would like to work with Kevin MacDonald of the Nature Conservancy and Bob DeLuca of the Group for the East End establishing guidelines on requests for proposals on mitigating the damage that has been done to the Pond. She pointed out to the Mayor, if the townspeople can only enjoy the aesthetics of the Pond, would the Village consider an additional public access in their deliberations. The Clerk pointed out Mr. McCaffrey asked who is in control of the Hook Pond pipe and he was told the Maidstone Club. She said she asked the Village to take a good look at the Environmental Impact Statement; and added it looks as though the Maidstone Club Irrigation Project will move forward.

Concerning SPB Development (owned by Steven Lloyd) and access over Six Pole Highway, Mr. Courtney explained that twenty five (25) years ago the Trustees made a determination some of the roads located north of Merchants Path were Trustee roads. He went on to say, quit claim deeds were obtained from the owners and Mr. Lloyd asked for an access easement. Mr. Courtney said unfortunately, SPD Development then foreclosed and the foreclosure wiped out the quit claim deeds. He noted the Trustees went to the Town Board several times in an attempt to rectify this matter but nothing was settled. The Clerk asked if Mr. Lloyd could take access to his property over the original Trustee road if he doesn't have access to his property over the relocated Trustee road because of the foreclosure. She noted it is a landlocked parcel without the Trustee road. She pointed out when the Town purchased it, they turned it into a Nature Preserve and used CPF funds; and because of that, technically it is not supposed to be improved. The Clerk stated the Town has boxed themselves in and Mr. Lloyd is paying the price for it. Mr. Courtney stated he felt Mr. Lloyd could take access over the original Trustee road. The Trustees agreed. Mr. Courtney will meet with Ms. LeVerrier (attorney for Mr. Lloyd) to discuss this matter further.

Ben Spratford was present to inquire if the Trustees had any pending applications from

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First Coastal. The Clerk told Mr. Spratford there was an application from Mr. Lewis for dune restoration but it was withdrawn. She added an as-built survey was received from First Coastal for Spiegel/Berliner for bluff restoration and the Three Mile Harbor Committee will inspect it to determine if the project has been completed in accordance with the Trustee permit conditions.

A motion was made by Mr. Miller to approve the following minutes: a) November 12, 2013; and b) November 26, 2013. This motion was seconded by Mr. Bock and unanimously approved.

A motion was made by Mrs. Forsberg to approve payment of the following bills: a) Optimum- \$144.80; b) Staples- \$91.24; c) North Fork Water Supply Corp.- \$43.97; d) Hamptons Online- \$105.00; e) Sag Harbor Yacht Yard- \$88.41; f) A. Tohill: Macklowe- \$61.25; Seaview- \$183.75; White Sands- \$245.00; and g) Ocean Graphics (business cards)- \$210.00. This motion was seconded by Mr. Lester and unanimously approved.

Concerning the application of Bonnie Maslin for a new 2nd tier bulkhead, Mrs. Klughers reported she has been to the site a number of times and nothing has changed. The Clerk pointed out applications were received from Ali Fard for new revetments and a 2nd tier bulkhead. She noted Fard is adjacent to Maslin. She added the Hog Creek Committee will continue review of these applications.

The Clerk reported the application of Karan Magovern is for an existing bulkhead in Hog Creek. She said she sent a letter to the agent inquiring about the returns and what is proposed behind the bulkhead. She noted a response was received but she is still unclear how Magovern will tie in with the neighboring bulkhead and if there will be changes to the elevation. Mrs. Klughers said the applicant originally proposed to increase the elevation. The Clerk added she would ask the agent for further details.

Concerning Floken (a.k.a. Joseph), the Clerk reported an application was received for significant bulkhead repair in the Fall of 2013 and there has been a lot of correspondence back and forth between the Trustees and the homeowner. She noted she asked if the applicant would consider less bulkhead and more vegetative buffer. She said in the interim, they went to the Town for a Natural Resources Special Permit and there is a shoreline plan in place which the Town is reviewing. The Clerk added she sent a letter advising the Trustees would like to deny the application as submitted and ask the applicant to re-submit it with a new plan. A motion was made by the Clerk to deny the application of Floken (a.k.a. Joseph) for bulkhead repair. This motion was seconded by Mr. Byrnes and unanimously approved.

Concerning the application of Ingalls Road Property Owners Association for bio-log installation, the Clerk reported a copy of the verification form and plan has been received. She said the applicant is in the process of obtaining the Expedited Administrative Natural Resources Special Permit. The Three Mile Harbor Committee will review the information received and report back to the Board.

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An application was received from Clearwater Beach Property Owners Association for dredging the Hog Creek inlet. The Clerk noted there is a window to get the project completed by March. She asked the Hog Creek Committee to review the application and be ready to issue a permit at the next meeting.

A letter was received from Arnold Leo of the Baymen's Association requesting the powering of soft clams in Napeague Harbor and Three Mile Harbor from July 1st until September 15th. The Clerk pointed out soft clams are only allowed to be harvested from May 1st to August 31st. In a discussion, Mr. Miller said when powering is done at the right time, and in the right place, its fine; but if it isn't limited, it can do more harm than good. The Clerk suggested contacting Harbor Patrol to see if they have a window where they could assist the Trustees concerning the powering of soft clams.

Concerning the Hach revetment, the Clerk pointed out it has not been maintained in accordance with the Trustee permit. She said a letter was sent to Mr. Hach's daughter, as she is in charge of the property, and an application for sand placement was submitted by Ms. Hach. She asked the Accabonac Harbor Committee to review the application.

Mr. Byrnes said he noticed the Hirschfeld revetment in Georgica is approximately 60% exposed. He asked if the Trustees would send a letter to the property owner and request the revetment be covered. The Clerk replied if it was a condition of the permit issued to Mr. Hirschfeld to cover the revetment, then a letter could be sent. She pointed out during this time of year, the Trustees receive applications for dune restoration, and in the event a permit is issued, one of the conditions would be the revetment should be covered at all times. Mr. Courtney stated unless it is stipulated in a permit, it is a voluntary thing.

The Clerk said the Board discussed the SandCastle Contest and the Three Mile Harbor Fireworks at the last meeting. She noted the Trustees were ready to approve and in the meantime, received a copy of a Town Mass Gathering revised application form asking for the property owner's signature of consent. She asked Mr. Courtney to review this. In a discussion concerning the Three Mile Harbor Fireworks and the possible closure to shellfishing, Mr. Taylor said the DEC is coming from a point of view where they have to declare the waters safe to shellfishing and testing is the precaution they take. He pointed out with the rules that are in effect, the harbor is not being polluted, but there is the potential for polluting it. He went on to say their concept is if there is a boat every one acre and one person flushes the toilet, it could pollute that one acre. The Clerk said the question is, is there enough public benefit for the fireworks display to warrant closing the harbor for a potential issue; or relocating or eliminating the fireworks and having the waterway open. In a discussion, Mrs. Klughers asked how the Trustees can get the DEC to not close Three Mile Harbor. Mrs. Forsberg stated one good point to re-educate and reiterate to the public would be the fact that the Trustees are very vested in Three Mile Harbor. She said the Trustees set up their own water quality monitoring, have supported scallop seeding, etc... and there isn't a detrimental impact from the Fireworks. Mr. Taylor said the Federal government makes the program for shellfish sanitation and the DEC has

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to follow it. Mrs. Klughers stated she felt the Trustees should ask Mr. Perchik to work with the DEC regarding water quality testing. Mr. Taylor suggested asking Mr. Perchik to include information in his advertisements advising the public not to pollute the harbor. Upon review of the documentation received from Mr. Perchik, Mr. Courtney pointed out the insurance liability policy expires on August 1, 2014 and the event is being held on August 2nd. He added Mr. Perchik should be advised to renew the insurance policy.

A letter was received from Scott Dobriner of Inter-Science Research Associates concerning his client's proposal to excavate phragmites and re-vegetate his property on Georgica Pond. The Clerk noted Mr. Dobriner and his client will attend the next Trustee meeting.

The Clerk reported two Technical Analysis memos were received from the Planning Department concerning 207 Cranberry Hole Road and 108 Runnymede Drive. Mrs. Klughers pointed out these applications were already heard.

The Clerk said she was recently advised by Kim Shaw of Natural Resources, who is in the process of working on obtaining a renewal permit for the excavation of Georgica Pond, the DEC is looking for a management plan. She noted Mrs. Shaw is going to find out how detailed the DEC wants the plan to be. The Clerk said in the meantime, she put together a policy statement of Georgica Pond. Mrs. Forsberg stated she read what the Clerk wrote and feels it is written well and is a good history of the Pond.

An as-built survey and photographs was received from Drew Bennett for Tick Tock II. The Clerk asked the Accabonac Harbor Committee to inspect the site. An as-built survey was also received from Salvatore Forelli concerning his recent bulkhead repair project on Waters Edge.

The Clerk reported an as-built survey was received concerning the Hartley dune restoration project on West Dune Lane. The Beaches Committee will inspect the site.

The Shoreline Sweep for 2014 has been canceled and re-scheduled for Saturday, February 15th. Mrs. Klughers said the event is pending due to the possibility of snow and if it does take place, there will be a reception at the Amagansett American Legion afterward. She added anyone who wants to participate can sign up online.

Mrs. Forsberg reported Girl Scout Troop 419 has proposed a project on endangered species. She said she will contact Lisa Brown to determine which endangered species the Troop would like to work with.

The Clerk said she is in the process of sending a letter to the Krimendahls and their adjacent neighbor concerning structures on Georgica Pond which do not have the benefit of a Trustee permit.

The Clerk reported the Neville and Reiss bulkhead project are underway. She asked the Hog Creek Committee to keep watch on these properties.

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The Clerk reported there has been no update from Ordinance Enforcement concerning the Salter bulkhead.

Concerning the Berney bulkhead replacement project, the Clerk reported a memo was received from the Planning Department advising they inspected the site and found it to be satisfactory. She added photographs of the project were included with the memo.

The Clerk noted she sent a letter to David Seeler asking for a more complete application for re-vegetation on Lot 38N at Lazy Point.

The Clerk said she requested estimates from Patrick Bistran, Jr., Carmine DiSunno and Steve Darenberg for repair of the parking lot in the vicinity of the Lazy Point launching ramp. She added no response has been received to date.

Mr. Byrnes reported there are a couple of boats at Lazy Point located in very close proximity to one of the leased houses. He stated he felt if there was a fire and emergency vehicles had to get to the house, it would be a hazard. He said the boats are too big and this issue should be addressed from a safety standpoint. Mrs. Forsberg told Mr. Byrnes past Boards have given written and verbal permission to certain people for storage of boats on Trustee lots. She said the Trustees have discussed this matter several times and they have gotten close to deciding not to allow any storage at all. Mrs. Forsberg suggested Mr. Byrnes review the Lazy Point Rules and Regulations in reference to usage on the lots and come up with a draft of any suggestions he might have as far as changing the verbiage. Mr. Byrnes said he will review the Rules and Regulations.

A Nature Preserve meeting is scheduled for February 13, 2014. The Clerk noted a copy of the minutes of January 9, 2014 were received.

The Clerk reported she sent a letter to the agent concerning the applications of Schenck, Landey and Osborne for bulkhead repair asking for clarification regarding a dock on one of the properties, but has not received a response to date.

Notification of start was received from STP Hedges for bluff restoration. Mr. Miller and Mr. McCaffrey inspected the site and found the project had been completed in accordance with the Trustee permit.

The Clerk reported as built surveys were received from the agent concerning the Spiegel/Berliner and Welsch bluff restoration projects.

Notification was received from Mark Mendelman advising the Trustees the Three Mile Harbor Marina piling replacement project is in process.

Mr. Byrnes asked the Clerk if a letter could be sent to Kim Shaw, Director of Natural Resources, recommending the opening of the Accabonac Harbor culvert. The Clerk replied she would send a letter to Ms. Shaw.

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The Clerk reported she contacted Mr. Bloecker regarding the Friends of Erin St. Patrick's Day Parade. She said Mr. Bloecker told her he will forward information to the Trustees as to the exact time and date of the parade when it becomes available.

An East End Trustee meeting will be held on Wednesday, February 12th at 6:00 p.m. at Southampton Town Hall.

The Clerk said there will be a meeting at the Town Hall concerning Indian Wells Beach on Friday, February 14th. There was a brief discussion concerning the issue of alcohol consumption on the beaches.

The meeting was adjourned at approximately 7:45 p.m. by the Clerk.

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