

MEETING OF MARCH 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

Not Present: Nathaniel Miller
Bill Taylor

Also Present: John Courtney, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Chris Walsh, Star Reporter
Chris Ganitsch
Dr. Christopher Gobler
Jim Kennedy
Susan Knobel
Billy Mack
Brian Matthews
Lynn Mendelman
Jack Passie
Chris Voorhis

The meeting was opened at 6:25 pm by the Clerk.

Dr. Gobler submitted a condensed draft of the results and gave a brief presentation on the results of the water quality and algae monitoring program for 15 different sites in Trustee waters. He explained the monitoring began in the spring of 2013 and continued through the fall of 2013. He pointed out water quality in many sites was excellent; the core of levels was perfect and adequate. Dr. Gobler went on to say he obtained conflicting results with DEC data regarding fecal coliform bacteria, and he wants to compare his data with that of the DEC. He noted in Three Mile Harbor low levels of harmful algae (which can cause paralytic shellfish poisoning) and rust tide were found. He believes this is worth following up on. Dr. Gobler reported in Georgica Pond the algae levels were also low but indications of compromised water quality due to other factors were discovered in late summer and early fall. He felt this should also be followed up on to get a better sense of water quality of the Pond. In summary, the proposal for 2014 is to continue monitoring from last year, with a closer focus on Three Mile Harbor and Georgica Pond; measuring the oxygen levels and if there are any

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problems, he will alert Trustees. Mrs. Forsberg stated this water quality monitoring program is priceless as there is no other lab in our vicinity doing research. The Clerk agreed and noted local waters' data never reach a point where our harbors had to be closed. Mrs. Forsberg pointed out the baseline data collected going forward, is so important with smaller events like that in Three Mile Harbor so the Board will know where to implement more specified sampling. She told Dr. Gobler the Board is entirely thankful for all the work he has done. She added it is not only important to the Trustees but to the residents as well. A motion was made by Mrs. Forsberg to approve a payment in the amount of \$38,170.00 to Dr. Gobler for the 2014 water quality and algae monitoring program. This motion was seconded by the Clerk and unanimously approved. Mrs. Forsberg added Dr. Gobler is scheduled to present these results in a public forum on Wednesday, March 19th at 6:00 p.m. at the East Hampton Town Hall.

Mrs. Susan Knobel was present concerning an application for sand bags on Lots 52N and 53N in Lazy Point. She noted she previously submitted letters and photographs to the Trustees. The Clerk pointed out, upon review of the letter, it was implied the Trustees allowed the east channel to close, and this is not true. She stated the Trustees excavated the east channel and have always supported obtaining a permit to dredge. The Clerk stated erosion was present in this area before Mrs. Knobel bought house and everyone who lives along a shoreline suffers the effects of continuing. She pointed out the Trustees have no control over the erosion and it is not their responsibility to replenish the shoreline. If and when the harbor is dredged, the Board will try to ensure spoil is placed along the shoreline. She said she did not feel this Board was disregarding the decision of past Boards, but has learned from them and will move forward. The Clerk went on to say, based on review, it appears the scouring is caused from the rock revetment in front of Mrs. Knobel's house. As far as the installation of sand bags, the Clerk told Mrs. Knobel the Trustees have set a precedent with another project and will only allow sandbags to be placed in an emergency. In a discussion, it was suggested Mrs. Knobel look into the feasibility of installation of bio-logs, which are biodegradable. Concerning the dredging of the east channel, the clerk advised Mrs. Knobel the Natural Resources Department is working on the environmental permit. Mrs. Knobel said she contacted Legislator Jay Schneiderman and he told her he will do everything he can to get the east channel dredged. It was agreed Mrs. Knobel will submit an application for installation of bio-logs and it will be considered an amendment to the application submitted in December for sand bags. Concerning the poor condition of the road end next to Mrs. Knobel's house, Mr. Byrnes reported he contacted the Highway Department to request its repair.

Mr. Chris Voorhis was present regarding the applications of Clemente, Lynch, Mullen and Wilder for rock revetments on Louse Point Road. The Clerk told Mr. Voorhis the condition for the Wilder property have not changed since her last application and the house is not in imminent danger. She pointed out the Trustees believed that scouring would eventually occur once she reveted her adjacent parcel, and it is being seen now. Mr. Voorhis said he went to see a DuneLadder project which was done in Mt. Sinai. He noted the DuneLadder has not been tested for use in a bluff situation, but the prototype was made of treated materials, and methods for construction have not been worked out. Mr. Voorhis stated he felt the revetment should be constructed with natural material (rocks) as debris (wood) would result on the beach if the DuneLadder fails. He added he also met with Francis Bock, the developer of the DuneLadder, to discuss it but he doesn't think it is appropriate in this case. Mrs. Forsberg pointed out the primary goal is to insure access for the public, and unfortunately, revetments take away the access. She stated although it might take 100 years to occur, the Trustees must consider the future.

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Mr. Jim Kennedy was present on behalf of the Broadview Property Owners Association. He told the Board there is a big problem with driving on the beach and drinking on the private property. He said he felt the Town should indicate on the beach end road signs that vehicles are not permitted on the Association's property. Mr. Courtney told Mr. Kennedy it was the Association's responsibility to install their own private property signs. In a discussion regarding the condition of the dock located on the Association's property, Mr. Kennedy also informed the Trustees the Association is petitioning the Zoning Board of Appeals to repair it.

Mr. Jack Passie, who is a waterfowl guide in East Hampton expressed concern about guides coming from up island (in particular, East Coast Outfitters) who are not required to obtain permits from East Hampton Town. He pointed out the Town of Southampton requires all Southampton guides to be licensed. He went on to say that he, Charlie Niggles, and Harvey Bennett are the only ones who run a guide business in East Hampton Town and it is not fair that out-of-towners are allowed to take business away from them . Mr. Niggles told the Board he felt this industry should be protected, and agreed with Mr. Passie that out-of-towners shouldn't be allowed to run their guide businesses in East Hampton Town without a permit. Mrs. Klughers suggested Mr. Passie and Mr. Niggles contact the Sportsmen's Alliance for support. The Clerk said she would contact Marine Patrol and perhaps they could coordinate with the Town to address this issue. She suggested Mr. Passie also send a letter to the Town Board.

Ms. Chris Ganitsch was present concerning the proposed Marine Meadows/Cornell Cooperative Extension (CCE) eelgrass restoration project in Hog Creek. Mrs. Klughers said she met with Lion Head Beach Association members and they are willing to fund the project along with other members of the public. She noted she also spoke with CCE and will obtain their schedule. It was agreed the Lion Head Beach Association will need the Board's approval for this project. Mrs. Klughers pointed out a survey of the water temperature and sediment testing will be done and the Trustees will have to agree where the data loggers will be installed. It was agreed Ms. Ganitsch should contact CCE and request they break down the proposal into phases.

A motion was made by Mrs. Forsberg to approve payment of the following bills: a) Staples- \$94.68; b) Hamptons Online- \$70.00; c) North Fork Water Supply Corp.- \$11.44; d) Optimum- \$144.80; e) Ocean Graphics- \$487.50 for mooring stickers (Three Mile Harbor-Large Boats only); f) Anthony Tohill- Macklowe- \$61.25 and White Sands- \$612.50; g) East Hampton Marina- \$29.50; This motion was seconded by the Clerk and unanimously approved. It was noted a Purchase Order request was received from the East Hampton Hatchery to utilize \$1,374.56 from the Trustees Mariculture budget line for the scallop restoration project. The Board approved this request.

The Clerk reported the Trustee quarterly vouchers were prepared and are ready to be signed; and will then be submitted to the Town for payment.

Concerning the applications of Bonnie Maslin and Ali Fard for 2nd tier bulkhead construction, the Hog Creek Committee informed the Board they will inspect the areas of the proposed projects tomorrow and will report back to the Trustees at the meeting of March 25th.

A motion was made by the Clerk that in the event she and the Hog Creek Committee determines the application of Karen McGovern is complete and all the necessary documentation is received with

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the standard conditions including: a) copies of applications and permits acquired from other agencies are to be submitted to the Trustees; b) written notification 48 hours prior to start of the project and continuous communication between the contractor and Trustee office of the project's progress until completion; c) a valid as-built survey of the permitted activities will be submitted to this Board upon completion of the project at the start; 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 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) only clean beach compatible sand shall be used; h) Submission of color photographs at the start and upon completion of project; and i) no treated material. This motion was seconded by Mrs. Forsberg and unanimously approved.

The Clerk reported a second application for a re-vegetation plan was received from David Seeler for Lot 38N at Lazy Point. She pointed out that upon review of the application, she has found it to be incomplete. She noted from the photographs received the beach grass to the right of driveway is new. In a discussion, the Board agreed a letter should be sent requesting Mr. Seeler attend a Trustees meeting of April 8th.

A motion was made by Mr. McCaffrey to approve the application of Amagansett Beach Association for placement of up to 500 cubic yards of clean beach compatible sand on the dune via the southwest corner of Indian Wells Beach parking lot with the standard conditions. This motion was seconded by Mrs. Forsberg and unanimously approved.

A motion was made by the Clerk to approve the renewal of the Trustee permit issued to Terry Feeney for dock repair with the standard conditions including a more detailed description of the project. This motion was seconded by Mr. McCaffrey and unanimously approved.

A motion was made by the Clerk to approve the application of Mast One, LLC for phragmite removal in the Georgica Association with the standard conditions. This motion was seconded by Mr. McCaffrey and unanimously approved.

Concerning the application of Mollie Zweig for a rock revetment, the Clerk said she reviewed the application and sent a letter requesting an updated survey and notarization of the verification form.

The Clerk reported the Sporstmen's Alliance is holding a forum on April 19th at the Amagansett Fire Department and they have asked the Trustees to participate. She noted the Alliance has requested a special permit from the Trustees for a youth clamming day. The Clerk added she will draft a permit for Trustee review and approval.

The Clerk reported a letter was received from Mr. James Walker of Inter-Science indicating they have been negotiating with the Army Corps of Engineers concerning the proposed Mark pier/stair. Mr. Walker noted plans for a transient float have been re-submitted to the Department of the Army.

Concerning the application of Jeffrey Britz for a shoreline fence, the Clerk pointed out the fence was previously tagged as it did not have a Trustee permit. She asked the Beaches Committee to inspect the site and report back to the Board.

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An application was received from James Johnson for a shoreline fence in the Village of East Hampton. The Clerk asked the Beaches Committee to inspect the site and report back to the Board at the meeting of March 25th.

An application was received from Charles Phillips for dune restoration on West Dune Lane. The Beaches Committee will inspect the site of the proposed project and report back to the Trustees.

The Clerk reported an application was received from Mary Meeker for bulkhead reconstruction on Louse Point Road. She asked the Accabonac Harbor Committee to inspect the site and report back to the Board.

The Clerk reported notice was received from Becky Molinaro, Village Administrator of the next Hook Pond meeting which is scheduled for March 12th at Mayor's office.

Mrs. Klughers reported Marine Meadows will hold a workshop on May 18th on Napeague Harbor Beach. She noted the Trustees and public will participate in the eelgrass weaving project. The Clerk suggested the workshop be held on the east side of Napeague Harbor where the eelgrass sanctuary is located. Mr. Byrnes said he would try to get some of the local senior citizens to participate.

Concerning the proposed amendments to the Mass Gathering Permit Applications, the Clerk said she is in the process of reviewing the amendments.

In a discussion regarding the shellfish closures in Three Mile Harbor due to the fireworks, Mr. Taylor presented alternatives that the DEC might consider.

The Clerk reported she attended the last Indian Wells Beach meeting at which changes to the parking lot were discussed. She said she indicated she would like to see the sign amended and will submit the correct wording to the Parks Department. She added concepts regarding alcohol use at Indian Wells and Atlantic Avenue Beaches were also discussed.

The Clerk reported notice of completion was received from Salvatore Forelli for bulkhead reconstruction on Water's Edge. She asked the Accabonac Harbor Committee to inspect the site and report back to the Board.

An as-built survey was received from Drew Bennett concerning Tick Tock II, Phase 3 bulkhead repair project. The Clerk asked the Accabonac Harbor Committee to inspect it and the site and report back to the Trustees.

An email was received from Barley Dunne, Director of the Shellfish Hatchery, concerning scheduling of the next Shellfish Advisory Committee meeting. He indicated he would contact the Committee members when an exact date and time is agreed upon.

Mrs. Forsberg reported Girl Scout Troop 419 of East Hampton is working on obtaining bronze award and have expressed an interest in doing a project on endangered species. She added she will meet with them at the end of March or early April to discuss possible of species and collecting field note.

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Mr. McCaffrey reported the Harbor Management Committee met on March 5th. He said they talked about possibility of leasing transient moorings to marinas. He added they will invite marina owners to come to the meeting to discuss this matter further.

Concerning the Reiss bulkhead repair project, the Clerk noted there is some concern about how much was done and if the contractor abided by the Trustee permit. She added she would review the file and report back to the Board.

The Clerk reported no new information has been received concerning the Salter bulkhead which was installed without benefit of a Trustee permit. She added she would follow-up with Ordinance Enforcement.

The Clerk reported no response has been received concerning estimates for repair of the road end and parking lot at Lazy Point.

The Clerk presented proposed amendments to the Lazy Point Rules and Regulations; one being an addition of paragraph XVII providing for emergency vehicle access to the lots. It was agreed input would be needed from the Amagansett fire chief or a fireman to determine the sufficient amount of space required on each lot for emergency access. The proposal to increase the lease fee from the current \$1,500.00 per lot, per year to \$1,500.00 per month for a new lease was also discussed. A motion was made by the Clerk to forward the proposed amendments to the Lazy Point Rules and Regulations along with a letter advising leaseholders they have thirty (30) days from the date of the letter to comment. This motion was seconded by Mr. Bock and unanimously approved.

The Clerk reported she and Mr. Byrnes attended the last Northwest Comprehensive Coordinating Committee meeting. A project including installation of data loggers in the Creek for eelgrass restoration has been undertaken by the Natural Resources Department and Cornell Cooperative Extension without the knowledge or approval of this Board. It was agreed a letter will be sent requesting the GPS coordinates of the loggers and an understanding of the project be submitted to the Trustees for approval.

Mr. Byrnes reported he attended the Peconic Estuary Program workshop on eelgrass placement and water quality. He noted there was a discussion concerning fertilizer use near the shoreline. He added approximately thirty (30) people were in attendance.

Concerning a request from Stephen Lloyd (a.k.a. SPB Development) to access the property from Six Pole Highway, Mr. Courtney told the Board he advised Ms. LeVerrier, Mr. Lloyd's attorney, the Trustees approved an access request many years ago. The Board reiterated the access approval.

The Clerk asked the Board if they would like to submit comments to the ZBA concerning an application for variances on Breeze Hill Road (adjacent to Three Mile Harbor) for installation of a pool. In a discussion, the Board agreed a letter should be sent to the ZBA suggesting installation of a dry well.

Concerning the applications of Schenck, Landey and Osborne for bulkhead repair, the Clerk reported the Three Mile Harbor Committee inspected the properties and measured the dock on the Landey property. It was agreed a letter will be sent to Drew Bennett regarding the need for bulkhead returns.

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The Clerk reported an as-built survey was received from Three Mile Harbor Marine for the bulkhead repair project. She asked the Three Mile Harbor Committee to inspect it and the project site and report back to the Trustees. She added a memo was also received from the Building Inspector inquiring if a Certificate of Occupancy can be issued to the applicant.

In Report of the Clerk, it was noted a memo was sent to Kim Shaw, Director of Natural Resources, concerning Pussy's Pond and requesting the Trustees be advised of any future projects proposed. The Clerk said she contacted the Town Attorney regarding the re-wording of the ZBA application. Concerning the Shoreline Sweep, the Clerk said she drafted a letter to Finn Byrnes expressing the Board's appreciation for his assistance. The Clerk added she attended a meeting of the League of Women Voters, at which the Supervisor advised he is 100% supportive of the Trustees in their efforts.

A motion was made by the Clerk to re-schedule the regularly scheduled Trustee meeting from the 11th to the 12th of November in honor of Veteran's Day. This motion was seconded by Mrs. Forsberg and unanimously approved.

The meeting was adjourned at approximately 8:40 p.m. by the Clerk.

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