

**MEETING OF MAY 27, 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 Scott Dobriner George Eldi John and Ann Mullen Chris Voorhis Stuart Vorpahl James Walker

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

Scott Dobriner was present concerning the application of OGP, LLC for phragmite removal and a wetland buffer along Georgica Pond. The Clerk advised Mr. Dobriner that to complete the application legal documentation is needed to prove Mr. Mallow is authorized to sign for the property. Mr. Courtney said he felt a letter from Mr. Mallow's attorney would be sufficient. The Clerk asked Mr. Dobriner for confirmation the shoreline will remain the same after removal of the phragmites. In a discussion, Mr. Dobriner agreed to stake the landward edge of phragmites and the Georgica Pond Committee will inspect the project site. Mr. Dobriner assured the Trustees there would be no net gain in land for the applicant.

Chris Voorhis was present as well as Mr. and Mrs. Mullen regarding the Clemente, Lynch, Mullen and Wilder proposed revetments at Louse Point. Mr. Voorhis said he sent a response to the Clerk's letter requesting the projects address the Board's concern for loss of the public beach. The Clerk confirmed receipt of said letter. Mr. Mullen told the Board Mr. Lynch,

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who is his neighbor had hoped to attend the meeting tonight and apologizes, but has other obligations. Mr. Voorhis read a letter from Mr. Lynch. Mr. Mullen presented a shoreline analysis aerial map of the properties in question (from Louse Point public beach to Barnes Landing public beach). He pointed out the entire area is approximately 4,500' and is comprised of the following: 1350' of continuous stones beginning at Barnes Landing (going north), 1753' of bulkhead and groins, the next 500' belongs to the Nature Conservancy and John Scully, then the four lots in question are approximately 560' with the Wilder and Hach stone revetments being 335'. Mr. Mullen stated he felt their request for a rock revetment is very reasonable. He pointed out they have lost 22 feet from the bluff crest moving back and it keeps eroding. He pleaded with the Board to consider approving their request. Mr. Mullen thanked the Board for their time. The Clerk addressed the letter received from Mr. Voorhis. She pointed out her reference to the Wilder permits and her (Ms. Wilder's) inability to meet the conditions of the permit, were not part of the Trustees decision to deny her 2<sup>nd</sup> revetment; but if those conditions had been met, it might have alleviated some of Mr. Voorhis' clients problems (i.e. sand would move in the littoral drift, but as the sand wasn't placed, that didn't happen). Upon review of the map, the Clerk said she can see how all four parcels are small compared to what has been done in the past, but it also shows how the beach is lost where there are revetments. She stated the Trustees don't know if rocks at the toe of the bluff is the solution. She said there must be more that can be done to protect those homes on the top of the bluff and still keep a beach. Mr. Voorhis said the conditions are different at each location, but his firm feels this proposal is the right solution for this specific location and was evaluated for that purpose. After a lengthy discussion, it was agreed the width of the area where the rocks would begin and end (where the sand line hits the rocks) will be staked on the four properties in question. Mr. Voorhis will notify the Trustees when the area is staked for inspection by the Accabonac Harbor Committee.

James Walker was present concerning the application of Susan and Morris Mark for a stairway/dock reconstruction. The Clerk said this structure was originally approved as a stairway and platform; and the Trustees will not approve it as a dock. She went on to say there were issues with the Army Corp of Engineers in 2013 (when the Trustee permit expired) as they proposed the stairway become a "pile supported pier" and the Trustees would not agree to that. The Clerk stated she and Mr. McCaffrey met with the ACE at the project site which has since been amended to require a temporary float which will be stored upland when not in use. She said the configuration of the structure now, needs to appear to be and remain to be used as a stairway access to the Pond. She added she is concerned as the structure seems to have increased. Mr. Walker said the present proposal is actually shorter by a couple of feet from what was existing when he started working on the project. He pointed out the total length of the landing and two ramps is shorter than the stairs which were originally approved. The Clerk asked the Georgia Pond Committee to review the application and report back to the Board.

Stuart Vorpahl presented an article regarding Billy Frank, Jr., a tribal fishing activist, who helped restore fishing rights for American Indians in Washington. He noted Mr. Frank was arrested for refusing to go along with Washington Fishing and Game Service, but the rights of the American Indians were upheld in court in 1974 by a U.S. District Judge. Concerning the situation with Southampton Town Trustees and the seizing of their financial records, Mr. Vorpahl

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stated it is his opinion the judges in NYS are violating their oath of office and the justice system is appalling.

A motion was made by Mr. McCaffrey to approve payment of the following bills: a) Staples- \$39.59 and b) TLS Printing (shellfish tags) - \$3,172.40. This motion was seconded by Mr. Byrnes and unanimously approved.

A motion was made by the Clerk to approve the following minutes: a) January 14, 2014; b) January 28, 2014; c) February 11, 2014; d) February 25, 2014 and e) March 11, 2014. This motion was seconded by Mr. Bock and unanimously approved.

Mrs. Klughers presented a draft letter to PSEG concerning the installation of utility poles treated with the wood preservative Penta in the Town of East Hampton. She noted Penta was banned by the Environmental Protection Agency in 1987; and also in 26 other countries. The letter expressed concern regarding the effects Penta could have on the environment, especially to the lands and waterways the Trustees manage on behalf of the public. The Clerk asked the Trustees to review the letter for approval at the meeting of June 10<sup>th</sup>.

The Clerk noted a copy of the Expedited Administrative Natural Resources Special Permit was received concerning the Hershberger coir log terracing project. She added she will send a letter to the agent advising a Trustee permit application should be submitted.

The Clerk reported letters were received regarding beach vehicles use of Maidstone Beach (TMH channel side adjacent to Maidstone Park) and safety concerns. As expressed last year, swimming in a boating channel is dangerous and not permitted. It was agreed another "No Swimming in Channel" buoy should be installed.

A memo was received from the Building Inspector, Tom Preiato indicating he would like to know if the conditions of the Roaman bluff repair project have been met before issuing a Certificate of Occupancy. The Clerk said she will send a response to Mr. Preiato informing him the conditions of the permit have been met. She added a similar memo was received concerning Three Mile Harbor Marina and she will also send a response to Mr. Preiato.

An application was received from STP Hedges, LLC (Singer) for bluff repair. The Clerk asked the Three Mile Harbor Committee to review the application and inspect the area of the proposed project.

Concerning the applications of Kevin Abernathy and 31 Waters, LLC for installation of coir fiber logs, Mrs. Klughers expressed concern for providing public access. The Clerk added this will be written into the conditions of the permit. She asked the Accabonac Harbor Committee to review the applications and inspect the site.

The Clerk reported even though the Town Board acknowledged receipt of the Trustees counter-proposal concerning the proposed ban of alcohol at Indian Wells Beach (on weekends

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and holidays- 500' on either side of the road end from 10:00 am to 6:00 pm) they have proposed a ban of 2,500' on either side of the road end . She pointed out the ban will apply to Atlantic Avenue Beach as well. She added the Town Board will schedule a public hearing concerning this matter.

Mrs. Klughers reported the Marine Meadows eelgrass weaving workshop which was held on Sunday, May 18<sup>th</sup> at the Lazy Point launching ramp went very well. She pointed out 2000 eelgrass shoots were woven into discs which were planted in Napeague Harbor. She added the entire project was all done through a grant received by Cornell Cooperative Extension.

Concerning the Gardiner's/Napeague Bay boundary line, the Clerk noted she is still waiting for Mr. Boerner to send a map which includes the proposed delineation.

The Clerk reported a memo was received from Town Monitor Juliana Duryea with an update on Piping Plover fencing and indicating fence will be installed at Sammy's Beach and Louse Point beaches on May 23<sup>rd</sup> to "prevent beach driving". Mr. Taylor pointed out enclosures also were installed in these areas as there are nests. The Clerk added she has asked Ms. Duryea numerous times to send maps of the fenced areas but none have been received. It was agreed a memo from all the Trustees will be sent requesting maps of the fenced areas.

In response to the Trustees denial of a request for a film/still photography permit, the Clerk reported a letter was received from Tina Fine an agent for the applicant indicating the location on Napeague stretch would be moved to Dolphin or Navahoe Lane. In a discussion it was agreed to recommend the Town Board ask the applicant to notify the homeowners on Dolphin and Navahoe Lane of the filming and to make sure there are no Piping Plovers in the area.

The Clerk reported a letter was received from Land Use concerning the application of Mary Meeker for bulkhead repair which included a copy of the scenic easement, copies of a survey, color photographs and an affidavit verifying Ms. Meeker's ownership of Big Rock Holdings, LLC. She asked the Accabonac Harbor Committee to review the application and documentation received, then inspect the site.

An email was received from Mrs. Forsberg indicating the 2014 Trustee Water Quality Monitoring for Harmful Algal Blooms will begin with additional testing of 30 mussels a week from Three Mile Harbor. She also noted SPATT (solid phase adsorption toxin tracking) devices will be placed in Three Mile Harbor.

Concerning the proposed Johnson shoreline fence on Old Beach Lane, Mr. Courtney confirmed the Trustees deeded the portion of Atlantic Avenue contained in the Johnson parcel to a prior property owner in 1955. The Clerk asked the Beaches Committee to inspect the fence to determine if it meets the requirements of the Town Code.

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Concerning the application of Charles Phillips for dune restoration for 15 West Dune Lane, the Clerk reported Mr. Kirst advised her he is working on this matter with the applicants and will submit a covenant in the near future.

The Clerk reported a request was made for submission of an as-built survey for the 2<sup>nd</sup> parcel of Nedenia Hartley, but there has been no response yet.

In a discussion regarding the application of the Mako Lane Association, it was agreed a letter will be sent requesting removal of the portion of the walkway constructed with treated materials and if no response is received, the Trustees will contact Ordinance Enforcement.

Concerning the application of Ralf Lange of Marine Boulevard for a shoreline fence, the Clerk noted the fence is already installed. She asked the Beaches Committee to inspect the site.

The Clerk reported a covenant was received from Jeffrey Manheim.

The Clerk reported no new information has been received regarding the Zweig revetment.

The Clerk reported the recipient of the Rysam Fund Scholarship was chosen. She added the awards ceremony is scheduled for June 5<sup>th</sup> at the East Hampton High School.

Concerning the Magovern bulkhead construction permit, a letter was received from LPS requesting the Trustees change condition #4 on the permit to hold the applicant and/or contractor responsible for the conditions of the permit. In a discussion, Mr. Courtney suggested condition #4 be changed. A motion was made by the Clerk to modify condition #4 on page 3 of the McGovern Trustees permit (and all future permits) to indicate the homeowner/applicant is responsible for insuring all conditions of a Trustee permit are met. This motion was seconded by Mrs. Klughers and unanimously approved.

Mr. Miller will look into a complaint of a derelict boat at the end of a private road in Napeague.

The Clerk asked the Lazy Point Committee to continue review of requests for additions to leases from the following: a) Stephen Grimaldi- Lot 1N; b) Martin Pettersen- Lot 35N; c) Carol and Allen Bennett- Lots 48N and 49N and d) Evelyn Martin- Lot 16N.

The Clerk reported one estimate has been received from Pat Bistran, Jr. for repair of the parking lot at Lazy Point. She added additional estimates should be obtained from Dan Shields (M. DiSunno & Son) and William Bennett.

The Clerk said she is in the process of scheduling a meeting with the pump-out boat operators concerning policies and procedures for 2014.

Concerning a request from Temple Adas Israel for access over Six Pole Highway, the

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Clerk reported she found a deed that was given to the Town of East Hampton by the Trustees for a portion of the road. She had thought Walbridge Surveyors had drawn the survey, but they told her it might have been done by Saskas Surveyors. The Clerk noted Temple Adas Israel is also before the Planning Department and she would like to get a copy of the site plan before approving the access request. Mr. Courtney added he felt the Trustees should still get a survey of Six Pole Highway to determine what portion is being blocking .

The Clerk reminded the Board there was a complaint of possible encroachment of Cross Highway/Karlsruhe Road which is also part of the Paumanok Path. She added the Building Inspector found two fences encroaching onto the roadway and will investigate.

The Clerk told the Board the Harbormasters would like to formally recognize the channel between the two mooring fields in Three Mile Harbor and chart it on a map for safety purposes. She noted the new channel is helpful during the Boys Harbor fireworks and as access to the ski area.

A meeting was held at the Trustees office with some Harbormasters, baymen, hunters and the Town Attorney to discuss the issue of non-resident guides doing business in East Hampton. The Clerk said the hunting and parking regulations are not a Trustee matter. The Town Attorney asked if the Trustees would draft a letter to the Town Board supporting some amendments to the parking regulations at Gann Road, Louse Point and Lazy Point. The Clerk noted the amendments would include resident commercial and non-resident commercial parking permits. She added she would draft a letter for Trustee review. The Clerk said there was also a discussion concerning fish traps. She noted the Town Code indicates a fish trap requires a permit and although the Town Clerk doesn't have a fish trap application, the Trustees have an application and issue permits for their waters. The Harbormasters pointed out a boat gets caught up in a trap every season. In a discussion, the baymen present agreed to place something on their trap to identify it belonging to them and a solar powered light. The Clerk added the Town Code can be amended to require a fish trap registration for the Town while the Trustees still issue their permits.

Mr. Byrnes presented letters from several Amagansett School students thanking the Trustees for coming to their class and explaining what the Trustees role is in the Town.

The Clerk pointed out an invitation was received from the Amagansett Fire Department requesting the Trustees participate in their 100<sup>th</sup> Anniversary Parade. She noted she was also asked to sit in the review stand. She added she would like to make sure there will be Trustees available to participate in the parade. Perhaps they would like to march with the Trustee truck or tow a boat.

The meeting was adjourned at approximately 8:45 p.m. by the Clerk.

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