

**MEETING OF APRIL 22, 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  
Stephen Lester  
Sean McCaffrey  
Nathaniel Miller  
Bill Taylor

Not Present: Stephanie Forsberg, Assistant Clerk

Also Present: John Courtney, Trustee Attorney  
Lori Miller-Carr, Trustee Secretary  
Chris Walsh, Star Reporter  
Kim Barbour  
Billy Hajek  
Elaine Jones  
Rona Klopman  
David Seeler  
Kim Shaw, Director of Natural Resources  
Chris Voorhis  
Diana Walker

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

Chris Voorhis was present concerning the applications of Clemente, Lynch, Mullen and Wilder for revetments along Louse Point. The Clerk pointed out she drafted a letter for Trustee review in response to the applicants' proposals for rock revetments; however, as a majority of Trustees had not yet responded, the letter did not get sent. She told Mr. Voorhis the letter basically indicated that while the Trustees understand there is erosion occurring in the area of the proposed revetments, they are not convinced the one time soft approach is adequate to conclude it won't ever work. She went on to say the Board also realizes from an engineering perspective, the rock revetment is the best practice the engineers can come up with at this time. The Clerk pointed out the Trustees concern is the public beach and they have not come up with a way to adequately address or insure both the properties and the beach will be protected by revetment installation. She would like to ask the applicant/agent to design something that will ensure moving forward a public beach remains in the area of the proposed projects. Mr. Voorhis told the Clerk he will advise his clients of the Trustees request. Mr. Byrnes said he has inspected the area and reviewed the applications; and is in agreement with the Clerk. Mr. Miller pointed out in the area to the south where there are revetments, there is no beach and there is slumping

4/22/14

of the bluff. He added he agrees with the Clerk; the agent/applicants have to come up with a better solution. Mr. Taylor pointed out he is of the opinion that once the first revetment was installed, it puts the other property owners in a bad position; but they have to find a way to preserve the beach for the public. Mr. Bock said the Trustees job is to make sure there is a public beach; and once a revetment is in the access will no longer exist. Mrs. Klughers noted anywhere you go (in the world) where there are rock revetments and/or bulkheads, there is no beach. She reiterated the fact the Trustees are here to protect the beaches. She said there has to be another alternative; perhaps terracing or the Dune Ladder. She added she felt placement of an inadequate quantity of sand once, wasn't a viable way to protect the bluff. Mr. Lester pointed out placement of sand is not going to work as it is going to disappear; yet a rock revetment will destroy the beach. The Clerk told Mr. Voorhis the Trustees aren't engineers, so that is the reason they are asking him and his clients to come up with a solution. Mr. Voorhis added he will take this matter back to his clients.

Billy Hajek was present concerning the applications of Scott Silver at 108 Runnymede Drive and Joel Zbar at 100 Runnymede Drive for bulkhead reconstruction. The Clerk pointed out the applications were received two weeks ago and she requested copies of the DEC permits. She said the information was submitted just this afternoon and it hasn't been processed. Mr. Hajek told the Board he submitted a copy of the DEC permit for Mr. Zbar as well as a letter from the contractor which includes a detailed description of the project. He added he also submitted an updated survey for Mr. Silver. The Clerk asked the Hog Creek Committee to review the information received.

David Seeler was present concerning his application for re-vegetation on Lot 38N in Lazy Point. The Clerk pointed out Mr. Seeler removed native plantings without a Trustee permit and replaced them with beach grass. She went on to say it was very disconcerting as there was low bush that was acting as protection for the shoreline; and it was removed and re-planted with beach grass. Mr. Seeler told the Clerk the plantings he removed were dead but apologized for doing so without permission from the Trustees. He noted when the area was flooded a while back, between his lot and his neighbor (Ivan Silich); it destroyed all the Rosa Ragusa. He pointed out Mr. Silich sent a letter to the Trustees, on his behalf, indicating only dead plants were removed. Mr. Seeler said he got verbal permission from Natural Resources to remove the plants. In a discussion, the Clerk asked Mrs. Shaw if she had any knowledge of this. Mrs. Shaw replied Mr. Seeler was not given permission under her administration. She told Mr. Seeler he can come to the Natural Resources Department with a re-vegetation plan for voluntary compliance instead of the Town pursuing the Code Violation. The Clerk told Mr. Seeler the Trustees will wait for Natural Resources to advise them he has obtained their approval of a re-vegetation plan for voluntary compliance. Upon notice, the Trustees will formally approve the plan at their next meeting.

Mr. Byrnes reported Lazy Point leaseholders have formed a homeowners association and he looks forward to working with them.

There was a lengthy discussion re: the Town Board's proposal to ban alcohol on lifeguard beaches. Ms. Walker, who was present at the meeting of 4/8, told the Board she felt the Trustees should consider this on a trial basis. Elaine Jones told the Board she spoke with many people re: this matter and most agreed there should be a ban on lifeguard beaches. The Clerk pointed out it's the behavior which needs to be addressed and is included in Chapter 82- Peace & Good Order of the Town Code.

4/22/14

Other Board members agreed with the Clerk. Ms. Walker stated the alcohol causes the behavior. After much deliberation, the Trustees agreed the Clerk would draft a proposal approving a ban of alcohol at Indian Wells Beach on a trial basis from the Thursday before Memorial Day to September 15<sup>th</sup> - Saturdays, Sundays and Federal holidays from 10:00 am to 6:00 pm; 500' from either side of the road end with the condition there be an officer on the beach during the hours of the prohibition. The Clerk pointed out if she drafts a letter to the Town Board and emails it to the Trustees for their review, she will need a response as soon as possible. She added if it is necessary, she will call a special meeting to discuss this matter further.

Rona Klopman was present concerning a previous request from Temple Adas Israel to utilize Six Pole Highway for access to their recently acquired property. It had been indicated a survey was needed to determine what portion of Six Pole Highway is being encroached upon in the area Temple Adas Israel would use for access. The Clerk pointed out after researching the Trustees files and reviewing deeds, quit claims and access easements; it's possible information could be taken to the surveyor with a request is be plotted on a map. She added this way, the surveyor won't have to go out in the field.

Kim Barbour of Cornell Cooperative Extension (CCE) gave a brief presentation on a proposal to perform suitability tests at three locations in Northwest Creek in order to determine if an eelgrass restoration project would be feasible. A motion was made by Mrs. Klughers to approve eelgrass suitability testing at Station 3 in Northwest Creek. This motion was seconded by Mr. Byrnes and unanimously approved. Ms. Barbour also told the Board CCE would like to do a similar assessment in Hog Creek from August to October. She will come back to the Board with coordinates. It was agreed a letter will be sent to K. Shaw in support of this project. Concerning Napeague Harbor, Ms. Barbour said eelgrass restoration was done prior to Hurricane Sandy and CCE received a grant to re-access the plantings and area. Mr. Miller suggested planting should be done in the southeast corner of Napeague Harbor. It was agreed Mr. Miller and Mrs. Klughers will meet with Ms. Barbour in May to discuss this matter further. Ms. Barbour reminded the Board CCE, in conjunction with Marine Meadows, will hold a public eelgrass weaving workshop on May 18<sup>th</sup> at Napeague Harbor. It was agreed a mass gathering permit should be obtained for this event. Mrs. Klughers to work on public outreach.

Mr. Byrnes asked Mrs. Shaw if the Town is doing anything to encourage the public to ease off on the amount of fertilizer they utilize on their properties. He said he felt it is very important. Mrs. Shaw told Mr. Byrnes there are already town laws in place. She noted the Peconic Estuary Program has a Watershed guide which indicates how much fertilizer should be applied. She pointed out there is also a County ban on fertilizers from November thru April. Mr. Byrnes asked if the Town could place an ad in the local papers. Mrs. Shaw replied she felt it would be a good idea. She said there are other divisions in Cornell Cooperative Extension that are concerned with this issue and perhaps the Town could team with them and do public outreach.

Mrs. Shaw informed the Trustees the Town Board has agreed to allow Rutgers University in coordination with Mid-Atlantic Coastal Observing Regional Association to monitor the ocean surface currents and install radar which would provide data to support search and rescue operations by the Coast Guard. She noted they will have a pilot site at Atlantic Avenue Beach; setting it up as a test site with real time data. Mrs. Shaw added this program is being done on a temporary basis. She added if the Trustees are available, they can drop by the test site tomorrow (Wednesday) between 3:00 p.m. and 5:00 p.m. and Coast Guard representatives will be there to explain the project.

4/22/14

Mr. Passie was present concerning licensing for non-resident hunting guides. He told the Clerk he received a copy of the letter the Trustees sent to the Town Board. He said he also spoke with Mr. Michels and the Sportsmen's Alliance regarding this matter. They all seemed to be supportive. He asked the clerk if it would be advantageous for him to send a letter to the Supervisor. She told Mr. Passie she felt it would be.

Tom Knobel was present concerning the dredging of Napeague Harbor. He told the Board he feels deposition holes should be dug to prevent the sand from going back into the harbor. He also suggested environmental dredging be pursued. Mrs. Klughers told Mr. Knobel that Legislator Schneiderman has already proposed environmental dredging. Mr. Taylor added the standards are not yet in place for environmental dredging. The Clerk said she met with Mrs. Shaw and DEC representatives in regard to spoil placement following the dredging of Napeague's West Channel. She noted the DEC was proposing to place the spoil along Mulford Lane beaches; but she indicated they felt the material should be placed at the Lazy Point ramp and Bay Avenue.

In a discussion concerning the Town Board's proposal to rescind Chapter 137, Commercial Gatherings and Chapter 151- Mass Gatherings and create a new Chapter 151 entitled 'Public Assemblies', it was agreed the Clerk will submit comments and amendments to the Town Board.

A motion was made by the Clerk to amend the Lazy Point Rules and Regulations to include the addition of Paragraph XVII regarding emergency access. This motion was seconded by Mr. McCaffrey and unanimously approved.

A motion was made by the Clerk to approve payment of the following bills: a) Marine Boatbuilders- \$120.00 (for flapper valves for pump-out boat); b) TLS Printing- \$3,047.00 plus freight (for shellfish tags); c) Staples- \$121.86; d) D. Eagan- \$30,356.94 (Zweig & Young/Lemieux) and e) Stuart's Seafood- \$145.00 (clams for Sportsmen's Alliance Forum). This motion was seconded by Mr. Miller and unanimously approved.

The Clerk reported the Town Budget Report was received.

A motion was made by the Clerk to transfer \$25,000 from the Certificate of Deposit (which renews on April 28, 2014) to the checking account at Suffolk County National Bank. This motion was seconded by Mr. Bock and unanimously approved.

Upon review of the 2014 Shellfish Ordinance Brochure, the Trustees agreed the Clerk should forward revisions to the Natural Resources Department.

The Clerk advised the Board a Notice of Hearing was received from the Zoning Board of Appeals concerning 57 Waters Edge, LLC for a variance to construct a house. She asked the Accabonac Harbor Committee to review this for possible comments. She added she sent a memo to the ZBA advising them the Trustees may submit comments after tonight's meeting.

In response to a letter from Broadview Property Owners Association sent to the Building Department requesting permission to re-build a dock, the Clerk said she sent a memo to the Building

4/22/14

Department requesting an updated survey and plans of the proposed dock reconstruction be forwarded for Trustee review.

The Clerk asked the Napeague Harbor Committee to review the Natural Resources Special Permit of Lee Gruzen for construction of a two story residence, decking, detached garage/barn, sanitary system and wood walkway on Cranberry Hole Road.

Concerning a letter was received from the Mako Lane Association requesting permission to keep a walkway as it is, the Clerk noted the Trustees previously tagged the walkway for being installed without a permit and asked the Mako Lane Association to remove that portion of the walkway which was constructed of treated materials. She asked the Beaches Committee to inspect the site and make a determination.

A motion was made by the Clerk to approve a Trustees' Consent form which will be attached to all Town Mass Gathering Applications. This motion was seconded by Mr. Miller and unanimously approved.

The Clerk reported a notice was received from Natural Resources that wooden posts will be used in the installation of all plover protection fencings. She noted she drafted a letter to the Department of Interior requesting data on the status of the Piping Plover population recovery program.

The Clerk said a letter was sent to Dan Hall, as agent, regarding the application of Mary Meeker requesting a copy of the scenic easement and photographs of the bulkhead, but no response has been received to date.

The Clerk reported a letter was sent to Robin Wilder reminding her of the condition of the Trustee permit which requires the revetment be covered with sand annually has not been met. She noted agent will submit an application which will include plantings as well as sand placement.

The Clerk asked the Accabonac Harbor Committee to inspect the completed Forelli bulkhead. She added the as-built survey has not been submitted to date.

Concerning Tick Tock II completed bulkhead repair project, the Clerk noted the project has been completed and asked the Accabonac Harbor Committee to inspect it and advised the Board if everything has been done in accordance with the Trustee permit.

The Clerk submitted newspaper articles concerning Alewives for Trustee review.

The Clerk reported the Sportsmen's Alliance Forum went well but was not as well attended as last year possibly due to the other public events occurring locally at the same time.

The Clerk reported there has been no response from the attorneys concerning the Zweig revetment application and the need for additional information. She added Mr. Eagan advised her to send another letter to the attorneys.

4/22/14

Concerning the application of Johnson for a shoreline fence along Beach Lane, the Clerk said a letter was sent requesting submission of an updated survey, but no response has been received to date.

Concerning the application of Charles Phillips for dune restoration seaward of the property line on Dune Lane, the Clerk noted she advised the client's attorney a covenant to the deed is required if beach grass planting is proposed. She added no response has been received.

The Clerk asked the Beaches Committee to review the as-built survey received from Nedenia Hartley for dune restoration.

Notification of the start of the Liebman revetment repair and dune restoration project was received from Patrick Bistran, Jr.

The Clerk reported Dr. Forsberg made arrangements to take Girl Scout Troop 419 on the Viking Fleet on May 6<sup>th</sup> for a whale watching field trip. She is scheduled to meet with them again on Saturday, May 10<sup>th</sup> and would appreciate it if other Board members could attend.

The Clerk reviewed aerial photographs of the Krimendahl dock located in Georgica Pond and it appears a structure existed on the property in 1961. She added she will contact the Village to determine who the previous owner was.

A Nature Preserve meeting was held on April 10, 2014. The Clerk noted the DEC has changed regulations on hunting; therefore hunting (bow hunting) will be permitted in more area of the Town. She added the Nature Preserve Committee is preparing a resolution which will be sent to the Town Board concerning this matter.

In response to a complaint of a derelict boat on Napeague Harbor Road, Mr. Miller will look into this matter and report back to the Board.

A motion was made by Mrs. Klughers to approve a request from Marian McMahon to rent her house on Lot 16S in Lazy Point to Matthew Feyh. This motion was seconded by Mr. McCaffrey and unanimously approved.

Concerning requests for lease transfers/additions were received from Stephen Grimaldi, Martin Pettersen and Carol & Allen Bennett, the Clerk said she has some questions for Mr. Courtney and would like to table this matter for further review.

A meeting of the Northwest Creek Coordinating Committee was held on April 14<sup>th</sup>.

The pump-out boat operators will attend an annual training course on May 8<sup>th</sup>. the Clerk asked if the Board would be agreeable to purchasing a polo shirt/hat and or windbreakers (with an insignia) for the pump-out operators to wear while on duty. The Board agreed. There was a discussion regarding the pumping out of boats in marinas and whether the Trustees can charge a fee. The Clerk will review the Clean Vessel Assistance Program contract to determine if there is a stipulation or regulation about pumping boats in marinas and charging a fee.

4/22/14

The Clerk reported an email was received from Peter Mendelman to follow-up on pump-out on the Three Mile Harbor pump-out boat as there was a problem with the operation of the boat and a gasoline odor last season. She noted a loaner coil was installed at that time. She added an estimate was received in the amount of \$477.81 to diagnose and install new coils.

The Clerk reported copies of the Natural Resources Special Permits for Kennell Schenck, Jennifer Landey and Robert Osborne was received.

Concerning a mooring permit application from Laura Mellor for a commercial charter business (Little Dutch Sailing Charters) while mooring in Three Mile Harbor, the Clerk noted Ms. Mellor is a non-resident. She asked Mr. Courtney if the Trustees can legally say they do not want a non-resident operating a business on a mooring in Three Mile Harbor. Mr. Courtney asked if the Trustees have allowed residents to do this. Mr. Taylor pointed out George Wilson had a charter business in Three Mile Harbor but it was not known by all Trustees. Mr. Courtney advised the Trustees to look into this matter further.

The Clerk reported the Mooring Committee has expressed concerns in regard to non-residents staying overnight (all season) on their boats and suggested significantly raising the fees for non-residents in 2015. In a discussion, the Board agreed to consider this and send a warning letter to all non-residents moored in the Large Board Mooring Area along with their applications next year.

The meeting was adjourned at approximately 10:00 p.m. by the Clerk.

4/22/14