

MEETING OF JULY 8, 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 Deborah Klughers Stephen Lester Sean McCaffrey Bill Taylor
Not Present:	Brian Byrnes Nathaniel Miller
Also Present:	John Courtney, Trustee Attorney Lori Miller-Carr, Trustee Secretary Chris Walsh, Star Reporter Ira Barocus Scott Dobriner George Eldi Rona Klopman Susan Knobel Diana Walker

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

Concerning the application of OGP, LLC for phragmite removal, Mr. McCaffrey reported he met Mr. Dobriner at the site and recommended approval of the project. A motion was made by Mr. McCaffrey to approve the application of OGP, LLC to excavate and remove phragmites with the following standard conditions: a) copies of applications and permits acquired from other agencies are to be submitted to the Trustees; b) written notification 48 hours prior to the 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; 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) plantings shall be 12" on center, in staggered rows; i) submission of color photographs at the start and upon completion of project. In addition, a report and/or additional photos to be submitted after one year from completion to document the project's success. This motion was seconded by Mrs. Forsberg and unanimously approved.

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Howard Chawtsky, the chairman of the Cemetery Committee for Temple Adas Israel, was present concerning access to property owned by Temple Adas via Six Pole Highway. He noted a neighboring property installed a gate and shrubbery which is encroaching into the roadway and blocking the road. The Clerk replied the road has been staked out and upon inspection, it has been determined there are encroachments. She said she will send a letter to Mr. Wolf, the owner of the neighboring property, and ask him to remove the gate and shrubs which are encroaching onto Six Pole Highway. The Clerk pointed out the portion of the road which has been staked would also be the metes and bounds description which Temple Adas requires to complete the access easement. In a discussion, Mr. Courtney advised Mr. Chawtsky to contact his attorney to get a metes and bounds description of that portion of Six Pole Highway being traversed to access the cemetery.

Susan Knobel was present as she was told to stop work on Lots 52N and 53N at Lazy Point. The Clerk explained the Trustees gave Mrs. Knobel a permit for shoreline stabilization which included the installation of coconut logs. She noted the project was completed and everything seemed to be going smoothly until she was notified an irrigation system was being installed on the lots. The Clerk said the Trustees have to decide whether or not to allow the irrigation system to remain. Mrs. Knobel told the Clerk she reviewed the Rules and Regulations for Lazy Point and couldn't find anything that indicates a permit is needed from the Trustees for an irrigation system. The Clerk replied a section of the Rules and Regulations says if there is any change to the property which requires a machine; it must come before the Trustees for approval. Mrs. Knobel pointed out the contractor she used to install her system has installed irrigation systems for some of her neighbors and they didn't receive permission from the Trustees. Dr. Forsberg stated that doesn't make it right, as they did it without the Trustees knowledge. Mrs. Knobel replied she has asked for a permit for everything she has done and didn't realize she needed a permit for the irrigation system. She noted she even went to the Planning Department to make sure there wasn't anything in the Town Code concerning installation of a sprinkler system and there isn't. Mrs. Klughers reminded Mrs. Knobel, that as Lazy Point is Trustees property, there are additional regulations. Dr. Forsberg pointed out this is such a fragile location and excess run-off going into Napeague Harbor can lead to excess nitrogen, etc...and that is why the Trustees are so sensitive to irrigation. She went on to say there have been instances where irrigation pipes have broken and caused a greater detriment than benefit. Mrs. Knobel said she had to install fully established beach grass as it took so long to get permits and it (the roots) can't survive without water. She stated she wants the beach grass to root and survive so it will become a stable dune, and protect her house. She submitted a drawing of the irrigation system. Mrs. Knobel pointed out the system is almost completed and to have it removed would destroy the natural vegetation and cost a lot of money. Mr. Taylor asked if the system will be automated. Mrs. Knobel replied it can be. In a discussion, it was pointed out the Rules and Regulations specifically indicate the properties at Lazy Point should remain as natural as possible. Mrs. Knobel asked if the Trustees would consider a sprinkler system, and if so, would they have to vote on it. The Clerk said she wasn't sure what to do, being confronted with such an issue which the Board wouldn't have anticipated on a Lazy Point lot. Mrs. Klughers said if the Trustees don't do anything, it will set a precedent. Mr. Taylor pointed out he felt if there are other tenants at Lazy Point who have irrigation systems, the Committee should locate them. The

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Clerk said she only knows of one other system on a lot which was installed by a prior leaseholder. Mrs. Knobel pointed out she felt she is being made an example for everyone else. Dr. Forsberg told Mrs. Knobel her house is on one of the most vulnerable pieces of property at Lazy Point as it is in closest in proximity to Napeague Harbor. Mrs. Knobel asked what the Trustees want her to do in the meantime. The Clerk asked Mrs. Knobel to submit an irrigation plan and the Lazy Point Committee will inspect the site. Mrs. Knobel asked if the Trustees would allow her to relocate her house to another lot, which might be the best alternative. The Clerk added the Trustees might consider that.

The Clerk reported the Trustees are still waiting for a re-vegetation plan from David Seeler for Lot 38N at Lazy Point. She noted a letter was received from Mr. Seeler indicating he gave a copy of the plan to Kim Shaw, Director of Natural Resources. She added she sent a memo to Mrs. Shaw concerning the status of this matter.

Martin Ligorner was present on behalf of East End Dunes Residents Association (EEDRA) regarding nomination of the Napeague South Flora parcel for formal inclusion in the Nature Preserve. The Clerk noted Mrs. Klughers advised her the Nature Preserve Committee and the Town Board were again discussing the possibility of a new public bathing beach and access points from this parcel, as well as other parcels that are, or should be included in the Nature Preserve area. The Clerk said received a document on what was discussed and reviewed it. She went on to say a letter was received from EEDRA indicating they would not support a change to the access use or parking lot in South Flora. Mr. Ligorner submitted an aerial photograph of the property in question. The Clerk pointed out this matter will be addressed at the Nature Preserve Committee Meeting on July 10th. She reiterated the Trustees will not entertain any amendments to the beach regulations until the lawsuit regarding Napeague beach ownership is settled. Mr. Ligorner pointed out EEDRA's nomination for the preserve does not include the beach. He added they would appreciate the Trustees support. Mr. Courtney suggested if the South Flora parcel is included in the Nature Preserve, it would be a good idea to make sure it is recorded as having the beach grass (moveable) boundary, so the beach always remains open even when the vegetation moves landward from erosion.

A motion was made by Dr. Forsberg to approve payment of the following bills: a) Seacoast Enterprises Associates- \$949.04; b) Hamptons Online- \$35.00; c) Optimum- \$144.80; d) Anthony Tohill- White Sands- \$61.25; e) Jon Rodnon- \$1,130.00 (mooring refund); f) Saskas Surveying Company- \$400.00; g) North Fork Water Supply- \$55.91 and h) Freeport Marine Supply- \$474.18 (marker buoys). This motion was seconded by Mr. Taylor and unanimously approved.

The Clerk reported the Munis Report was received from the Town Budget Officer. She noted a 2015 Budget meeting is scheduled for August 13th at 8:30 a.m. She added the Finance Committee will meet prior to the meeting to put together a proposal for 2015.

The Clerk reported Mass Gathering Permit Applications have been received along with the Trustee Consent and Certificate of Insurance forms. She noted she and the secretaries are

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looking at the applications very carefully, for completeness and no “red flags”. She said she attended a Mass Gathering Committee meeting at the Town last week. In a discussion regarding continued over flow of garbage cans at beaches, Mr. McCaffrey said he felt a “carry-in, carry-out” policy should be initiated. Mrs. Klughers suggested asking the Town to increase garbage pick-up efforts and place more garbage cans at the beaches. It was agreed a letter will be sent to the Town Board concerning this matter.

A letter was received from William Fleming indicating he is in the process of obtaining the proper documentation in order to legalize an existing dock for his client, the owner of End Road West Holdings, LLC. The Clerk noted she would ask Mr. Fleming who the previous owner of the property was and the street address to review Trustee records.

The Clerk reported new requests for lease transfers were received. Sondra Anderson would like to add Michael Walton to the lease of Lot 8S; and Albert DiCostanzo wants to add his son, James DiCostanzo to his lease of Lot 26S. She noted proof of residency is needed from Mr. Walton and Mr. DiCostanzo has submitted all the required documentation. She stated any prior requests received are going through the process of placing notices in the East Hampton Star for a consecutive three week period and will then be approved by the Board if the residency requirement is not challenged.

A motion was made by the Clerk to send a letter to the Town Board requesting a “sunset clause” be included in the proposed Town Code amendment for the posting of signs indicating no alcohol use at Indian Wells Beach. This motion was seconded by Dr. Forsberg and unanimously approved.

Concerning the update on Piping Plover fencing, the Clerk reported although she sent a memo to Juliana Duryea requesting a meeting to discuss protection measures , a police barrier has since been installed at the end of Flaggy Hole Road (Maidstone Beach) and metal stakes still remain in a fence on the beach in the Village. She added she requested Ms. Duryea contact the Trustees prior to installation of fencing, but she hasn’t followed through with that request.

The Clerk reported no new information has been received in regard to an estimate for repair of the parking lot at Lazy Point.

Concerning the Napeague vs. Gardiner’s Bay delineation line, the Clerk said she has reviewed the map provided by Mr. Boerner and Mr. Rattray but will review the Trustees files for Norman Edwards’ description.

The Clerk reported a Draft Transient Mooring Proposal was received from Mark Mendelman from Seacoast Enterprises Associates. She noted Mr. Mendelman is proposing the marina operators and Trustees work together to provide transient moorings for the public. She went on to say the marina would purchase, install and maintain the moorings; and collect a fee. In a discussion, the Trustees agreed there should be no subletting of transient moorings and no use by commercial businesses. It was agreed the Clerk will contact Mr. Mendelman and discuss the Trustees concerns.

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A motion was made by the Clerk to approve use of Main Beach for the annual fireworks display on August 30, 2014 (rain date of August 31st). This motion was seconded by Mr. Lester and unanimously approved.

The Board discussed the staking of the Clemente, Lynch, Mullen and Wilder properties on Louse Point Road. Mr. Lester said he didn't feel any of the properties need revetments (hard structures) as he saw a lot of new growth on the dunes and it seems like it hasn't eroded that much since Hurricane Sandy. Mr. McCaffrey pointed out he would definitely like to see a soft approach as opposed to a hard structure. He noted there is still a lot of beach and bluff still existing. He added they want to save the toe of the bluff but would be removing it in order to do so. The Clerk said what concerned her most is the line of the stakes was on the most landward high tide rack line; and the rack line was almost parallel with the Wilder revetment. She thought this proves the point that although there is a fairly wide beach now, if a revetment is installed, it will take away from the beach. Upon review of the aerial photograph, the Clerk pointed out the house on the Lynch property is closest to the top of the bank, while those on the Clemente and Mullen properties are further back; and the structure for the Wilder property isn't even close to the water. Mrs. Klughers said every time the applicants have come before the Board she has asked if they ever tried another approach, and they are very hesitant to do anything other than a hard approach. She added she is not in favor of a revetment. Mr. Taylor said his concern is this issue might end up in litigation. Mrs. Klughers pointed out she feels the applicants seem to be very considerate and thoughtful of what the Trustees are trying to do for the public; and hopes they try a different approach.

The applications of Kevin Abernathy and 31 Waters, LLC for dune restoration were discussed. The Board agreed a Passing Way Easement drafted by Mr. Courtney should be required as a condition of these two applications as well as future applications. It was agreed a letter will be sent to the agent, Land Planning Services along with copies of the Passing Way Easement.

A memo was received from the Building Inspector, Tom Preiato requesting approval to issue a Certificate of Occupancy to Robert Lang for bulkhead repair at 99 Water's Edge. The Clerk noted the applicant has not met the Trustee permit conditions which include submission of an as-built survey and photographs of the completed project. She added she will contact Mr. Preiato concerning this matter and recommend a C.O. not be issued until the Trustees receive these items.

A motion was made by Dr. Forsberg to approve the issuance of a conditional shellfish permit to Project Most (allowing each student to catch 12 hard clams) for a field trip with Aquaculture Director, Barley Dunne in Napeague Harbor on July 10th. This motion was seconded by Mr. McCaffrey and unanimously approved.

Concerning Water Quality Monitoring, Dr. Forsberg reported Dr. Gobler collaborates with News 12 and Newsday, and he wanted to know if the Trustees would be interested in participating in it. She explained weekly water quality reports are being done along all Long

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Island; and reports will be included with the weather reports on Thursdays and Fridays. She noted the ponds would not be included in this report; only the marine waters. Dr. Forsberg pointed out if it was a week where there was PSP or cochlodinium (red tide) in one of the Trustee harbors, Dr. Gobler would always consult with the Trustees prior to making it public. She showed the Trustees an example of a map which would be used in reporting the water quality monitoring. She said in addition to the map there would be a paragraph which will advise it is the East Hampton Town Trustees funding water quality monitoring and indicate results in different harbors. Dr. Forsberg went on to say she and the Clerk agreed to reiterate these water quality reports are not intended for shellfish closure purposes as rainfall amounts may also have to be considered. A motion was made by Mrs. Forsberg to approve the publishing of the Trustees Water Quality Monitoring results by Dr. Gobler in the Long Island Water Quality Index on News 12 and Newsday. This motion was seconded by Mrs. Klughers and unanimously approved.

The Clerk reported a sponsor of the Winter Flounder Stock Enhancement Program has asked for return of his donation as the Trustees haven't been able to move forward on the project. Mrs. Klughers asked if perhaps the Trustees could do a habitat enhancement project; and ask the sponsor if he would be willing to put his donation toward that instead of withdrawing it altogether. In a discussion, the Board agreed that Mrs. Klughers should contact the sponsor and ask if he would consider this. Dr. Forsberg said she felt donations should not be earmarked in the future. She suggested Mrs. Klughers mention to the sponsor that the Trustees have funded a water quality monitoring program, and ask if he would also be willing to put a portion of his donation toward that.

Concerning a walkway installed by the Mako Lane Association without the benefit of a Trustee permit, the Clerk said she sent another letter requesting removal of the walkway that had been built beyond the beach grass line.

Concerning the application of Ralf Lange for a shoreline fence, the Clerk said a survey to include the deed line has been requested. She noted Mr. Lange's attorney advised the prior violation issue with the fence was settled as a fine was paid to Ordinance Enforcement in April of 2013. She pointed out the Trustee application wasn't received until June of 2014. The Clerk added she will contact Ordinance Enforcement.

A motion was made by the Clerk to approve the application of Anthony Manheim of 7 West End Road for beach grass planting and installation of a shoreline fence with the standard conditions (1-6, 8 & 9) in addition to: a) submission of a covenant to the deed; b) the fence will meet all requirements of the Town Code- Chapter 255-4-70 and c) on-site inspection of the fence prior to installation by the Beaches Committee. This motion was seconded by Mr. McCaffrey and unanimously approved.

The Clerk reported she sent a memo to the Zoning Board of Appeals recommending denial of the application of MYSTL, LLC & the Nature Conservancy for a roll-out wooden walkway through the Double Dunes.

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In a discussion concerning the proposed Mark stairway, the Board agreed the dimensions of the existing stairway should be modified to consist of the following one 4' x 4' fixed landing: one 4' x 4' fixed stairway down the bank; one 4' x 6' hinged stair/platform and one 4' x 4' platform that can adjust manually to the water level. The Clerk noted this application was approved at a previous meeting by the Board. She added she will draft a permit which includes the modifications.

A meeting of the Hook Pond Management Committee is scheduled for July 15th at 9:30 a.m. at the Village Hall.

The Clerk reported a notice of commencement was received regarding the Springmark, LLC (Zbar) bulkhead repair project. She asked the Hog Creek Committee to inspect the site.

Concerning the application of Sameh Iskander for bulkhead reconstruction at 98 Runnymede Drive, the Clerk noted the applicant is claiming all the work is being done on the upland property from a barge, but based on a survey submitted; the mean high water mark is significantly seaward of the bulkhead. She added she feels the contractor will have to traverse the beach in order to access the project site. More information will be requested.

A notice of completion as well as an as-built survey was received in regard to the Neville bulkhead repair project. The Clerk asked the Hog Creek Committee to inspect the site to determine if the project was completed according to the Trustee permit.

Concerning a complaint from Britton Bistran of a derelict boat along Napeague, Mr. Taylor reported there is a wooden boat on the east side of Napeague that has been there for several years. The Clerk will contact Ms. Bistran to confirm if this is the boat in question.

The Clerk reported Kim Shaw, Director of Natural Resources, received a complaint concerning a large log that washed up on the beach at the end of Folkstone Drive. She advised Ms. Shaw to let the complainant know the Town and Trustees will do their best to rectify the situation given the time and resources to do so. In the meantime, assistance from the public is appreciated.

A motion was made by the Clerk to approve a reimbursement to Lance Rost in the amount of \$141.20 for purchase of a VHF radio for use on the Trustee pump-out boat. This motion was seconded by Mr. McCaffrey and unanimously approved.

The Clerk reported a Notice of Complete Application for a Natural Resources Special Permit was received concerning the Kaplan residence located at 16 Driftwood Lane. She added she will review the Trustees files to determine if a permit for any project at this location has been issued in the past.

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

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