

**MEETING OF JULY 22, 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: Lori Miller-Carr, Trustee Secretary  
Chris Walsh, Star Reporter  
Susan Knobel  
John Mullen  
Lara Urbat  
Diana Walker

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

John Mullen and Lara Urbat of Nelson, Pope & Voorhis were present concerning the revetment applications of Wilder, Lynch, Mullen and Clemente at Louse Point. The Clerk noted there was a discussion at the last Trustee meeting about alternatives (i.e. a soft approach). She said she intended to speak with Brian Frank of the Planning Department but he was on vacation. She distributed a draft of the history of the area and opinion on the revetment applications to the Board and Mr. Mullen. Mr. Mullen said he felt staking out the width of the area where the rocks would begin and end has helped him understand the concept of scouring. He noted his concern is with the lower elevation and would hate to chance going through another hurricane without some kind of protection. Dr. Forsberg pointed out her concern about putting in a hard structure is how it will affect the beach fifty years from now. Mr. McCaffrey agreed and stated at the present time there is plenty of beach in front of these properties and there is approximately 1000' which is not bulkheaded; but if they were, the beach would be eventually be gone. Mrs. Klughers stated coastal erosion protection starts by not permitting bulkheading and the intent of the Board is to try to reach a compromise with the property owners. Mr. Mullen told the Board he doesn't feel he and his neighbors should be required to only place sacrificial sand. Mrs. Klughers replied if Mr. Mullen's property (and the others) had been managed differently ten years ago, (the bluff planted, etc...) the situation might be different now. The Clerk pointed out she saw no reason for a revetment on the Clemente property and would like to see a soft

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approach. Dr. Forsberg stated she felt if the Board did approve rock revetments, it would set a precedent. She said the Board must tread very carefully as the last thing the Trustees want is universal shoreline hardening. In summary, the Clerk told Mr. Mullen she hopes he can take the document she drafted concerning the history of the properties and an alternative approach back to the engineer for consideration. Mr. Mullen stated something has to be done soon. He added the DEC is waiting for the Town and Trustees to come to a determination.

Diana Walker told the Board the Mullen discussion is one example of why the Trustees should televise their meetings. She said the Board is a wealth of information and the public should be made aware of it. She added she knows the Town has money available in their budget for the Trustees to have the meeting televised. Mrs. Klughers told Ms. Walker she talked with a representative from LTV and was told it would cost \$50,000 to install the necessary equipment in the office to properly televise Trustee meetings. She noted the Town doesn't have money in their budget for these installation costs. Dr. Forsberg pointed out the Trustees might possibly relocate to another location, so until that's known for sure, it wouldn't be wise to expend the funds to have equipment installed. Mrs. Walker added she hopes the Trustees don't lose sight of how important it is to educate the public.

Susan Knobel told the Trustees she heard, if and when, Napeague Harbor is dredged, there are no plans to place the material along the shore at Lazy Point. The Clerk advised Mrs. Knobel the plan now is to put the spoil on the beach in the vicinity of the Raffo house. She added if the spoil is placed on the Lazy Point shoreline, the Trustees hope to relocate it. Ms. Knobel asked the Trustees if they would consider allowing her to relocate her house, which is currently located on Lots 52N & 53N to Lots 45N & 46N (former Giambelli). The Clerk said the Board would look into the possibility of allowing Ms. Knobel to relocate her house. In a discussion regarding the irrigation system which Ms. Knobel installed (which she noted is not fully completed) to water beach grass, the Board agreed Ms. Knobel should use a sprinkler and hire someone to oversee the planting project as opposed to relying on a timed system.

A motion by Dr. Forsberg to approve payment of the following bills: a) Star Island Yacht Club- \$441.77; b) D. Eagan & Associates- Young- \$4,100.00; Zweig- \$750.00 & Fed Ex- \$110.00; and c) Staples- \$87.28. This motion as seconded by Mr. Byrnes and unanimously approved.

A motion was made by Dr. Forsberg to approve the following minutes: a) March 25, 2014; b) April 8, 2014; and c) May 27, 2014. This motion was seconded by Mr. McCaffrey and unanimously approved.

A motion was made by the Clerk to renew the Certificate of Deposit ending in #...5679 for six months. This motion was seconded by Mr. Lester and unanimously approved.

The Clerk reported the Financial Review of Trustee records by Herzog & Little is in progress.

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The Clerk asked the Trustees to review a financial report for the period January 2014 to June 2014.

The Clerk reported the Trustees Town Budget meeting is scheduled for August 13, 2014. She asked the Board members to attend the meeting if they are available. She added she is working on requests for each Budget line.

A motion was made by the Clerk to deny the application of Michael Castillo for a party at Maidstone Park inlet beach on August 2<sup>nd</sup>. This motion was seconded by Mr. Byrnes and unanimously approved.

A motion was made by Mr. Byrnes to deny a request to place a cabana and household furniture on the beach during a still photography shoot adjacent to 58 Shipwreck Drive on July 24, 2014. This motion was seconded by Mrs. Klughers and unanimously approved.

Concerning a request from Kevin Midwinter to hold a party on Atlantic Avenue Beach on August 14<sup>th</sup>, the Clerk noted she will advise the applicant to not begin the party until after 6:00 p.m.

A letter was received from Mr. Schlitt, a leaseholder of Lot 36S in Lazy Point, advising the Trustees his uncle, Thomas Hamilton (who was included in the lease) passed away. The Board agreed Mr. Hamilton will be removed from said lease and a revised lease will be sent to Mr. Schlitt.

The Clerk reported Mr. Webb from the Parks Department, asked if the Trustees would allow installation of a partial split rail fence at Maidstone Park Road inlet area and also on the beach perpendicular to the jetty. Dr. Forsberg suggested installing stakes with string as opposed to split rail fencing on the road way area. Also, the Board agreed "No Driving in Beach Grass" signs should be installed. The board doesn't want any fence on the Trustee portion of Maidstone Beach.

In a discussion concerning repair of the road at the end of Folkstone and a dirt road off Gerard Drive (south of the culvert) it was agreed the Clerk will contact the Superintendent of Highways, Mr. Lynch for the type and an estimate of the quantity of the materials needed.

has been received concerning plover fencing. Mr. Byrnes said he felt the Trustees should take a pro-active stand next year with the Natural Resources/Planning Department regarding this matter. Clerk added she will approach the Supervisor about the possibility of the Trustees being in charge of monitoring the plovers.

Concerning the Napeague vs. Gardiner's Bay delineation line, the Clerk said she is looking for a map which Norman Edwards drafted for the Trustees which depicts the line.

The Clerk noted the Mooring Committee is in the process of reviewing a transient mooring proposal received from Mark Mendelman.

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The Clerk reported she attended the Nature Preserve Committee meeting at which the adjacent beach along Napeague was discussed. She added the Committee is proposing a nature preserve be created with the Trustees access point acknowledgement and thence available forever.

Concerning the applications of Kevin Abernathy and 31 Waters, LLC for bulkhead repair, the Clerk noted a letter will be sent to the agent advising passing way easements are required.

A memo was sent to the Building Inspector advising an as-built survey and photographs are required for the Lang bulkhead project at 99 Waters Edge before a Certificate of Occupancy can be issued.

Dr. Forsberg reported a complaint was received from a Georgica Pond resident concerning possible green algae in the Pond. She noted Mr. Lusty will be performing water quality tests on Friday, July 25th. She added she will contact the Trustees with the results.

Mrs. Klughers reported she spoke with Mr. Marzo who requested his donation to the Winter Flounder Program be returned. She said she explained even though the DEC is preventing the continuation the Winter Flounder grow-out, the Trustees are pursuing other programs such as eelgrass transplanting and water quality monitoring. She asked if Mr. Marzo would be interested in having his donation placed toward those programs; but he said would like his donation returned as soon as possible. It was pointed out the donations sent in memory of former Trustee Norman Edwards were sent at the request of the family not this Board.

The Clerk reported Mr. Johnson of the Mako Lane Association requested a meeting with a Trustee at the illegal walkway site. Mr. McCaffrey agreed to contact Mr. Johnson to schedule a time to meet.

Concerning the Lange shoreline fence on 123 Marine Boulevard, the Clerk noted she previously requested an updated survey of the property, but it has not been received to date. She added she will contact Ms. Hoeg, attorney for the applicants.

The Clerk reported no new information has been received concerning MYSTL, LLC & the Nature Conservancy for a walkway over the Double Dunes.

The Clerk reported the Trustees received a summary of a meeting which was held on July 15, 2014 with the Hook Pond Management Committee. She noted the next meeting is scheduled for September 19<sup>th</sup>.

Mrs. Klughers reported she inspected the Springmark, LLC (Zbar) bulkhead reconstruction project. She noted there is irrigation at the top of the bluff and metal fence posts. She pointed out there is also an existing walkway. It was agreed the Clerk will contact the Building Department to advise them not to issue a Certificate of Occupancy to the property owner until these matters are addressed.

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Concerning the Iskander bulkhead reconstruction project, the Clerk reported she sent a letter to Land Marks requesting additional information regarding the barge and how it will remove and replace the bulkhead. She also advised them a Passing Way Easement is required.

The Clerk asked the Hog Creek Committee to inspect the Neville bulkhead repair project on 22 Driftwood Lane to determine if it has been completed in accordance with the Trustee permit; in particular that materials are non-treated; the stairway is hinged for removal and there is a 10' natural buffer landward of the repaired structure. She also asked the Committee to check the Lenehan bulkhead repair project at 211 Kings Point Road as she was advised the area was not planted as per the condition of the Trustee permit.

The Clerk reported she sent a memo to the Planning Department to request a copy of the Kaplan Natural Resources Special Permit application but it has not been received to date.

A letter was received from Sondra Anderson requesting the addition of Michael Walton and Constance Walton to the lease of Lot 8S in Lazy Point. The Clerk said she will contact Mr. Courtney regarding this matter.

The Clerk noted an access easement form was given to Temple Adas Israel for access to their property from Six Pole Highway. She added a letter was also sent to Mr. Wolff requesting removal of a gate and vegetation which was placed within the right of way on Six Pole Highway.

Notice of commencement of the Landey, Osborne and Schenck bulkhead repair projects in Three Mile Harbor was received. The Clerk asked the Three Mile Harbor Committee to inspect the site.

The Clerk reported the Town Board unanimously passed the proposal to ban alcohol at Indian Wells Beach on weekends and Federal holidays between the hours of 10:00 a.m. and 6:00 p.m. until September 15, 2014.

The Clerk reported the 2014 Annual Agreements are being received back from dock and structure owners in Trustee waters.

Concerning water samples taken by Bill Taylor before and after the 2014 Clamshell Foundation Fireworks Display in Three Mile Harbor on July 19<sup>th</sup>, the Clerk said the DEC indicated the samples are not sufficient to allow for the harbor to be re-opened to shellfishing sooner. She wanted to know if Mr. Taylor was acting as a Trustee or a Town employee while taking the samples. She added a notice was received from the DEC indicating Three Mile Harbor would be temporarily closed to shellfishing from Saturday, July 19<sup>th</sup> to Wednesday, July 23<sup>rd</sup> due to the fireworks display.

The Clerk noted correspondence was received which included the DEC notice of temporary shellfishing closure in Three Mile Harbor; a news release from Suffolk County Department of Public Works-the Division of Vector Control mosquito larvae spraying schedule;

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and a notice to the Peconic Estuary Resource Committee regarding a presentation on Invasive Species Awareness Week.

The meeting was adjourned at approximately 9:00 p.m. by the Clerk.

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