

MEETING OF JUNE 10, 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
Bill Taylor

Not Present: Nathaniel Miller

Also Present: John Courtney, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Chris Walsh, Star Reporter
George Eldi
Bill Fleming
Rona Klopman
Eric Miller
Vincent Priore
James Walker

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

Eric Miller of Hampton Clam Bake was present to inquire about the Mass Gathering Permit process. The Clerk explained in addition to the Mass Gathering Permit Application required by the Town, the Trustees also require being named on the liability insurance and submission of a "Trustee Consent" form. In a discussion concerning the proposed Mass Assemblies which includes the commercial mass gathering law for 5 or more people, it was agreed the Clerk will inquire if the proposal was passed by the Town Board. The use of 10' x 10' pop-up tents was also discussed as well as parking regulations. The following Mass Gathering Permit Applications for use on beaches were received and determined acceptable by the Trustees with the condition all applications include a Trustee Consent Form and that the Trustees be named on the liability insurance: a) Regan on 6/13; b) Ruppe on 8/12; c) Clark on 6/27; d) Baron on 8/9; e) Zajec on 7/26; f) Browning on 8/1; f) Lombardi on 7/12 and g) Klein on 8/16.

Bill Fleming and James Walker were present concerning the application of Morris and Susan Mark for a stairway/platform(s). In a discussion, Mr. Walker told the Board the floats will be stored in slings when they are not in use and will also be stored upland if the Army Corps of

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Engineers (ACE) and Department of Environmental Conservation (DEC) permits allow it. A motion was made by the Clerk to approve the application of Morris and Susan Mark for a stairway/platform with the condition the Georgica Pond Committee has no objection with the proposal as drafted on a permit by the Clerk. This motion was seconded by Mr. Byrnes and unanimously approved.

A motion was made by the Clerk to approve an expenditure of up to \$700.00 for a survey of a portion of Six Pole Highway to determine the exact location of an encroachment which is preventing access to the Temple Adas Israel's property. This motion was seconded by Dr. Forsberg and unanimously approved.

The Trustees discussed the requests for lease transfers from the following Lazy Point leaseholders: a) Grimaldi, b) Pettersen; c) Bennett; d) Martin; and e) Webb. The Clerk noted the required documentation has been received from all parties and the notices can be published in the East Hampton Star. She pointed out Mrs. Bennett has requested the addition of her two sons. She asked Mr. Courtney if there is a policy against adding more than two people to a lease in the Rules and Regulations. Mr. Byrnes told the Board a Lazy Point Committee meeting is scheduled for Saturday, June 14th at 9:00 at the D'Amico house.

Nat Miller to look into the matter of a derelict boat located on the east side of Napeague Harbor.

A copy of the Knobel Expedited Administrative Natural Resources Special Permit was received.

A ZBA Notice of Hearing was received concerning the Lerner residence at 31 Private Road in Napeague. The Clerk noted this is for reconstruction of a house and the hearing was held on June 3rd. She will contact the ZBA regarding the status of this matter.

The Clerk reported she is in the process of obtaining estimates from Mike DiSunno & Son and William Bennett for repair of the Lazy Point parking lot.

Mrs. Klughers gave a brief report on the eelgrass transplant in Napeague Harbor by Cornell/Marine Meadows.

John Botos of the Natural Resources Department gave a brief presentation on five different grant opportunities available to the Town; in particular a grant to build a new hatchery in Three Mile Harbor. The Trustees advised Mr. Botos they must be involved in this proposed project as they regulate the bottomlands. Mr. Botos will forward a copy of the application to the Trustees for their review. Dr. Forsberg expressed concern about putting extra stress on Three Mile Harbor if the hatchery was moved there. Concerning a grant for a town wide coastal erosion strategy plan, the Clerk told Mr. Botos a committee was established under the previous Town Administration and didn't work out. Mr. Botos said he would keep the Trustees up to date on these matters; and in the meantime, asked if the Trustees would give him a letter of support for

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these grants. The Clerk advised Mr. Botos the Board would like to review more details of the grants first.

A motion was made by Dr. Forsberg to approve payment of the following bills: a) Star Island Yacht Club- \$133.66; b) David Eagan- \$9779.40; c) Optimum- \$144.80; d) North Fork Water Supply- \$49.44; e) Hamptons Online- \$35.00. This motion was seconded by Mr. Taylor and unanimously approved.

The Clerk reported Mrs. Kagel from the Town's Accounting Department requested a copy of the Trustees financial statements to include with the Town's audit. She forwarded the last review which was done by Herzog & Little for 2010 and 2011. In a discussion, Mr. Courtney suggested the Trustees look into having a regular audit done. The Clerk added she would contact Carolina Schaeffer of Herzog & Little concerning the cost of an audit.

The Board agreed to renew the Winter-Flounder Certificate of Deposit for six months.

The Clerk asked the Beaches Committee to review the application of Cranberry Hole, LLC for a sand fence at 350 Further Lane.

The Clerk reported the Town Board will hold a hearing on Thursday, June 19th at 6:30 p.m. regarding an amendment of Chapter 82 (Peace and Good Order) to allow for posting prohibiting alcohol at Indian Wells and Atlantic Avenue Beaches. She stated the Town Board gave no consideration to the Trustees counter proposal. She drafted a letter to present at the hearing and asked the Board to review and sign it if they feel it is appropriate. The Clerk added she will speak on behalf of the Trustees but urged all Trustees to attend if possible.

An Incident Observation Report was received from Juliana Duryea indicating a dead plover was found in an enclosure on the beach in the area of Georgica Pond. The Clerk pointed out she has asked Ms. Duryea several times to contact the Trustees prior to installation of fencing but another memo was received from Ms. Duryea advising the Board of string fencing already installed. She stated she felt the fencing is excessive. Mr. Taylor pointed out Ms. Duryea is following Federal guidelines. The Clerk said she requested Ms. Duryea attend the meeting tonight, but she did not respond. She added she would contact US Fish & Wildlife Service to find out if plovers are threatened or endangered and their recovery projection.

A motion was made by Mrs. Klughers to submit a letter to PSEG re: installation of the utility poles treated with the preservative "Penta" and the Trustees concern for the possible effect it could have in the community of East Hampton Town. This motion was seconded by Mr. McCaffrey and unanimously approved.

Concerning the Clemente, Lynch, Mullen and Wilder proposed revetments, the Clerk reported the Trustees are waiting to be notified of the staking of the properties for inspection.

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A motion was made by the Clerk to deny the application of Mary Meeker for bulkhead repair at 36 Louse Point Road. This motion was seconded by Mrs. Klughers and unanimously approved.

Concerning the application of Abernathy and 31 Waters, LLC for dune restoration, Mr. Courtney will draft a document to allow for a public right of way.

Dr. Forsberg reported Dr. Gobler informed her water quality tests done in Three Mile Harbor and Northwest Creek found low levels of pathogens/algal blooms. She pointed out as temperatures rise, the pathogens will increase. She added Dr. Gobler would like to install two oxygen sensors in Georgica Pond. The Board agreed. Mr. Taylor reported someone told him there was an algae bloom on the east side of Three Mile Harbor but when he inspected it- there was just sea foam and seaweed. He noted bio-logs were installed at 279 Three Mile Harbor HC Road. Mr. McCaffrey said he thought this was the Larkin property.

A motion was made by Mr. McCaffrey to approve the application of James Johnson for the continued placement of a shoreline fence at 31 Old Beach Lane with the standard conditions in addition to the following: a) all regulations for shoreline fence as per Town Code Section 255-4-70 will be met; b) no fence shall be placed seaward of the current beach grass line; and c) permits for placement of fence perpendicular to the ocean and within the dune area may require a Natural Resources Special Permit. This motion was seconded by Mrs. Klughers and unanimously approved.

Concerning the Phillips dune restoration project, the Clerk said the applicant originally proposed installation of shoreline fence with planting but have since rescinded the request for planting. Mr. McCaffrey pointed out the applicant wants to install the fences starting from an existing fence to the Maidstone Club property. The Clerk will advise the agent that the Beaches Committee will flag the most seaward location of fence placement and the applicant should consider a second fence.

The Clerk reported an as-built survey still has not been received from Nedenia Hartley for dune restoration on the second parcel at West Dune Lane.

The Clerk reported she drafted a letter advising the Mako Lane Association their application for the continues placement of an existing repaired and enlarged walkway was denied at the Trustees meeting of January 29, 2014; that a letter was sent to the Association on December 11th, but returned as undeliverable. She requested the applicant remove the walkway and submit a new application utilizing non-treated material. The Trustees agreed the letter should be sent.

Concerning the application of Ralf Lange for a shoreline fence, the Clerk said this property has a lot of history and she would like to review it with Mr. Courtney.

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The Clerk reported she attended the award ceremony at the East Hampton High School and presented the Rysam Fund Scholarship award to Trevor Mott.

Concerning the application of OGP, LLC for phragmite removal, Mr. McCaffrey said he will contact the agent, Mr. Dobriner regarding the use of sand. He noted he would like to meet with Mr. Dobriner on site in order to get an idea of where the sand is being placed in relation to the shoreline for this proposed project.

The Clerk said she received a complaint from Kevin Miller regarding phragmite removal in Georgica Pond. He was concerned if too many phragmites are removed, it will cause more pollution in the Pond.

A Village ZBA Public Hearing Notice was received regarding the Krimendahl property for area variances, a Freshwater Wetlands Permit and a Special Permit for replacement of the existing residence with a new residence. The Clerk noted the proposed project is located on the upland property which fronts Georgica Pond. She added Bill Fleming is working with Mr. Krimendahl to obtain an annual dock agreement from the Trustees for a pre-existing dock.

The Clerk said she is still in the process of attempting to set up meeting with pump-out boat operators to discuss the policies and procedures for the 2014 season. She noted Mr. Bye submitted an estimate from Marine Boatbuilders in the amount of \$3,954.00 for a new pump for the Montauk boat.

Mrs. Klughers told the Board she would like to place information on Lyme disease and West Nile Virus as a link on the Trustees website as well as acknowledgement of the recipient of the Rysam Fund Scholarship award. The Board agreed.

The Clerk reported she was advised the Building Department is looking at the Trustee road known as Cross Highway/Karlsruhe for encroachment by two fences on a portion of the road. She noted this road is also part of the Paumanok Path.

The Clerk reported an as-built survey is to be submitted by the Ingalls Road Property Owners Association.

The Clerk reported notification of completion of the Klein float replacement was received. She asked the Three Mile Harbor Committee to inspect the site.

The Clerk reported as shellfish are not harvested in Georgica Pond, the Village would like it removed from MS4 requirements. She said they requested information regarding the history of shellfishing in the Pond, and a letter of support from the Trustees.

A motion was made by Mrs. Forsberg to approve a payment to Michael Bye in the amount of \$714.00 for maintenance work on the Trustee pump-out boat. This motion was seconded by Mr. Lester and unanimously approved.

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A public hearing is scheduled for June 19th regarding amendments to Town Code Chapter 91- Beaches and Parks with regard to hunting. The Clerk noted the Nature Preserve Committee has made recommendations to enlarge the areas that can be hunted based on the State recommendations. The Board agreed a letter of support concerning these amendments will be sent to the Town Board.

A motion was made by Mr. McCaffrey to approve the application of STP Hedges, LLC (Singer) for bluff repair pending clarification of the method of re-grading the bluff with the standard conditions. This motion was seconded by Dr. Forsberg and unanimously approved.

Mrs. Klughers reported she forwarded information to the Trustees concerning the Highway Bee Act which would suggest highway departments all over the country plant different types of vegetation to help bring back the pollinators to help enhance the environment. She noted there is a public as well as a group letter of support which can be emailed to the Secretary of Transportation. She added she has this link on her Facebook page. The Clerk asked if Mrs. Klughers would suggest plants/flowers which could be planted in front of the office to attract bees.

The meeting was adjourned at approximately 9:15 p.m. by the Clerk.

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