

MEETING OF MAY 13, 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
Brian Byrnes
Deborah Klughers
Stephen Lester
Sean McCaffrey
Bill Taylor

Not Present: Timothy Bock
Nathaniel Miller

Also Present: John Courtney, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Chris Walsh, Star Reporter
Chini Alarco
Ira Barocas
George Eldi
Billy Hajek
Rona Klopman
Laura Mellor
Vincent and Joan Priore
Diana Walker

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

The Clerk told the public if they are interested, she displayed all the Rysam Fund Scholarship applications received from East Hampton High School students on the table in the hallway.

Laura “Missy” Mellor was present regarding an application submitted to moor a sailboat and run her business “Little Dutch Sailing Charters” out of Three Mile Harbor. She noted she is a Coast Guard captain and applied to the Trustees in March. The Clerk pointed out Ms. Mellor is not a resident of East Hampton Town and this is something the Trustees would have to factor into their decision. Mrs. Klughers pointed out the Trustees pay for their pump-out boat with grants and questioned why they would subsidize a business. Mrs. Klughers asked Ms. Mellor why she doesn’t rent a slip at one of the marinas. Ms. Mellor replied it would be expensive. Mrs. Klughers said that is the cost of doing business and there are some businesses that pay \$10,000 a season for a slip. In a discussion, the Trustees agreed if they approved this application, it would set a precedent and it would be a commercial use of the public’s resource.

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Ms. Mellor told the Board she understands and thanked them for their time. A mooring refund will be given to Ms. Mellor.

A motion was made by the Clerk to approve the application of Scott Silver for bulkhead repair 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 start of the project and continuous communication between the contractor and Trustee office of the projects 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 and/or waterway 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 and/or waterway overnight; f) access along the beach for the public shall not be impeded; g) only clean beach compatible sand shall be used; h) submission of color photographs at the start and upon completion of project and i) no treated material. In addition, no increase in elevation, submission of an as-built survey indicating the deed line and agent is responsible to ensure all conditions of the permit are met. This motion was seconded by Mrs. Forsberg and unanimously approved.

A motion was made by the Clerk to approve the application of Joel Zbar for bulkhead repair with the standard conditions except those which apply to planting; in addition to submission of an as-built survey indicating the deed line and agent is responsible to ensure all conditions of the permit are met. This motion was seconded by Mr. Byrnes and unanimously approved.

There was a lengthy discussion regarding the proposed Code amendment to ban alcohol on Indian Wells and Atlantic Avenue Beaches. Diana Walker asked the Board where the Trustees stand. The Clerk advised Ms. Walker the Trustees sent a counter-proposal for a trial alcohol ban 500' on either side of the lifeguard stand at Indian Wells Beach on weekends and holidays from the Thursday before Memorial Day to September 15th from 10:00 a.m. to 6:00 p.m. She noted upon meeting with the Supervisor he asked if the Board would consider increasing the distance from 500' on either side of the lifeguard stand to 2,500' as 500' might not be sufficient. The Clerk went on to say she asked the Harbormasters to stake the beach in order to give the Trustees a visual. She pointed out a public hearing would be required in order to post the beach. Mrs. Klughers asked if the Town plans to have an officer on patrol at Indian Wells Beach to enforce this; she reiterated the fact if the Town enforced the laws that are on the books already, a ban on alcohol wouldn't be necessary. Mrs. Forsberg said she felt the Trustees don't want to set a precedent on the beach that is inappropriate- (i.e. a public display of intoxication) but, as Mrs. Klughers indicated, there are laws already in place. She said she fears it will only encourage the public to go to another location. Mr. Taylor stated he feels there is a problem and it is in one location now; but it could move to another location. He said the way it is defined, it

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is the Town's responsibility to deal with it. Mrs. Klughers again pointed out the laws regarding behavior which are in place already should be enforced. Mr. Taylor replied it is so much easier to enforce a ban than to enforce behavior. He added if the problem moves to another location, the Town should be expected to move their enforcement to that area. The Clerk pointed out the Trustees and Town are trying to work together to come up with a solution; it may not be 100% satisfactory to either side and no matter what is done, it is going to require a public hearing. She noted at this point, the only written documentation received have been complaints from the public that they want some type of action taken. She said if they want to hear the other side, there has to be another public forum; because although people are talking to the Trustees, it needs to be in writing. The Clerk said the memo had some points in it she felt everyone could agree with, but as a whole, the Trustees don't like it. She went on to say a public hearing must be held and the Town Board would hear comments from both sides. She pointed out if the Town Board goes forward with the ban, and the beach is posted without the Trustees permission; and someone receives a ticket for alcohol use in an area the Trustees have not supported, the Trustees can go as friends of the court with the person. Mr. Taylor said he felt it would be treated like the jet ski case and looked at as a matter of public safety. He noted the Court of Appeals basically indicated anything related to public safety is a Town Board matter. Mr. Courtney stated he feels a great number of people are being punished for the activities of a few. A majority of the Board was not in favor of increasing the alcohol ban to a distance to 2,500' on either side of the lifeguard stand at Indian Wells Beach and including Atlantic Avenue in the ban. The Clerk said she will contact the Supervisor of the Trustees decision.

The Clerk reported she received two proposals from Patrick Bistran for repair of the launching ramp parking area at Lazy Point: 1) re-grading of the existing launching ramp parking/access area with existing site materials and overlay with local natural stone blend and compact- \$3,800.00; and 2) re-grade existing launching ramp parking/access area with existing site materials and overlay with crushed asphalt and compact- \$2,700.00. She added the Trustees will acquire more estimates/proposals from Mike DiSunno & Son and Billy Bennett. Mr. Eldi asked what the status of the repair of the ramp. The Clerk advised this is a Capital Budget Project and it is the responsibility of the Town to repair it.

Ms. Klughers reported Marine Meadows will hold an eelgrass weaving workshop on Sunday, May 18th from 10:00 a.m. to noon.

Mr. Byrnes reported he tagged an old abandoned trailer at Lazy Point and someone removed it. He also pointed out he also advised one of the leaseholders to remove their "for sale" sign as commercial signs are not permitted at Lazy Point.

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Concerning requests for lease transfers/additions from Stephen Grimaldi, Martin Pettersen, Carol Bennett, and Evelyn Martin, the Clerk noted the paperwork is being reviewed to insure the proper documentation has been received. She pointed Carol and Allen Bennett requested their two sons be added to the lease, but the Rules and Regulations only allow for two persons on the lease and a bill of sale would also be required from each son. In a discussion, Mr. Courtney pointed out a bill of sale shouldn't be given to the Trustees until they have approved the lease and also the transfer/addition should be published in the newspaper before it is approved.

Mrs. Klughers advised the Board that Stuart Vorpahl sent a letter to the Southampton Press concerning the decision by a Supreme Court Judge that Southampton Town Trustees are an agency of the Town Board and have no say in financial matters and no authority to protect their easement rights on all ocean beaches. She added it was a very good letter and suggested the Board read it if they haven't ready.

A motion was made by Mrs. Forsberg to approve payment of the following bills: a) East Hampton Marina- \$150.95; b) Optimum- \$144.80; c) Mike DiSunno & Son, Inc.- \$750.00; d) North Fork Water Supply- \$23.94; e) Hamptons Online- \$35.00; f) A. Tohill- Seaview- \$3,613.75 and White Sands- \$4,716.25; g) Staples- \$121.36 and h) Seacoast Enterprises Associates- \$62.94. This motion was seconded by Mr. Lester and unanimously approved.

The Trustees agreed to table approval of the following minutes for further review: January 14, 2014; January 28, 2014; February 11, 2014; February 25, 2014 and March 11, 2014.

The Beaches Committee to review the application of Ralf Lange for a shoreline fence on Marine Boulevard.

In response to a request from Evelyn Martin to add her son to her lease of Lot 16N in Lazy Point, the Clerk asked the Committee to review the documentation received and report back at the meeting of May 27th.

A motion was made by the Clerk to deny an application for filming/still photography by Tina Fine/Project Climax, LLC east of Marine Boulevard and west of Napeague State Park. This motion was seconded by Mrs. Klughers and unanimously approved.

The Clerk reported East Hampton Point has submitted payment of their 2012 annual dock agreement but are still in arrears for 2013. She pointed out they are planning to submit an application for dredging but the 2013 fee must be paid before the Board will entertain an application.

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A Notice of Hearing was received from the Village regarding the application of Sea Spray East Hampton, LLC. The Clerk said she reviewed it and it doesn't appear any of the work is proposed on the beach.

The Clerk reminded the Board she drafted a letter to the Department of Interior requesting data on Piping Plover population recovery.

Concerning the proposed dredging of Napeague, the Clerk reported she received an email from Kim Shaw suggesting sending a request to the County that materials be placed along the beach in front of the Shore Road homes. She added she is not in favor of bringing the sand to Mulford Lane.

The Clerk reported although the application of Broadview Property Owners Association for alteration and repair of the dock doesn't require a Trustee permit, the Board can submit comments to the Building Department if they wish to do so.

The radar posts which were installed at Atlantic Avenue by Rutgers have been removed.

Concerning the delineation of Gardiner's and Napeague Bays, the Clerk reported she is waiting for a map from Steve Boerner.

No response has been received for additional information concerning the application of Mary Meeker for bulkhead repair.

The Clerk reported the Wilder revetment still hasn't been covered with sand; and a payment is to be submitted for the application fee.

Concerning the Forelli bulkhead repair project, the Clerk said she advised Mr. Forelli to submit an as-built survey; but it hasn't been received to date.

The Clerk reported she reviewed the as-built survey received from Tick Tock II and the project appears to be completed in accordance with the Trustee permit.

The minutes of the Shellfish Managers Meeting of March 26th was received from John Dunne.

Mrs. Forsberg reported Dr. Gobler has requested to place Spatt in Three Mile Harbor, and explained Spatt absorbs algae. She noted Dr. Gobler would also like permission to take 12 blue mussels from Three Mile Harbor and test them for toxins. She said Dr. Gobler will forward the specifics of the test to the Board. It was suggested to put an addendum in the Trustee Water Quality Monitoring file regarding this matter.

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The Clerk reported maps of the proposed eelgrass plantings in Northwest Creek and Hog Creek were received from Marine Meadows.

The Clerk asked the Beaches Committee to review the deed and updated survey submitted concerning the proposed Johnson shoreline fence.

Concerning the Phillips dune restoration project, the Clerk noted she requested a covenant prior to installation of plantings, but no response has been received to date.

The Clerk reported an as-built survey was received for the Hartley dune restoration project for one parcel, but another one is needed for the second parcel.

The Clerk said a letter was received from Mako Lane Association asking the Trustees if the walkway could be left in for the summer season. In a discussion among the Trustees, it was agreed a letter will be sent to Mako Lane Association requesting removal of the portion of the walkway that is constructed with treated materials and rebuilt with the proper materials.

The Clerk reported she and Mrs. Forsberg met with Girl Scout Troop 419 and made presentations on the species of their choice (i.e. Bald Eagle, Blue Whale, and Turtle).

The Education Committee will meet to decide on the recipient of the Rysam Fund Scholarship award.

The Clerk, Mr. Byrnes and Mr. Bock held a presentation at the Amagansett School concerning the history and role of the Trustees. As it was so successful, the Board agreed presentations should be made at other local schools.

A motion was made by Mr. McCaffrey to acknowledge the Krimendahl dock in Georgica Pond and initiate an annual dock agreement for 2014. This motion was seconded by Mrs. Klughers and unanimously approved.

A letter was sent to Land Planning Services advising them the application of Bonnie Maslin for a 2nd tier bulkhead was denied at the meeting of April 22nd.

A copy of the Northwest Creek Comprehensive Committee Meeting minutes of April 14th was received. The Clerk noted she was advised someone attempted to pull a commercial mooring in Northwest Creek. She added there is a possibility the County Parks will permit the Trustees to place a kayak rack on the shoreline.

The Clerk reported she is in the process of attempting to schedule a meeting with the pump-out boat operators to discuss the 2014 Policies and Procedures. Mrs. Klughers suggested determining what is needed as far as supplies (i.e. water, suntan lotion, etc...). There was a brief

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discussion concerning the purchase of shirts and/or hats for the operators. The Clerk added the public pump-out facilities at Montauk and Three Mile Harbor are not yet operational, but the Town Parks Department is in the process of working on them.

Mr. Byrnes reported he inspected the bulkhead project at Devon Yacht Club and it looks like they did a good job.

Concerning a request from Temple Adas Israel for access to Six Pole Highway, the Clerk noted she received a written description of the portion of the road that was deeded to the Town. She added she will take this to Walbridge Surveyors for an interpretation of the metes and bounds description.

The Clerk reported the Singer bluff restoration project was completed, but the agent wanted to know if his client can repair the bluff without acquiring another permit. It was agreed to advise the agent the Trustees require submission of a new application in the fall as the existing permit is close to expiring.

Concerning the Ingalls Road Property Owners Association bio-log project, the Clerk said the agent requested a letter indicating the project was completed in accordance with the Trustee permit. She said she is waiting for the agent to submit an as-built survey.

Ed Michels has requested to meet with Mr. Passie and Mr. Niggles regarding the issue of residency and waterfowl guides. Mrs. Klughers and Mr. McCaffrey will also attend the meeting.

The Clerk reported Mr. Michels would also meet with some of the Trustees to discuss the possibility of the Trustees regulating fish traps outside their harbors.

The Trustees have been invited to participate in the Amagansett Fire Department's 100th Anniversary parade.

The Clerk reported several new applications were received which were not yet placed on the agenda as the Committee members have been asked to review the checklist attached to each application and inform the Clerk if they are complete; or if more information is needed.

The Clerk reported the Trustees will work with the Town to possibly allow resident beach driving in Montauk State Park (east of Windward Shores) without a permit.

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

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