

MEETING OF OCTOBER 27, 2015
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON, NY

Present: Diane McNally, Trustee Clerk
Stephanie Forsberg
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
Ira Barocas
Zachary Cohen
Mary Currier
George & Carol Eldi
George R. Eldi
Rona Klopman
Chris Kohan
Pat Mansir
Marian McMahan
Vincent & Joan Priore
Gordon Ryan
Clare Scott
David Seeler
David Wagner

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

The Clerk noted Christopher Walsh, the East Hampton Star reporter will not be present for this meeting.

The Clerk reported at the last meeting, the Board noticed three amendments to the Lazy Point Rules and Regulations, as is required. In a discussion, it was agreed the matter will be voted upon at the Trustee meeting of November 17th. She added no comments have been received from the public to date.

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The Trustee meeting scheduled for Tuesday, November 24th has been rescheduled to Tuesday, November 17th. A public notice will be placed in the East Hampton Star and forwarded to the Town Clerk's office.

Ira Barocas expressed appreciation to the incumbent Trustees and the Trustee candidates for attending the Springs Citizens Advisory Committee meeting.

Mark Webb asked for confirmation that the subject of amendments to the Lazy Point Rules and Regulations is closed for the evening. The Clerk confirmed it was.

There were no bills pending Trustee approval.

The Clerk reported two new applications were received for phragmite control in Georgica Pond. She asked the Georgica Pond Committee to review the application of Chauncey Close and the application of MMR Real Estate Holdings and report back to the Trustees at the meeting of November 10th.

An application was received from JPR Partners Property (Levinson) for bulkhead reconstruction as well as an application from STP Hedges (Singer) for bluff restoration adjacent to Three Mile Harbor. The Clerk asked the Three Mile Harbor Committee to review these applications and report back to the Trustees at the meeting of November 10th.

The Clerk reported an application received from Susan Knobel for seasonal emergency placement of sandbags was approved by the Trustees at the meeting of October 13th. She will draft the permit and forward to the Trustees for review.

Dr. Forsberg reported since the opening of Georgica Pond the level of blue-green algae has decreased. She noted the water quality should continue to improve as the weather gets colder and there should be no more algae blooms for the rest of the season. She said the harvesting of crabbing has been reinstated and should remain so. Dr. Forsberg stated all Trustee waters have been free of rust tide this year. She is hoping this it leads to a good, bountiful scallop season and seed set for next year. The Clerk asked Dr. Forsberg if the presence of blue-green algae is based on the fact there was more fresh water vs. salt water in Georgica Pond. Dr. Forsberg replied the algae thrive in fresh water. Once the Pond is opened to the ocean, and the salt water comes in, the algae perish. She stated this is why the Pond needs to be opened and excavated more often in the future. The Clerk reported a meeting is scheduled with the Town and Trustees on Friday, October 30th to discuss the excavation application; and a meeting is also scheduled with DEC in Stony Brook on Friday, November 6th. Mr. McCaffrey pointed out the Pond is now closed and felt perhaps it should be opened again. A motion was made by the Clerk to authorize Mr. McCaffrey to work with the contractor to open Georgica Pond. This motion was seconded by Dr. Forsberg and unanimously approved.

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The Clerk reported the Annual Largest Clam Contest has been re-scheduled to Sunday, November 15th and will be held at the Amagansett American Legion beginning at 12:00 noon.

Concerning the Shellfish Enhancement Education Directive (SEED) Program, the Clerk had written to John (Barley) Dunne, the Aquaculture Director for information on the exact location of the proposed project in Three Mile Harbor. In a discussion, the Trustees agreed they need to decide how much bottomland they are willing to restrict access to. Dr. Forsberg pointed out this is a pilot program and is more of an educational project. She stated the benefit of the educational side could outweigh the issue of private v. public use. She pointed out any funding received will go toward the starting costs of the program. Dr. Forsberg added this is a community program and will be good PR for the Shellfish Hatchery (and Aquaculture Program). The Clerk and Dr. Forsberg agreed to contact John (Barley) Dunne for more specifics of the program (i.e. time frame for approval).

A motion was made by Mr. McCaffrey to approve the application of Christopher and Priscilla Whittle to hand cut or dig phragmites and other non-native invasive species along the shoreline of Georgica Pond and replace native vegetation as per the proposal submitted with the following conditions: a) copies of the applications and permits acquired from other agencies are to be submitted to the Trustees; b) notification in writing prior to each of the three (3) to four (4) cuttings; c) a valid as-built survey of the permitted activities will be submitted to this Board upon completion of the project; approximately 2020, or before if the permit is not renewed or a subsequent Board requests one; d) submission of color photographs upon expiration of the permit and prior to renewal. The following additional conditions shall apply: a) a written progress report with color photographs of the project site at the expiration of this permit and prior to renewal; b) an annual or updated survey of the project site will be postponed until 2020 as long as project permit continues to be renewed, unless a subsequent Board of Trustees requests one sooner; c) submission of a signed and dated Understanding of Intent from property owner before start of 2015 project, and annually until project completion (approximately 4 years). This motion was seconded by Ms. Klughers and unanimously approved.

Concerning the Rivkind erosion control project, the Clerk reported the agent, Mr. Harris, requested a letter from the Trustees indicating that all conditions of the permit issued have been met. Mr. McCaffrey said he inspected the area of the proposed project and all seems to be in order. It was agreed a letter will be sent to Mr. Harris to this effect.

Mr. Wagner was present concerning his application for shoreline restoration. Ms. Klughers and Mr. Byrnes inspected the area of the proposed project. Mr. Byrnes stated Mr. Wagner assured him he will remove the cement blocks, which needs to be done before the project site is backfilled with sand. Ms. Klughers pointed out the Town application requests for placement of 400 cubic yards of sand, while the Trustee application 250 cubic yards of sand. She stated the rocks placed along the shore, also have to be removed. In a discussion, it was agreed the Clerk will contact Brian Frank of the Planning Department for a copy of the DEC permit to make sure the project descriptions for all agencies match. Mr. Wagner told the Board he will remove the cement blocks and disburse the rocks onto the beach. The Clerk stated the rocks

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must be placed so as not to impede the public or cause erosion. A motion by was made by Ms. Klughers to approve the application of David Wagner for coastal protection pending confirmation of the total cubic yards of fill which will be placed along 90' linear feet of shoreline, then stabilized with matting and bio-logs (as per plan submitted); and removal of all cement blocks and debris (rocks are to be disbursed so as not to impede beach access). All standard conditions to apply as well as the following: placement of fill and other aspects of permit will not commence until inspection of the site by the Trustees for complete removal of all the natural and non-natural debris on the bluff and beach placed by the applicant. This motion was seconded by Mr. Byrnes and unanimously approved.

Concerning the Reiss bulkhead at 18 Driftwood Lane, the Clerk reported a letter was received from the contractor indicating the boulders were dug up during reconstruction of the bulkhead and were not brought in. She said there has been an issue amongst the neighbors regarding the common access to the beach. She asked the Hog Creek Committee to inspect the site.

The Clerk reported Devon Yacht Club submitted an application for dredging. She added she requested submission of an as-built survey as required from a prior project, but it has not been received to date.

At the last meeting, the Clerk advised the Board an excavation permit for Fresh Pond had been renewed by the Natural Resources Department. She said the Trustees had hoped the Highway Department could assist in the excavation of the inlet, but Mr. Lynch doesn't have adequate equipment to do the job. Mr. McCaffrey said he will acquire estimates from local contractors. It was agreed the sand should be placed on the north (Albert's Landing) side of the beach as opposed to the south (Devon). The Clerk added she would review the permit to determine the disposal site for the sand.

Concerning the application of Daniel Neuwirth to revegetate the lawn on Lot 21N at Lazy Point, Mr. Byrnes reported he inspected the site and it is a simple project. He noted the plantings will be done by hand and the lawn will be re-seeded. A motion by was made by Mr. Byrnes to approve the application of Daniel Neuwirth for re-planting an existing lawn on Lot 21N at Lazy Point with standard conditions #1, #2, #6 and #9. This motion was seconded by Mr. McCaffrey and unanimously approved.

The Clerk reported a letter was sent to the agent for James and Phyllis Strauss requesting a copy of an as-built survey which includes the dimensions of the stairway, a copy of the filed subdivision map and their deed.

Mr. McCaffrey reported he met with Mark Mendelman at Three Mile Harbor Marina regarding an application for bulkhead repair and maintenance dredging. He noted Mr. Mendelman is requesting an increase to the elevation of one foot. Mr. Mendelman indicated he would like to do the project in increments-starting with approximately 1/3 of the bulkhead and

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the maintenance dredging. Mr. McCaffrey pointed out Mr. Mendelman is concerned about flooding in the parking lot and he submitted photographs for Trustee review. The Clerk noted that while the photographs show flooding in the parking lot, it doesn't necessarily indicate the bulkhead is too low. She said she isn't sure if the marina has a storm water run-off issue or flooding due to the height of the bulkhead. She asked the Three Mile Harbor Committee to inspect the site after the next rain and during high tide; and to continue to review the application.

The Clerk asked the Three Mile Harbor Committee to continue review of the application of Halsey's Marina for maintenance dredging and inspect the site.

In the Report of the Clerk, Ms. McNally reported she has been in contact with the contractor for a property under construction on Towhee Trail and is in the process of submitting an access easement to the Trustees. She said the property owner received road improvement requirements from the Town Engineer that seem excessive. She added she will meet with the Contractor and Town Engineer at the site. The Clerk drafted a letter to Showtime advising them they violated the specifics of the Trustee Consent which was issued for filming on the beach. She noted following that, an email was received from Showtime offering the Trustees a donation for their assistance. In a discussion, Mr. Byrnes stated the film crew will not go away- and he feels the Trustees should meet with them prior to the summer season. Dr. Forsberg agreed with Mr. Byrnes. The Board agreed a response should be sent to Showtime indicating the Trustees do not wish to accept a donation.

The Clerk acknowledged receipt of Correspondence which requires no action by the Trustees.

Mr. Byrnes reported there is debris on the beach from a derelict ramp located at the terminus of Alewife Brook Road and he asked if perhaps the Highway Department could remove it. The Clerk added she will contact Councilman VanScoyoc as well as the Superintendent of Highways concerning this matter.

The meeting was adjourned at approximately 7:30 p.m. by the Clerk.

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