

MEETING OF NOVEMBER 10, 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
Christopher Walsh, Star Reporter
Janice Badkin
Ira Barocas
Zachary Cohen
George & Carol Eldi
George R. Eldi
Rona Klopman
Kevin McAlister
Mark Mendelman
Vincent & Joan Priore
Dianne & Gordon Ryan
Gordon Ryan
Clare Scott
Mark Webb

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

In response to Mr. Webb's inquiry as to the status of amendments to the Lazy Point Rules and Regulations, the Clerk reported the amendments were noticed in the paper following the last Trustee meeting. One written comment has been received. She noted the office has received a petition from the public supporting the amendments. The written comment received questioned if amendments were consistent with the intent of other sections of the Rules and Regulations. Mr. Courtney explained the question was if the new clause grant the tenant a perpetual lease with

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a fixed 2% annual rent increase. He noted the intent was not to create a perpetual lease. He suggested wording to clarify the Rules and Regulations remain subject to amendment by future Boards. The Trustees agreed with the modification as recommended by counsel. The modification will be available for review by the public within a day or two.

Ira Barocas expressed congratulations to the incumbent and new Trustees on their election. He pointed out Lazy Point is public property managed by the Trustees, and as stewards of public property, the Trustees have the right and obligation to ensure the public is well served. He proposed the Trustees give mortgages to the leaseholders; sell them the land or put the property out to auction. Mr. Barocas said he felt it isn't fair to the rest of the public that the lease fees are below market rental and in effect the leaseholders are being subsidized. The Clerk stated the Board has learned from past practices the sale of public property is not a good idea. Mr. Barocas replied leasing below market value is not good idea, either. The Clerk said many of the concerns Mr. Barocas has raised was discussed among the Trustees and the leaseholders and they will be continue to be discussed by future Boards going forward. She pointed out there are 100 acres of land at Lazy Point of which only a small portion is leased- the rest remains for public use. Mr. Byrnes stated he would not be in favor of selling the land. Mr. Barocas said no one knows the value of the land unless it is sold. Mr. Webb pointed out more than 90% of 100 acres at Lazy Point remains undeveloped/unimproved. He said the 8 acres which are leased, generates between \$88,000 and \$90,000 annually for the Trustees; which calculates to \$10,000 per acre. He added he doesn't feel the leaseholders are being subsidized. The Clerk stated again the proposed modification to the Rules and Regulations will be made and will be voted upon at the meeting of November 17th.

A motion was made by Mr. McCaffrey to approve the application of Halsey's Marina to modify and extend the Trustee permit (T#3-15) to allow an additional 200 cubic yards of material to be dredged from 8 slips at the marina for a total of 300 cubic yards with the standard conditions #1, 2, 3, 9 & 10 and in addition: a) receipt of dredge material fee upon completion of the project ($\$7.50 \times 300 = \$2,250.00$) and b) all other project specifications and conditions of permit T #3-15 remain in place and shall be abided by. This motion was seconded by Ms. Klughers and unanimously approved.

Concerning the application of Three Mile Harbor Marina for bulkhead replacement with an elevation of 1' for storm protection and maintenance dredging, Mr. Mendelman clarified the flooding behind the bulkhead is overwash not run-off. In a discussion, it was agreed the Clerk will draft a permit for committee to review and the application will be voted upon at the meeting of November 17th. She noted Mr. Mendelman also submitted a diagram of the portion of the project approved by another permit completed this year and that which he anticipates completing this year for Trustee review.

Kevin McAlister told the Board he attended a meeting of the New York Council on Environmental Quality at which time the 2016 Vector Control Work Plan was discussed. He made a presentation on Connecticut's ban of methoprene and the recommendation that New

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York follow suit. He noted his next step is to request Suffolk County Environment and Planning Committee (EPA) and asked for the Trustees support by attending the EPA meeting and registering East Hampton's opposition to the continued use of methoprene. Mr. McAlister said if the Trustees cannot attend the meeting perhaps they can send a letter citing opposition. He pointed out he met with Southampton Trustees and they are generating a letter as well and will try to attend the EPA meeting. He will also meet with Southold Trustees to ask for their support. It was agreed a letter will be sent to the EPA. Mr. Byrnes pointed out Jay Schneiderman was in favor of banning methoprene and suggested this could just be an East End legislation issue. Mr. McAlister noted Ms. Klughers is in favor of establishing an East End district that would control all activities by Vector Control. He said the question he posed last time he was at a Trustee meeting regarding the legal authority of Vector Control to apply controlled pesticides over private lands. He added Vector Control has never responded.

Concerning the Army Corps revetment project in Montauk, Mr. McAlister asked the Trustees to support the cease and desist action of the revetment. He noted a lawsuit was filed in spring and they are waiting on a preliminary injunction which they hope to get next week. Ms. Klughers pointed out the Trustees have never supported revetments. The Clerk noted following Hurricane Sandy, she (and other Board members) attended a special meeting in Montauk and expressed opposition to the project. Ms. Klughers stated the Trustees do have standing as the neighboring property owner. She pointed out the Town went against their own policy by allowing this project. Mr. Taylor stated he felt the revetment sets a bad precedent. Mr. McAlister said it seems the Town Board is beginning to communicate with the Army Corps to see what would be involved to stop the project at this time. He added he would suggest a complete withdrawal from the proposed revetment project and go with sand only. Dr. Forsberg pointed out the Trustees suggested a significant soft approach in the beginning. It was agreed the Clerk will send a letter to the Town Board reiterating the Trustees position on the Montauk revetment and encourage them to stop the project. Mr. McAlister added Supervisor Cantwell indicated he would communicate with the Army Corps to explore what the financial ramifications are for backing out of the project.

Zachary Cohen said he felt County Executive Steven Bellone should be notified of Trustees stance on methoprene. He noted he put a letter in the East Hampton Star a few weeks ago indicating he felt the County should spend less money on spraying methoprene and more on Four Poster Tick Control Program. He went on to say a private committee, which included a friend of Mr. Bellone, has been discussing this issue. He said he will be gathering information concerning medical data, etc....which will be forwarded to Legislator Bellone. Mr. Cohen asked the Trustees to send a letter to Legislator Bellone in support of the ban of methoprene. He said the committee will suggest that Vector Control put more funding toward the Four Posters Program (which is a single application of pesticide through a feeder to deer). Tyler Armstrong suggested one solution would be to send a joint letter, written and signed by all Town and Trustee Boards (Southampton, Southold and East Hampton) indicating they are opposed to the spraying of methoprene on the South Fork. The Clerk replied letters have already been sent separately by all the Trustee Boards.

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Concerning the application of STP Hedges, (Terry Singer) for dune restoration, Dr. Forsberg stated Ms. Singer has always been a good steward of the public property in front of her private property. She pointed out this project is a good example of dune restoration at a very tricky shoreline location. A motion was made by Dr. Forsberg to approve the application of STP Hedges, LLC (Terry Singer) to restore the toe of an eroded bluff by placement of up to 500 cubic yards of beach compatible material, cover with natural fiber woven jute mesh and plant with native beach grass. The off road dump truck, pay-loader and excavator required to complete the project, will access the site via the terminus of Old House Landing Road. All standard conditions will apply as well as the following: a) submission of an as-built survey before January 2016; and b) jute material to be removed if it becomes disconnected. This motion was seconded by Mr. McCaffrey and unanimously approved.

A motion was made by Dr. Forsberg to approve payment of the following bills: a) Optimum- \$144.80; b) Allstate Sign & Plaque Corp.- \$71.70; c) Star Island Yacht Club- \$110.73; d) Anthony Tohill- Seaview- \$183.75; White Sands- \$2,021.25; e) Seacoast Enterprises Associates- \$178.03; f) North Fork Water Supply Corp.- \$29.97 and g) Riverhead Building Supply- \$35.42. This motion was seconded by Mr. Lester and unanimously approved.

A motion was made by Mr. Byrnes to approve the minutes with the correction that Ms. Klughers was not present. This motion was seconded by Mr. McCaffrey and unanimously approved.

A Financial Report thru October was tabled for further review.

The Clerk reported a Year-To-Date budget report was received from the Town and is available for review.

An application was received from Karen Magovern for bulkhead replacement at 287 Kings Point Road. The Clerk asked the Hog Creek Committee to review the application.

The Clerk reported the agent for the Lebowitz/Ryan dock in Hog Creek met with her. There is some of record of the dock as the Trustees previously attempted to contact the property owner for their inventory, but were unsuccessful. She noted the agent submitted a 1984 survey which includes the dock but she would also like an updated survey with the dimensions of the structure noted. She asked the Hog Creek Committee to inspect the site.

The Clerk asked the Georgica Pond Committee to review the application of One Association Road for phragmites management.

The Clerk reported Public Hearings Notices have been received from the Village concerning the applications of 26 East Hampton, LLC and West End Road, LLC for construction along Georgica Pond. She added comments should be submitted by 11/13. Mr. McCaffrey stated he felt the variances are excessive and he doesn't like all the construction around the Pond. It was agreed a letter will be sent to the Village.

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Concerning water monitoring, Dr. Forsberg reported everything is status quo for the fall. She pointed out the water monitoring project has been ongoing since 2012- and she would like to see it continue when the new Board takes office. She said the Trustees have collected three years of solid data and it is something that needs to continue; and not just be something a past Board did. Mr. Taylor said the information is very valuable and hopefully the project will continue. Dr. Forsberg added Dr. Gobler will be happy to present his annual report in late winter or early spring and work with future Trustees.

The 25th Annual Largest Clam Contest will be held on Sunday, November 15th at the American Legion in Amagansett. The Clerk noted the clams for the clam bar have been ordered, as well as the beverages. Dr. Forsberg pointed out no clams can be brought to the contest but must be brought to the seafood shops by Saturday, November 14th. The Clerk said Cornell Cooperative Extension will be present as well as John (Barley) Dunne, Director of the Shellfish Hatchery. She noted high school students will doing community service selling T-shirts.

Concerning the Alewife launching ramp, the Clerk reported she sent a memo to Councilman Van Scoyoc inquiring if the ramp can be repaired. She added Mr. Van Scoyoc responded he would like to set up a meeting with the Trustees and Highway Superintendent to work out an action plan. Mr. Byrnes will contact Mr. Van Scoyoc to meet at the site.

The Clerk reported a ZBA public hearing was scheduled for November 17th concerning the relocation of the Knobel house at Lazy Point. She noted the hearing has been postponed to December. She added a letter was sent to Ms. Knobel requesting she submit copies of applications from other agencies to the Trustees.

Concerning the Shellfish Enhancement Education Directive (SEED), a memo was sent to John (Barley) Dunne requesting additional information.

The Clerk asked the Georgica Pond Committee to continue review of the phragmite control applications of Whittle; Chauncey Close and MMR Real Estate Holdings, LLC. She noted a more detailed description of the project site is required for Chauncey Close and MMR Real Estate Holdings which are adjacent properties. She added she will contact the agent concerning this matter. Mr. McCaffrey added he would like to review the Whittle survey further before making a decision.

Concerning the Wagner shoreline restoration application, the Clerk said approval was granted at the meeting of October 27th and she has drafted the permit. She asked the Hog Creek Committee to review the permit to make sure all is in order. Ms. Klughers added a Trustee must be on site to see the jersey barriers removed.

The Clerk reported an updated survey has not been received allowing repair of the Reiss bulkhead in Hog Creek. Ms. Klughers pointed out the DEC application has not been received either. She noted the DEC is permitting the bulkhead to be built 18' seaward which means it will take away public property. She said the Trustees have not approved this in the past; and

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hopes the new Board will be consistent with prior Trustee policy. Ms. Klughers added she would like to see the DEC permit issued to Reiss.

The Clerk reported the as-built survey for Devon Yacht Club following jetty and bulkhead repair has not yet been received.

Concerning Fresh Pond, Mr. McCaffrey attended met a contractor at the site and discussed the excavation of the inlet. He said he felt the sand should be placed on north instead of south side of the inlet. He will contact Kim Shaw, Director of Natural Resources and get a detailed description of the proposed project.

The Clerk asked the Lazy Point Committee to inspect the Badkin shoreline fence on Lot 19N at Lazy Point. She added photographs were received from the applicant.

A Nature Preserve Committee meeting is scheduled for Thursday, November 12th. Mr. Cohen noted there is a problem with dumping at the Soak Hides and Marina Lane Preserves. He felt the committee should consider limiting access and the question is whether to chain the properties off. He pointed there are duck hunters that use the area and the Committee would like to know if the Trustees would consider limiting the access. The Trustees agreed the illegal dumping should be addressed, but access shouldn't be limited.

Mr. Byrnes said he would like to see the future Board consider not only a fine for littering on the beach, but make it a law that the perpetrator will not be allowed to drive on the beach for one year.

Mr. Bock reported he met with Tom Talmage, Town Engineer, to discuss proposed improvements to Towhee Trail. Mr. Talmage explained he recommended a cul-de-sac at the road end for emergency vehicles. The Clerk said the improvements proposed to this portion of Towhee Trail are minimal and less than what already exists on another section of the road. She noted the contractor's concern is that the cleared roadway is not along the centerline of the right of way. She would rather see the road left as it is, rather than relocate it. She added she will discuss this further with Mr. Talmage to make sure he agrees. An access easement needs to be submitted to the Trustees by the property owner before the improvements are made.

The Clerk asked the Three Mile Harbor Committee to review the application of JPR Partners for bulkhead reconstruction.

In the Report of the Clerk- Ms. McNally noted a Department Head Meeting is scheduled for Tuesday, November 24th. She stated a foil request will be submitted to the DEC for data on the additional shellfish closure in Accabonac Harbor. The Clerk reported the Town will implement new time attendance software in January and training will be available. A CARP (Coastal Assessment and Resiliency Plan) will hold a meeting on Friday, November 13th at 10:00

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a.m. The Clerk reported emails have been received concerning a “private property” sign on the beach near Barnes Landing. She added this sign was most likely put up by Broadview Homeowners Association as they are in the process of doing work on the former Bell Estate dock.

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

Mr. Byrnes reported construction is being done on the Northwest Creek bulkhead, but the ramp has not yet been completed.

The meeting was adjourned at approximately 8:10 p.m. by the Clerk.

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