

MEETING OF MARCH 25, 2015
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON, NY

Present:	Diane McNally, Trustee Clerk Deborah Klughers Stephen Lester Sean McCaffrey Nathaniel Miller Bill Taylor
Not Present:	Stephanie Forsberg, Assistant Clerk Timothy Bock Brian Byrnes
Also Present:	John Courtney, Trustee Attorney Lori Miller-Carr, Trustee Secretary Christopher Walsh, Star Reporter Susanna Herrmann Rona Klopman Ben Krupinski Mark Mendelman

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

Ben Krupinski was present regarding Front Row Properties which the Trustees previously issued a permit to for bulkhead repair. The Clerk said upon review of the survey, she became concerned as she didn't see any improvements on the property, but it is one or more adjacent properties that have all been hardened with a bulkhead. She noted the properties are in single ownership. She pointed out this issue came up as the original permit was not franked. A motion was made by Mr. Taylor to frank the Trustee permit for Front Row Properties. This motion was seconded by Mr. McCaffrey and unanimously approved. A copy of said permit will be sent to the agent as well as the owner.

Susanna Herrmann was present as agent for Jonathan Lerner for biolog installation along the shore of Three Mile Harbor at 10 Oyster Shores Road. The Clerk noted Ms. Herrmann submitted copies of permits from other agencies. Upon review of the Trustee permit application and others; the project descriptions for each entity is different. As an example, the Clerk said the Army Corp application doesn't include replacement of the dock or the backfill that will go behind the retaining wall; the DEC application doesn't mention the biologs are going to be

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stacked in three rows and doesn't include drywells (nor does the Trustee application). Ms. Herrmann pointed out all three agencies are looking at the same plans. The Clerk stated the Trustees are very particular about the written project descriptions. She pointed out the Trustees application does not include returns, but the DEC and Army Corp applications do. Ms. Herrmann said she could amend the application to include the returns. Mrs. Klug hers stated this clarification would be for future Boards' information and should lessen any confusion. In a discussion, it was agreed Ms. Herrmann will request a modification of the Army Corp of Engineers permit and add the reconfigured dock on the plan as no more than 33' in length from the high water mark. This matter will be discussed further at the meeting of April 14th.

Rona Klopman was present to request support from the Trustees for a "carry-in, carry-out" pilot program at Indian Wells Beach for the summer season. She noted the Litter Committee is in favor of this program and this matter will be brought before the Town Board on April 7th. She pointed out this program will save the Town money as there will be no garbage cans at the beach road end. She noted there is a plan to educate the community about the program by placing ads in the local papers and on LTV. She said the Litter Committee would also like to have a sign installed at Indian Wells Beach. Mrs. Klughers said this program has been initiated in a lot of parks and public places throughout the country. She pointed out the booth at the entrance of Indian Wells Beach would be a good first point of contact to make the public aware of the program. She went on to say vendors will be asked to be responsible for their own trash and will have to provide larger disposal cans. Mr. Miller expressed concern that the program might be working only because the Town is raking the beach at night. Mrs. Klughers said it is will not be easy to judge the success of the program, but it should be a good start on litter control. The Clerk noted perhaps some data can be obtained that would indicate if the program is working. Mrs. Klughers replied if for some reason it doesn't work, it can easily be undone as it doesn't require a public hearing to initiate or conclude. A motion was made by the Clerk to send a letter of support to the Town Board in support of the proposed "carry-in, carry-out" pilot program at Indian Wells Beach for the summer season. This motion was seconded by Mrs. Klughers and unanimously approved. Mrs. Klopman thanked the Board for their support.

Mark Mendelman was present concerning transient moorings in Three Mile Harbor. The Clerk stated the Trustees could implement the program when the Town had the resources to assist in implementing the transient program, but those resources are no longer available. She pointed out it is a service the boating community appreciates and they have missed it for the past two years. She went on to say the income from transient moorings helped cover costs for the operation and maintenance of the pump-out boats. The Clerk said she would like to move forward and inquire of the local marina owners if they are interested the transient moorings program. Mr. Mendelman suggested if any of the marina owners are interested, it would be their responsibility to purchase a mooring kit, own the kit; install and remove the moorings, insure them, police them, collect fees and pay the Trustees for a permit for the mooring. Looking at the economics, Mr. Mendelman said it would be approximately \$2,500 for a new mooring kit (list price), installation and removal would be \$160 a year (per mooring), insurance would be

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approximately \$200 per year and the permit fee has yet to be determined. He went on to say there wouldn't be a maintenance fee for this year but for the next four years it would be approximately \$50 a year (per mooring) and there would be an administrative fee of approximately 5% of the revenue associated with it. Mr. Mendelman concluded that if they charged \$75 per night, each mooring would need to be rented twenty times in one season to equal the permit fee of \$450; which is the resident rate for a 40' boat. He said the marina would be breaking even over a five year period. Mr. Mendelman stated he doesn't even know if the demand exists for the rental of each mooring twenty times in a season. The Clerk pointed out if the Trustees continue to own and pay for the mooring and annual repair; and designate Mr. Mendelman's marina (or any marina) as the implementer of the program, it would save on the costs. It was agreed a letter will be sent to other marinas in Three Mile Harbor to determine if any are interested in participating in the placement of transient moorings. The Clerk will continue dialog with Mr. Mendelman regarding this matter.

Concerning a request made to the Town Board to allow the launching of jet skis in Three Mile Harbor from the nearest launching ramp to the inlet, Mr. Mendelman said he is in favor of this. Mr. Miller said his only concern is being sued if a jet ski should run into his fish trap; but that is a personal matter. He pointed out if the Jet Ski operators adhere to the regulations; he has no problem with them. In a discussion, the Trustees agreed, for the present time, the proposal should be considered on an experimental basis in Three Mile Harbor and Lake Montauk.

The Clerk pointed out there was a request from Dane Riva to allow fly boarding in Trustee waters from June 1st to September 1st between 9:00 a.m. and 6:00 p.m. Possible beaches for use would include Albert's Landing, Barnes Hole, Napeague Harbor and Northwest/Mile Hill Road. In addition, the applicant implied a mass gathering permit would most likely be required at each beach. The Clerk said she sent a letter to the applicant advising him the Town would not issue a blanket mass gathering permit and advised him he could not launch a jet ski from a public bathing beach. In a discussion, the Board agreed they do not look favorably upon this proposal. The Clerk said she will contact Mr. Riva and advise him of the Trustees concerns. She added he might still want to come talk with the Board.

The Clerk reported an as-built survey was received from Harbor Marina for the completed bulkhead and piling repair.

A motion was made by the Clerk to approve payment of the following bills: a) Staples- \$50.54; b) East Hampton Marina- \$167.81. This motion was seconded by Mr. Miller and unanimously approved.

A motion was made by Mrs. Klughers to table approval of the following minutes: January 20, 2015 and February 10, 2015. This motion was seconded by Mr. Miller and unanimously approved.

The Trustees will review the Financial Report for the period ending February 28, 2015.

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The Clerk reported a letter was sent to the Lazy Point tenants advising them of changes to the Lazy Point Rules and Regulations. She noted a sub-committee meeting was held at the Trustees office with some of the tenants to discuss removal of derelict boats and other items. She pointed out a few sand fences were installed without a Trustee permit. The tenants have been advised to submit an application to the Trustees. The Clerk added there has been no objections to the proposed changes to the Rules and Regulations.

Concerning Piping Plover Management, the Clerk reported a response to a letter from this Board was received from Julianna Duryea of the Planning Department. She said Ms. Duryea indicated she felt there was some confusion as to the protection measures and clarified her reasoning for this. Mr. Miller stated the fencing is out of control and it seems like there is more and more installed each year, and feels the fences stay up longer than necessary. The Clerk pointed out she would like to send a response to Ms. Duryea indicating that no fencing should be installed without approval from the Trustees beforehand; and also inform her the Board does not agree with the maps forwarded indicating her anticipated access and beach closures.

The Clerk presented a copy of the Hook Pond Report compiled by the Pio Lombardo Company. She noted a meeting was held today to review the report with Village Board members, Hook Pond Associates and Mr. Lombardo. She pointed out the Village obtained two grant applications for drain inserts and recharge basins that will be installed on the greens by Town Pond and the Methodist Church. The Report concluded, based on the data collected, the problem with Hook Pond is more from stormwater run-off and possibly sedimentation but not wastewater. She went on to say a stormwater remediation plan will be developed. She noted area resident, Mrs. James, wanted to know who manages the Hook Pond pipe. It was stated the Village and the Maidstone Club manage the pipe, but Mr. Lombardo recommended developing a management plan. In a discussion, the Trustees agreed they should have more control over Hook Pond. The Clerk added the Hook Pond Committee asked if Dr. Gobler could collect water for testing from the middle of the Pond as opposed to the edges.

Concerning the proposed alcohol prohibition at Indian Wells Beach, the Clerk reported she found the exact verbiage of the prohibition (Town Code 82-5A?) which was put in place last year and read it to the Board. The Trustees agreed the sign should reflect the Town Code and the proposal should include a sunset clause. A memo will be sent to the Town Board indicating the Trustees have no objection to a public hearing on the proposed alcohol prohibition at Indian Wells Beach and ask for consideration of lessening the area of the prohibition; from 1500' in either direction from the road end to perhaps 1000' in either direction. As far as the "carry-in, carry-out" proposal at Indian Wells Beach for the summer season, Mrs. Klughers said she would like to have more enforcement and see the littering fine increased. A motion was made by Mrs. Klughers to send a memo to the Town Board in support of the "carry-in, carry-out" proposal, at Indian Wells Beach for the summer season; suggest additional enforcement and propose an increase the litter fine. This motion was seconded by Mr. McCaffrey and unanimously approved.

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The Clerk said the Trustees determined there are approximately nine boats on vacant lots at Lazy Point. Mr. McCaffrey said Mr. Eldi was making arrangements to have his boats moved; and Mr. Drew will make sure the other owners are notified.

Following upon a request from Richard Hamilton for the Trustees to consider purchasing feed for wild ducks, Mr. Miller pointed out it is now late in the season and the ice is gone. The Board agreed to consider purchasing feed if still needed and to make arrangements for purchase earlier next year. A motion was made by Mr. Taylor to expend up to \$500.00 for purchase of wild fowl feed if necessary. This motion was seconded by Mr. Miller and unanimously approved. The Clerk added she will contact Mr. Hamilton to determine if there is still a need for duck feed this season.

An incomplete application was received from Mary Croghan for approval to allow a pre-existing shoreline fence to remain in place. The Clerk noted she will contact Ms. Croghan to request the linear footage of the fence, and a diagram indicating the exact location of the fence as well as advise her all metal stakes are to be removed and replaced with wooden stakes.

The Clerk reported a request was received from Marian McMahon to rent her house on Lots 16S at Lazy Point. She noted the tenant has been the same for the past several years. She pointed out the Rules and Regulations indicate the date of subletting should reflect the same dates in which the leases are valid (4/29/15 to 4/28/16). The Clerk said she will notify Mrs. McMahon the rental agreement dates must coincide with the date of issue and expiration of the leases. A motion was made to approve the sub-leasing of the McMahon house located on Lot 16S at Lazy Point to Matthew Feyh as long as the rental agreement is amended to reflect the dates of April 29, 2015 to April 28, 2016. This motion was seconded by Mr. Miller and unanimously approved.

A Zoning Board of Appeals Notice for a public hearing on March 31, 2015 regarding the application of Promised Land Road, LLC at 349 Cranberry Hole Road for construction of a beach walkway, driveway relocation, etc...has been received. The Clerk asked the Napeague Committee to review the information to determine if there are any Trustee concerns. She will also send a memo to the ZBA requesting a copy of the application and survey; as well as request additional time for Trustee review.

The Clerk reminded the Board of Dr. Gobler's Water Quality Testing Program presentation on March 30th at 5:00 p.m. at Town Hall.

A copy of the February 12, 2015 minutes of the Nature Preserve Committee as well as the March 12th meeting agenda were received. The Clerk added the Town has been waiting to get a survey of the South Flora area but it has been delayed because of the weather.

Concerning the proposed Calicchio phragmite removal project, the Clerk reported she advised the applicant's attorney a Trustee application is required. She added nothing has been received from the applicant to date.

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The Clerk reported notification was received indicating the Rayner dune restoration project commenced on March 23rd.

The Clerk reported she and Mrs. Klughers have been working on getting the Trustees domain name updated and the website is now being hosted by Hamptons Web Design. She said the only problem now is receiving emails to the Trustees. Mrs. Klughers said she spoke with Hamptons Web Mail regarding this matter.

Notification of the start of the Coe dock replacement project was received.

In the Report of the Clerk, it was noted the audit of the Trustees financial records is still going forward. She said she is waiting for a reply from the auditing company to find out what information they need from the Trustees. In the meantime, the Clerk stated an email from the Town indicated they are upset as the audit hasn't started yet. The Clerk added she has advised the Town the auditor will contact the Trustees accountant, Carolina Schaeffer at Herzog & Little, CPAs.

The Trustees attended the ZBA hearing last night concerning the revetment applications of Mullen, Clemente, Lynch and Wilder as the applications have already been denied by the Trustees, it seemed most of the ZBA members were also opposed. The Clerk said she felt the ZBA Hearing went well.

The Clerk said some of the Georgica Pond homeowners have approached Dr. Gobler to see if he might be able to work with them to gather more information to help the Pond. She noted a "Georgica Pond Action Plan" has been created by the homeowners. She added some of the Trustees were invited to a meeting, but it was held in New York City and they couldn't attend.

The Clerk reported notification was received from Kevin McAlister, Founder of Defend H2O and Mike Bottini, Chairman of Eastern Long Island Chapter of Surfrider Foundation regarding a lawsuit filed to stop the beach shoreline hardening project in Montauk.

Upon review of the 2015 Approved Budget, the Clerk noted the Trustees salaries are incorrect. She pointed out when the Trustees had their budget meeting last August; she noticed 8 Trustees are listed as receiving a "stipend". She said she told the Budget Officer the Trustees are elected officials and receive a salary, not a stipend; and asked that it be changed. The Clerk noted she recently sent a memo to Len Bernard informing him again the Trustees are elected and do not receive a stipend. She stated every employee of the Town has a profile name, except the Trustees; and are the only ones who did not get a 2% increase. The Clerk added Mr. Bernard responded the budget is correct and the Supervisor only gave raises to fulltime employees. The Board agreed to allow the Clerk to continue review of this issue with the Town.

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The Clerk asked the Georgica Pond Committee to review information received concerning a Village ZBA Hearing for 81 Ocean Avenue (adjacent to Hook Pond) for freshwater wetlands and area variance.

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

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