

**MEETING OF APRIL 28, 2015**  
**OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY**  
**OF THE TOWN OF EAST HAMPTON, NY**

Present:	Diane McNally, Trustee Clerk Timothy Bock Brian Byrnes Deborah Klughers Sean McCaffrey Nathaniel Miller Bill Taylor
Not Present:	Stephanie Forsberg, Assistant Clerk Stephen Lester
Also Present:	John Courtney, Trustee Attorney Lori Miller-Carr, Trustee Secretary Chris Walsh, Star Reporter Janice Badkin Rick Drew David Elze Rona Klopman Terry Singer Diana Walker

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

Diana Walker told the Board she was sick and could not attend Dr. Gobler's presentation but because it was televised, she was able to watch it. She said she felt this is a good example of why the Trustee meetings should be televised.

Rick Drew asked if a date is scheduled for eelgrass plantings/restoration by Cornell Cooperative Extension. Mrs. Klughers said there were grants available but they expired and CCE doesn't have the funding for the restoration program. She pointed out Kim Barbour advised her CCE will come out to inspect the eelgrass which was planted in 2014 and they are also willing to assist in an educational outreach program at the D'Amico museum or the Art Barge. Mr. Drew said he would like to meet with CCE and perhaps come up with a proposal. The next sub-committee meeting of the Lazy Point tenants and the Trustee is scheduled for Tuesday, May 5<sup>th</sup> at 6:00 at the D'Amico museum.

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Rona Klopman asked if the Board has any information about Showtime's film schedule. The Clerk said she attended a Mass Assemblage meeting and Showtime is limited to the times they are permitted to film; being either before the season or after. The Board agreed a letter will be sent to producer Mr. Poppoon advising him Showtime will not be given permission to film on the beach this year as they were not completely honest with the Board last year and will not be allowed to exploit the public property.

Carol Bennett asked if there is an active beach access on the former Edwards property (near Valenti's Multi-Aquaculture Systems) at Napeague. Mr. Courtney stated this is now private but there could be an access on a parcel to the west which the Town purchased. Mrs. Bennett also brought to the Trustees attention there are no longer signs at road ends indicating a permit is required to shellfish. It was agreed a list of road ends would be drawn up and the Clerk will contact the Parks Department regarding this matter.

A motion was made by the Clerk to approve the application of STP Hedges, LLC (Singer) for placement of 300 cubic yards of clean beach compatible sand to restore the toe of the bluff and replace beach grass as necessary 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; 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 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 overnight; f) access along the beach for the public shall not be impeded; g) only clean beach compatible sand shall be used; h) plantings shall be 12" on center, in staggered rows; i) submission of color photographs at the start and upon completion of project; and j) no treated material. Additional conditions include: notification to the Highway Department that the contractor will utilize the beach road end of Old House Landing Road and a copy of contractor's town license to be submitted to the Trustees. This motion was seconded by Mr. McCaffrey and unanimously approved.

In response to an inquiry at the meeting of April 14<sup>th</sup>, a letter was received from Chini Alarco requesting to videotape the Trustee meetings. The Clerk pointed out according to the Open Meetings Law meetings can be recorded, photographed, etc... by audio or video means as long as the equipment used is not disruptive. She added the Trustees will draft their own rules as to the use of devices during an open meeting and which will be posted in the office.

A motion was made by Mr. Byrnes to approve payment of the following bills: a) American Casting- \$360.61; b) Hamilton Marine, Inc. - \$246.48; c) East Hampton Marina- \$1,632.00; d) Seacoast Enterprises Associates- estimate- \$1,495.20; and e) Staples- \$62.72. This motion was seconded by Ms. Klughers and unanimously approved.

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

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The Clerk reported a letter was sent Juliana Duryea of the Planning Department advising her the Trustees require notification prior to installation of fencing for plover protection, but no response has been received to date. There was a discussion concerning a fence installed on the Double Dunes at Atlantic Avenue Beach by the U.S. Fish and Wildlife Service on property owned by the Federal government. It was agreed a letter will be sent to Steve Papa of USFWS requesting a deed or survey which includes the property line. Mr. Courtney will also contact a title company to inquire if it would be possible to acquire a copy of a deed of the property.

Concerning transient moorings, the Clerk presented a draft of a "Pilot Program Transient Mooring Permit" and will forward it to Mark Mendelman of Seacoast Enterprises for his review. She noted Mr. Vanderveer of Three Mile Harbor Marina has also expressed interest in participating in the program. She added there are seven (7) moorings available at the present time and Mr. Mendelman has requested four (4).

The Clerk reported violations were issued to five (5) properties along Hedges Banks. She reviewed the files and noted the Trustee permits were expired on all properties, which isn't a problem as work is not presently being done, but some of the conditions of the permits issued were not met. She will send letters to the property owners advising them conditions of their Trustee permits must be met. She pointed out work is being done at 52 Hedges Banks but is a separate issue from the above mentioned properties. She added she will contact Ordinance Enforcement concerning this matter.

David Elze expressed concern about a possible blockage at Eel Pond in Napeague. Mr. Miller said he will inspect the area and advise the Board if there is a blockage.

A motion was made by the Clerk to approve a payment in the amount of \$39,178.00 to Dr. Gobler for the continued Water Monitoring Program in Town waters. This motion was seconded by Mr. Bock and unanimously approved. Mr. Byrnes suggested the Trustees send a press release to make the public aware they are funding this project.

Concerning the Hook Pond Water Quality Improvement Project, the Clerk reported a Committee meeting was held yesterday, but unfortunately she was not given enough notice and could not attend. She said the next meeting is scheduled for May 30<sup>th</sup> at 4:00 p.m. at the Village Fire Department. She added in the meantime, she will be reviewing the reports which were forwarded.

The final draft of the South Flora Nature Preserve Management Plan was submitted to the Town Board. The Clerk noted access points as well as parking along the east of Dolphin Drive was addressed.

The Clerk reported a letter was received from Inter-Science concerning the application of MKG Georgica, LLC which is before the Zoning Board of Appeals for construction of a house, pool, spa, terrace, shower, cabana, new septic system and driveway on Georgica Association

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Road. She noted the Trustees were advised as adjacent property owners. In a discussion, the Board agreed a letter will be sent advising the ZBA the Trustees do not recommend installation of the pool between the house and the Pond. There was also concern about the possible removal of a drain pipe; and where the run-off would go if it is removed. Ms. Klughers recommended the owner investigate a denitrifying system for the septic. She also suggested asking how many and what type of variances are being requested. The Clerk added comments are to be submitted by May 6<sup>th</sup>.

In response to a letter from Baldwin Yacht Club requesting a seasonal mooring which could be utilized by all club members, the Board recommended the Yacht Club utilize either a transient mooring or the overnight anchoring area in Three Mile Harbor. A letter will be sent to Baldwin Yacht Club this effect.

In response to a notice from the Village ZBA concerning the application of Arnold Glimcher for continued existence of air conditioning units and placement of a generator within wetland setback requirements, it was agreed a memo will be sent to the Chairman of the ZBA recommending the applicant be advised of the fluctuations to the waters height of the Pond and possible loss or detrimental effects to the equipment.

Concerning the application of Skylight East for phragmite removal at 94 Apaquogue Road, the Clerk noted a permit was issued to the former owner but the conditions of the permit were not met. She will advise the ZBA and agent of this matter.

The Clerk reported a homeowner on Middle Highway was supposed to attend the meeting to discuss the possible grading of a portion of the Trustee road but is not present. It was noted the Highway Department cannot utilize their resources to repair Trustee roads.

A motion was made by the Clerk to utilize the Special Authority Section 213-16 of the Town Code to allow for the hooking or forking of soft clams for 2015 in Trustee waters. This motion was seconded by Mr. Bock and unanimously approved. A notice will be placed in the East Hampton Star and copies will be given to the Town Clerk and Harbormasters.

Mr. McCaffrey inspected the Paler fence on Beach Lane and confirmed it was installed according to the Trustee permit. He added photographs of the fence have been submitted.

The Clerk reported notification was received from the agent advising of the commencement of the sand fence installation project for Cranberry Dune, LLC.

Concerning the application of Mary Croghan to allow an existing shoreline fence on Lots 7N & p/o 6N, the Clerk said Ms. Croghan was to submit additional information but it has not been received to date.

In a discussion regarding an abandoned boat on a dirt road off Napeague Harbor Road,

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the Trustees agreed the boat should be removed and the road claimed by the Trustees. Mr. Miller and Ms. Klughers will look into this matter further.

The Clerk asked the Education Committee to review the six (6) Rysam Fund Scholarship applications received from East Hampton High School students.

Brian Byrnes told the Board he felt going to speak with students at the Amagansett School last year about the role of the Trustees worked out very well. He added he would like to do it again this year. The Board agreed.

In a discussion concerning the application of John Calicchio for phragmite removal, it was agreed a memo will be sent to Frank Newbold, Chairman of the Village ZBA advising him the Trustees are in the process of obtaining an application. The Clerk added a public hearing is scheduled for May 8, 2015.

Mr. Courtney informed the Board he has been in contact with Elizabeth Vail, Town Attorney concerning the proposed gas main along Town Line Road. He added Ms. Vail advised him she will discuss this matter with the Town Board.

A motion was made the Clerk to approve the application of Jonathan Lerner for installation of 120' of bio-logs at the MHW line; backfill with 75 cubic yards of beach compatible material and plant with native vegetation to stabilize the bank; remove and replace a 3' x 14.5' ramp and a 9' x 12' float with the standard conditions in addition to the following: a) bio-logs will be located no further seaward than the MHW mark so as not to encroach onto the public bottom; b) the entire structure once replaced, should there be no other components, shall be no longer than 33' from the MHW mark; c) notification prior to the start of the contractor's name, license # and contact info; and d) 1<sup>st</sup> log gets placed at high tide following inspection by committee. This motion was seconded by Mr. Miller and unanimously approved.

In a discussion concerning the Feeney dock at 8 Three Mile Harbor Drive, it was agreed a letter will be sent to the agent requesting the following: a) the survey to reflect a 5' x 42' catwalk; b) the dimensions of ramp to be confirmed as old survey shows it to be 4' x 14' & new survey indicates it to be 3' x 15'; c) the total length of structure to extend no further than 72' from the bulkhead into the waterway which must be measured & confirmed on survey; and d) written clarification and a reason for re-location of three (3) free-standing piles- confirmation of pile configuration and the dimension of each pile.

Concerning PND, Hamptons (Feeney) at 10 Three Mile Harbor Drive, it was agreed a letter will be sent to agent requesting the length and width of the replaced dock as well as the location and dimension of each piling be shown on the as-built survey; a structure seaward of bulkhead and northwest of the dock is not included on survey for repair in 1984 but if found to be pre-existing, will be included in future Annual Agreement.

The Clerk reported copies of Expedited Administrative Natural Resource Permits were received for Three Mile Harbor Marina, LLC and Halsey's Marina.

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In the Report of the Clerk, it was noted the pump-out boat bottoms will be painted. The Board agreed a second boat cover should be purchased as opposed to shrink wrapping for next winter. The Clerk will contact the Parks Department concerning purchase of a new outside shed. She noted the boat trailer lock also needs to be replaced. Mr. Byrnes said a few posts have to be replaced on the kayak racks at Louse Point. It was agreed he will purchase materials at Riverhead Building Supply to repair the racks and obtain reimbursement for the expenditure. The Clerk added she will obtain an estimate from Sign Language for an outdoor office sign.

Correspondence received was acknowledged and the Clerk advised the Board if there is anything they would like to review, it is available in the office on the Correspondence-In clipboard.

The meeting was adjourned at approximately 8:40 p.m. by the Clerk.

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