

MEETING OF SEPTEMBER 22, 2015
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON, NY

Present: Diane McNally, Trustee Clerk
Brian Byrnes
Deborah Klughers
Sean McCaffrey
Bill Taylor

Not Present: Stephanie Forsberg
Timothy Bock
Stephen Lester
Nathaniel Miller

Also Present: Lori Miller-Carr, Trustee Secretary
Christopher Walsh, Star Reporter
Janice Badkin
Linda Badkin
Ira Barocas
Susan DeKleva-Cohen
Mary Croghan
Mary Currier
Tom Currier
Sonny DiCostanzo
Joya DiCostanzo
Rick Drew
George E. Eldi
George R. Eldi
David Elze
Ken Hamilton
Chris Hamilton
Claire Scott
David Seeler
Stuart Vorpahl

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

Rick Drew asked the Board for an update on the proposed amendments to the Lazy Point

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Rules and Regulations. The Clerk replied she hasn't received feedback from all the Trustees; although Mr. Courtney has reviewed the draft. She noted she needs to further the issue of using CPI, but besides that she has no concerns. Mrs. Klughers questioned the following: a) Subletting- Section 2E; should the effective date of leases be changed? Mr. Courtney explained this Section concerns only those who have a lease being renewed automatically unless they are not in compliance with the rules; b) New Leases- Section 3- do the Trustees ask for voter's registration cards? Mr. Courtney said if the Trustees receive an affidavit of domicile, a registration card shouldn't be necessary. The Clerk pointed out she would like to see either a tax bill or registration card along with an affidavit; c) Irrigation- Section 9J- Ms. Klughers said she would like to include that the Trustees do not approve permanent irrigation. In a discussion, it was agreed the amended Rules and Regulations for Lazy Point will be posted in the East Hampton Star and published for a thirty day public comment period, but the Board will continue to review of CPI (Consumer Price Index). The Amendments will be adopted when an agreement is reached. Mr. Byrnes said he reviewed the CPI information with the Town Budget Officer, Len Bernard and he confirmed it is sufficient.

In a lengthy discussion concerning a proposal to increase the Lazy Point lease fees, a few leaseholders pointed out some houses were for sale, but were taken off the market as buyers are hesitant due to the proposed increase in the lease fees; and uncertainty. Ms. Klughers stated the tenants must understand Lazy Point is public property. She said she didn't feel the Trustees should accept the value assessment done by the Lazy Point Homeowners Association; and they need to have an outside independent value assessment done. She added she didn't feel the Board would be doing its due diligence as elected officials if they didn't get a second opinion. Mr. Eldi stated he didn't feel due diligence was done when it was suggested the lease fees be increased to \$1,650.00 a month. Mr. Byrnes said he wanted the record to be crystal clear, the Board of Trustees did not make a determination with regard to the proposed increase; it was simply a suggestion by one of the Board members. Ms. Klughers stated she felt the value of the waterfront properties at Lazy Point with or without a home, is not \$1,650.00 a year. She said it is public land. Mr. Byrnes reminded Ms. Klughers the tenants also pay taxes. Mr. Elze said the tenants are all trying to come to a rational solution with security for the community; and he felt the Board should continue to focus on that. Mr. Drew asked how the Trustees would feel if their landlord decided to increase their lease or rent 1200%. How would it make them feel if it was a friend or an elderly person on a fixed income? He said this is upsetting to him and pointed out he has spent a year trying to work with the Board; and now we're are back to square one. He felt the Board owes the Lazy Point Committee an apology. Linda Badkin pointed out there has been a lot of talk about security and she thought the discussions had gotten beyond this. She said she is astounded a Board member would go back to the issue of the value of the homes. She added no one is buying the houses at Lazy Point. Mr. Taylor stated the Board must move forward and obtain the services of a consultant to review the CPI numbers. In conclusion, the Clerk said she knows it is a very sensitive issue but felt the leaseholders could leave knowing the Board will seek outside council on the information residents gave the Board. She added everyone is trying to move forward to the best of their ability.

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Maureen Veprek was present concerning the debris at the end of Mulford Lane. Mr. Byrnes pointed out there is not only debris, but chairs, a “private property” sign and a fire pit. The Clerk added the road is private, but the beach is public. Mrs. Veprek pointed out the Association’s deed goes to the high water mark so whatever is on the beach up to that point is allowed. Mr. Byrnes asked about the shredded bags which have been along the beach for quite some time, is an eyesore and detriment to the environment. Mrs. Veprek replied some of the bags do not belong to the Association; they belong to Mr. Klenke, the adjacent property owner. She said the Association will straighten up the area and make sure it looks better than it does now. She added she will submit photographs and an as-built survey which was required from the last Napeague Beach Club Association permit.

A motion was made by Mr. McCaffrey to approve payment of the following bills: a) North Fork Water Supply- \$36.97; b) East Hampton Marina- \$810.35; c) East Hampton Star- \$144.80; d) The Hartford- \$218.24; e) One Beacon Insurance- \$3,138.00 & \$6,238.00; f) Star Island Yacht Club- \$328.63; g) Uihlein Marina & Boat Rental- \$278.94; and h) Personnel Concepts- \$49.90 and i) NYS Workers Compensation- \$195.60 with the condition clarification is made concerning One Beacon Insurance as three premiums are included and there are only two boats; and also confirm with Sid Bye the Uihlein bill is for the Trustee pump-out boat. This motion was seconded by Mr. Taylor and unanimously approved.

A motion was made by Ms. Klughers to accept the Financial Report through August 31, 2015. This motion was seconded by Mr. McCaffrey and unanimously approved.

A motion was made by Mr. McCaffrey to approve a request from Robert Badkin to have his name removed from the Lazy Point lease of Lot 19N. This motion was seconded by Mr. Taylor and unanimously approved.

An application was received from Devon Yacht Club for dredging. Upon review of the file, the Clerk said she noticed the Trustees had requested photographs and an as-built survey from a 2014 project. She noted the photographs were received and a letter stating the as-built survey was ordered, but it has not been submitted. It was agreed a letter will be sent to the agent requesting submission of the as-built survey.

The Clerk reported several Trustees have inspected the walkway adjacent to Two Mile Hollow. She noted a permit was issued by the Village but not by the Trustees. She pointed out an application was submitted to the Trustees in 2012, but it was denied. She said in the interim the applicant purchased the more seaward parcel and are now constructing a dune crossing structure. Mr. Courtney said he looked into this and in 2013 the applicant obtained a deed from the Evan Frankel Foundation for the area that was Atlantic Avenue. He pointed out research indicates there is a deed from 1954 which he would like to review. The Trustees deeded out a lot, but this particular area might not have been.

In response to a Notice from the Zoning Board of Appeals concerning Ocean Colony

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Resort. Ms. Klughers noted this is for pre-existing, non-conforming use of a property and the owner is trying to overturn the Building Department's decision in order to expand the use. The Board agreed if the hearing has been held open, a memo will be sent indicating the Trustees would not like to see this type of precedent set.

Concerning the Shellfish Enhancement Education Directive (SEED) Program, the Board agreed to request information and more specifics from Aquaculture Director Barley Dunne on the equipment and the dimensions of the area to be utilized adjacent to Gann Road in Three Mile Harbor. The Clerk said she would also like an estimate on the cost for each participant; and for time and materials utilized by the Hatchery with Town funds. She pointed out she wouldn't be objectionable to absorbing the cost for the participants, as well as the Hatchery; in this way it be a public project and not private individuals. Ms. Klughers pointed out the participants are allowed to keep half the profits and she would rather put funding toward the Shellfish Hatchery operations than individuals. The Clerk added she will contact Mr. Dunne concerning this matter.

The Clerk reported no water samplings were done last week as Dr. Gobler and his staff was away. She noted the algae bloom is still in Georgica Pond, but should disappear when the Pond is opened. Dr. Gobler recommends the Trustees continue the closure of the Pond to the harvesting of shellfish. The Clerk pointed out patches of rust tide blooms have been detected in Three Mile Harbor and Dr. Gobler has increased samplings at all sites. He will update the Trustees periodically. A motion was made by Ms. Klughers to prohibit the harvesting of shellfish from Georgica Pond until the Trustees have determined the algae levels have been reduced to less than 25 micrograms per liter. The Clerk has the authority to rescind the closure if the water quality samplings improve. This motion was seconded by Mr. McCaffrey and unanimously approved. A notice will be posted in the East Hampton Star.

The Clerk attended a presentation held last Friday, September 18th by Pio Lombardi on water quality and sediment samples from Hook Pond. She said a septic remediation project is being proposed near Route 27 and James Lane; a wastewater treatment project in the North Main Street area and water gardens on the Village Green. She added grant applications have been submitted for these projects.

A letter was received from Bernard Berger indicating he found a dead cormorant in the north end of Seabury Creek (east of Georgica Close) and felt it could be due to the blue/green algae. He expressed concern regarding the obstruction of a drainage duct under the highway to the Creek. The Clerk said she sent a memo to the Town and Village Highway Superintendents to determine if they have any information on the duct. It was agreed the Clerk will advise Mr. Berger to contact Suffolk County Health Department if another animal is found dead and consider getting volunteers to assist in cleaning out the creek and drainage duct.

The Clerk reported preparations are underway for the 25th Annual Largest Clam Contest which is scheduled for Sunday, October 4th at the American Legion in Amagansett. She said the office has received the T-shirts; the posters have been made and are ready to distribute. An ad will be placed in the East Hampton Star and a press release sent to WLNG radio station. The

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Clerk noted Barley Dunne, Director of the Shellfish Hatchery will give a presentation as well as Kim Barbour from Cornell Cooperative Extension and a few others. She asked the Trustees to acquire additional donations from local merchants for prizes. Mary Croghan volunteered to donate a \$50.00 gift certificate from her business. Ms. Klughers pointed out she would like to see 100% recycling this year. The Clerk added judges will be determined.

Ms. Klughers recommended the Trustees continue the shell recycling program at Napeague. Mr. Byrnes asked what is going to be done with the scallop shell pile which is currently in the parking lot at Napeague. The Clerk said Daryl Glennon offered to move the pile to whatever location the Board decides on. Ms. Klughers added the Board will have to discuss this and determine where they would like the shells to be placed.

Concerning the application of Krimendahl for phragmite control, the Clerk reported the attorney submitted Letters of Testamentary which indicate who has authority to sign for the applicant. She asked the Georgica Committee to continue review of the application and also asked Mr. Courtney to review the Letters of Testamentary to determine their validity.

The Clerk reported a survey as opposed to a site plan was requested from Mr. Calicchio concerning an application submitted for upland landscape and native plant establishment. She added the survey has not been received to date.

The Clerk reported a second letter and Trustee application has been sent to David Wagner concerning his shoreline stabilization project at Hog Creek. She added she will contact Brian Frank at the Planning Department for an update.

A motion was made by the Clerk to approve the addition of Maureen Mulee to the lease of Lot 13S at Lazy Point. This motion was seconded by Mr. McCaffrey and unanimously approved.

The Clerk reported repair of the Northwest Creek ramp is underway and work will also be done on the bulkhead. She noted the mooring permit holders have been advised. She pointed out the Harbormaster has also been advised as there might be an impact on the scallop season. The Clerk added a meeting of the Northwest Creek Comprehensive Coordinating Committee was cancelled.

An application from East Hampton Marina for piling replacement was rescinded. The Clerk added the as-built survey for a prior project has been requested from the applicant.

The Clerk reported an updated survey and photographs were received for the Strauss shoreline stabilization and stairway repair project at Hedges Banks. She asked the Three Mile Harbor Committee to inspect the site as there are a couple rows of hay bales or coconut logs in

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place. The Clerk pointed out some of the surveys already received from several of the Hedges Banks properties do not have deed lines but tie lines. Mr. Courtney suggested asking the agent (Mr. Hajek) for the subdivision map for review. The Clerk said Strauss and Kahn both installed a deer fence and it wasn't approved by the Trustees. She added she will contact Ordinance Enforcement.

An email was received from Mr. Matthews of the Northwest Comprehensive Coordinating Committee advising the Trustees that only 18 of the 23 moorings were utilized this season. She noted the Trustees will have to do an inspection early in the season next year to make sure all the moorings are installed.

The Clerk reported amendments to Chapter 91 regarding littering were received. Ms. Klughers said the Litter Committee agreed the same littering law fines that apply to the beaches should apply to other areas in the Town. She added prior to the Town Board holding a public hearing, they would like input from the Trustees. The Clerk asked the Trustees to review the proposed amendments and contact her with any concerns.

The Clerk reported she attended a meeting on the Coastal Assessment and Resiliency Plan. She noted Kim Shaw had given a presentation on this at the last Town Board meeting. She said two different grants have been received; one for studying sand sediments and the littoral drift and the other is reviewing what infrastructures needs to be protected.

A request was received from Mike Bottini on behalf of the Montauk Surfcasters Association for a letter from the Trustees indicating they do not support the geo-tube beach project in downtown Montauk.

The Clerk acknowledged Correspondence received which does not require any action from the Board of Trustees, but is for informational purposes.

The meeting was adjourned at approximately 8:50 p.m. by the Clerk.

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