

**MEETING OF FEBRUARY 10, 2016**  
**OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY**  
**OF THE TOWN OF EAST HAMPTON, NY**

Present: Francis Bock, Trustee Clerk  
Pat Mansir, Deputy Clerk  
Bill Taylor, Deputy Clerk  
Tyler Armstrong  
Timothy Bock  
Brian Byrnes  
Rick Drew  
James Grimes  
Diane McNally

Also Present: Richard Whalen, Trustee Attorney  
Lori Miller-Carr, Trustee Secretary  
Christopher Walsh, Star Reporter  
Michael Wright, Reporter E.H. Press  
Chris DiSunno  
Rona Klopman  
Ed Michels, Senior Harbormaster  
James Walker

The meeting was opened at approximately 6:30 p.m. by the Clerk.

1. A motion was made by Ms. Mansir to approve the applications of William Rayner (The Pond House) for sand placement at 85 and 93 West End Road (two separate permits to be issued) with the standard conditions in addition to: if the existing rock groins (located between the beach access point and the project site) are exposed, "sand ramps" will be created to allow for equipment to pass over and they will be left in place following completion of the project; the old sand fence to be removed, not buried; all sand fencing will meet the requirements of Town Code Section 255-4-70. This motion was seconded by Mr. Grimes and unanimously approved.
2. A motion was made by Mr. Grimes to approve the renewal of the application of Auguste Bannard for phragmite removal at 106 Briar Patch Road 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 cutting and/or digging; c) a valid as-built survey of the permitted activities will be submitted to this Board upon completion of the project; and d) submission of color photographs upon expiration of this permit and prior to each renewal. This motion was seconded by Mr. Drew and unanimously approved.

3. James Walker of Inter-Science Research Associates told the Board he is waiting for a copy of the scenic easement, and an additional application fee for the application of 11 Chauncey Close and a "Letter of Intent" from MMR Real Estate Holdings at 81 Briar Patch Road. Mr. Grimes inspected the proposed project sites and recommended establishment of a 50' buffer and re-vegetation.
4. Mr. Grimes met Mr. Walker at Devon Yacht Club concerning the proposed dredging of the inlet. The application is proposing to dredge 1,200 cubic yards on the northwest side with a hydraulic excavator and place the material on the southeast side of the jetty. The Clerk questioned why Devon Yacht Club did not apply for a Trustee permit in the past. Ms. McNally explained in years past, the Trustees acknowledged they didn't have jurisdiction in the basin and inlet, but upon review of the as-built survey of the bulkhead and jetty project, it was determined the project intersects the Trustees boundary. She stated the section (of the proposed dredging) of the inlet is on Trustee property. In a discussion, it was agreed Mr. Walker will indicate on the survey where the dredge material will be placed. Upon receipt, the Napeague Committee will review the survey. The Board will make a determination whether or not to charge a dredge spoil fee.
5. Chris DiSunno told the Board he (and other others) purchased their properties with the expectation that Midland Highway would become part of the highway system and paid thousands of dollars in fees to the Town to upgrade the roads (as a requirement) in order to build their houses. Although they are part of the urban renewal system, the Town will not accept Noelle's Lane or Bayview into the highway system because it is non-contiguous; and the only recourse would be if Midland Highway was dedicated to the Town. In a discussion, Ms. McNally noted the Town recognizes other Trustee properties as being public lands; but the Town Engineer classifies roads as private and the Highway Superintendent cannot maintain them. Mr. Grimes pointed out Midland Highway is a public road, but the Trustees are an entity that represents the public and these properties are in public trust. He added once it was paved, the Trustees took responsibility of maintaining the road. Ms. Mansir said she agreed with Mr. Grimes as these roads are in the Trustees hands on behalf of the community and they should be maintained. Ms. McNally stated it is her opinion it would be for private benefit. Mr. Grimes pointed out the original Trustee roads were in place so the public could get private property and not find themselves landlocked. Mr. Whalen stated the Trustees laid out lands when they allotted properties to the Town of East Hampton for access; all Trustee roads were meant for access to private lands. He stated he felt the real reason the Trustees have been requiring easements is to formally recognize a Trustee road. Mr. Taylor pointed out he didn't feel the Trustees should be the obstacle to prevent this road from going into the Town highway system. He noted that it is paved, and if the Town is willing to take it, the Trustees should allow it. Ms. McNally replied the access easement specifies the person to whom the easement was given, it taking on the responsibility for the maintenance of the road. Mr. DiSunno replied it wasn't given to him. Ms. McNally pointed out it (the easement) was given all along Midland Highway to Mr. Marcantonio (the original developer). Mr. Whalen pointed out there is currently a deer fence surrounding an unopened portion of Midland Highway (just past the paved section). He suggested the

Trustees contact Any Gaites of Land Management to determine if the fence is encroaching onto the road. Upon a suggestion from Mr. Taylor, it was agreed the Clerk will contact the Town to determine what would be required to take Midland Highway into the Town highway system.

6. A motion was made by Mr. Grimes to approve payment of the following bills: a) Optimum- \$155.65; b) Allstate Sign & Plaque Corp. - \$560.96; c) Staples- \$97.93 (\$67.84 + \$29.39); d) North Fork Water Supply- \$32.44. This motion was seconded by Mr. Bock and unanimously approved.
7. The approval of the minutes of January 11, 2016 were tabled for further review. The Clerk asked the Records Committee to review the minutes and make the necessary amendments.
8. The approval of the Financial Reports for the months ending December 2015 and January 2016 were tabled for further review.
9. The Clerk reported representatives of the Village of Sag Harbor and John Parker will attend the meeting of February 22, 2016 to discuss jurisdictional boundaries. Mr. Grimes said he will contact the Harbor Committee in Sag Harbor to get further information concerning this matter. The Clerk asked Harbormaster Ed Michels what his feeling is about the issue. Mr. Michels pointed out the enforcement that is being done (in that zone in Sag Harbor) is the same as the enforcement that is being done everywhere else, with the exception of the moorings; as they don't enforce mooring regulations in state waters. Mr. Michels said they have written multiple violations (i.e. boating while intoxicated, safety issues, reckless operations, etc....) every year, for the last seven (7) years, at the request of the Village of Sag Harbor. Mr. Whalen asked if the Village is exerting their jurisdiction within 1,500' of the shoreline. Mr. Michels replied they are and he is enforcing regulations outside 1,500'. Mr. Whalen pointed out that Mr. Parker implied one of the reasons for the change was the Village would then enforce things such as the no-discharge zone. Mr. Michels replied Mr. Parker is misinformed as they do that now. He went on to say, at the request of the Village and Assemblyman Thiele; they (the Taskforce) enforce regulations outside of 1,500'. Mr. Grimes said a couple of people in the boating business (in Sag Harbor) expressed concern the Village was considering prohibiting moorings in this area as there are a group of homeowners who would rather not see boats moored in front of their properties. It was agreed Mr. Grimes will contact the Harbor Committee in Sag Harbor concerning this matter.
10. The Clerk noted an email was received from a resident who lives in the area of Bull Run and 90 Old Northwest Road and wanted the current Board to be aware there is an ongoing problem with parking and access. He noted this is in the vicinity of the Dunes Treatment Facility. The Clerk said they seem to keep over-improving the road without coming to the Trustees.
11. Mr. Armstrong reported he attended a round table meeting in Riverhead on January 28<sup>th</sup> at which time he and Mr. McAllister spoke about methoprene and asked Senator LaValle

to sponsor Assembly Bill A8715. He was advised the following week that Senator LaValle co-sponsored the Bill. He explained it is to restrict methoprene use in New York waterways unless an emergency is declared. Mr. Byrnes recommended a letter be sent to Senator LaValle thanking him for his support. Mr. Taylor asked if Mr. Armstrong spoke with anyone about the Trustees being placed on the “no spray” registry. Mr. Armstrong replied he would like to speak with Mr. Whalen about the legality of this (the Trustees as property owners going on the “no spray” list).

12. An as-built survey was received for the Reid bluff restoration project at 30 Hedges Banks Road. The Three Mile Harbor Committee will inspect the site and report back to the Board.
13. A copy of the DEC application for the proposed Maslin rock revetment at Kings Point Road was received. This was previously denied by the Trustees.
14. The Clerk reported an as-built surveys and photographs were received for the Wilder sand replacement project. He noted he inspected the site and all is in order. Ms. McNally pointed out the Trustees required a re-vegetative buffer, but it was never put in place. She noted the applicant must also obtain a new permit for future projects. She will draft a letter to this effect for Trustee review.
15. Mr. Grimes reported he spoke with Barley Dunne regarding a Shellfish Managers meeting held on February 3, 2016 and there wasn't anything significant to report. Mr. Dunne will give a presentation on the SEED (Shellfish Enhancement Directive) program at the meeting of February 22<sup>nd</sup>. In a brief discussion concerning a poaching episode in the scallop sanctuary in Napeague Harbor last fall, Mr. Dunne explained the reason he does not want it buoyed off is because he feels it might attract more of this behavior in the future.
16. The RST/JRT-EH (41 Two Mile Hollow) walkway will be discussed further in executive session.
17. Mr. Byrnes discussed the matter of fire debris being placed in the vicinity of the garbage cans at the beach road ends. He suggested the debris be placed in a designated area. Mr. Grimes recommended providing a special bin to place the fire debris in. It was noted the Village gives containers to the public and they leave them on the beach to be picked up.
18. The Clerk reported Bruce Horwith will attend the meeting of February 22<sup>nd</sup> to discuss phragmite control projects at Georgica Pond.
19. The Nature Conservancy will host a meeting regarding Georgica Pond on February 12<sup>th</sup> at the Town Hall. The Clerk, Mr. Drew and Mr. Grimes will attend.
20. The Clerk reported he will be working with Thun Han concerning the Lebowitz dock at 103 Isle of Wight Road. He noted an as-built survey is forthcoming. This dock will be added to the list of annual dock agreements when the exact footage is determined.

21. A motion was made by Mr. Byrnes to accept a bid from Mark Edwards in the amount of \$2,850.00 for removal of debris and grading at the ramp located on the northwest end of Alewife Brook Road. This motion was seconded by Mr. Grimes and unanimously approved.
22. Concerning a request for transfer of the Schaeffer house on Lot 34N at Lazy Point. Mr. Whalen reported proof of publication was received as well as other required documentation. A motion was made by Mr. Drew to approve transfer of the lease of Lot 34N at Lazy Point to Edward Petrie and Julie Wolfe. This was seconded by Mr. Taylor and unanimously approved. Mr. Whalen pointed out no new information has been received regarding the transfer of the Raffo lease of Lots 13N and p/o 14N. He will contact the attorney for Ms. Raffo.
23. In response to a Notice of ZBA Hearings regarding properties at 349 Promised Lane and Sachs at 277 Cranberry Hole Road, Mr. Grimes reported he inspected the properties and they do not appear to be in the area of Trustee jurisdiction. He added he spoke with Brian Frank and in the future, when completed EAFs (Environmental Assessment Forms) are sent out, notification will be sent to the Trustees for applications located adjacent to their property.
24. Mr. Grimes reported the Nature Preserve Committee is scheduled to meet tomorrow night. He presented a copy of the South Flora Management Plan and asked that copies be made and distributed to the Board. He stated the parking issue was ignored and the beach should not have been included in the document as the Nature Preserve has nothing to do with Trustee jurisdiction. Mr. Grimes recommended the Trustees review the document. Ms. Mansir asked if the document can be changed to exclude the Trustees property. Ms. McNally added it has to be changed as it is not a legal as written.
25. The Clerk reported no new information has been submitted concerning the excavation of Fresh Pond. Ms. McNally noted Kim Shaw, Director of Natural Resources approached the Trustees about the possibility of contributing to the cost of the excavation. She added they must decide what and how much should be done. Ms. Mansir added she is due to meet with Ms. Shaw in the near future and will discuss this with her.
26. Mr. Taylor reported he inspected the Beckenstein dock and it has been completed according to the conditions of the Trustee permit. He added an as-built survey is forthcoming.
27. The Clerk reported a memo was sent to East Hampton Marina indicating a Trustee permit application would be required for any future projects. He explained Britton Bistran indicated at the meeting of February 25<sup>th</sup> that the previous project was completed, but she was mistaken, as it wasn't done. Mr. Byrnes pointed out he met Mr. Briggs at the site and it was confirmed the project was not done.

28. Mr. Armstrong reported he has placed the Trustee mooring permit applications on the website.
29. The Clerk reported Georgica Pond was let some time last weekend during the storm. Ms. McNally said she thought perhaps the Pond was opened by hand. Mr. Drew and Mr. Grimes replied they were both at the site and were not surprised the Pond opened as the tide was very high. Mr. Taylor said he was also at the site and did not see any tracks or indication the Pond was opened by anyone. The Clerk asked if Ms. McNally witnessed anything which would indicate the Pond was opened manually. Ms. McNally replied someone told her they saw suspicious activity, but in the future she will obtain more concrete information before making an assumption.
30. Correspondence received was acknowledged by the Clerk. He noted a ZBA hearing held regarding the Rugg application for demolition of an 842 square foot house on 104 Gerard Drive and construction of a 4, 903 square foot house. In a brief discussion, the Board agreed although they do not have jurisdiction in the area of construction, a memo will be sent to the ZBA indicating the Trustees are not in favor of the current proposal.
31. The meeting was adjourned at approximately 9:20 p.m. by the Clerk.

2/10/16