

MEETING OF MARCH 10, 2015
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON, NY

Present: Diane McNally, Trustee Clerk
Stephanie Forsberg, Assistant Clerk
Timothy Bock
Deborah Klughers
Stephen Lester
Sean McCaffrey
Bill Taylor

Not Present: Brian Byrnes
Nathaniel Miller

Also Present: John Courtney, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Christopher Walsh, Star Reporter
Chini Alarco
Ira Barocas
Larry Cantwell, Supervisor
Dell Collum
Rick Drew
George Eldi
Rona Klopman
Richard Hamilton
Susanna Herrmann
Tom Knobel
Peter Van Scoyoc, Councilman

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

The Clerk welcomed Supervisor Cantwell and Councilman Van Scoyoc.

Susanna Herrmann was present as agent for Jonathan Lerner for bio-log installation along the shore of Three Mile Harbor at 10 Oyster Shores Road and also a retaining wall on the upper bank. The Clerk noted Ms. Herrmann has submitted a copy of the deed with a description of the property. However, upon review of the file, it appears clarification of the dock description will be needed. She went on to say in 2002, the dock was replaced without any permits; but

3/10/15

eventually Mr. Lerner went through the process to obtain the proper permits. The Clerk said the dock should be no longer than 33' from the MHW mark, as that is what existed in 1984 when the dock inventory was done. She pointed out the former owner was adamant that he did not have a bulkhead; but just put railroad ties along the shore. She said it was inspected by the Committee at the time, and they agreed it was not a bulkhead. She told Ms. Herrmann the survey now shows it as a bulkhead. Ms. Herrmann replied it is railroad ties, not a bulkhead. The Clerk recommended the Three Mile Harbor Committee inspect the site as there will be removal of debris from along the shoreline to be replaced with bio-logs.

Richard Hamilton told the Board he is concerned about the waterfowl, in particular, the Black Duck population as they have not gotten proper feeding over the winter. He said certain individuals and Towns have been feeding the ducks to help them. He noted approximately 80 tons of corn was dispersed across Long Island. Mr. Hamilton asked if the Trustees would consider participating in this program. He said the Southampton Trustees gave feed to those who have duck blinds and they distributed it. He added if the Trustees are interested in purchasing feed, he would be willing to help out and suggested they contact Craig Hassler as he can get the feed at a fair price. The Board agreed it seemed a worthwhile project. The Clerk said she will bring this matter to the attention of the Harbor Management Committee to see if they could help disperse some corn.

Dell Collum told the Board he is scheduling the 2nd Annual Shoreline Sweep for Saturday, April 11th (rain date of April 12th) from Montauk Point to Georgica Beach. He asked the Trustees assistance by utilizing their truck to collect garbage. He also told the Board he would like direction in regard to garbage cans being on the beaches. Mr. Collum pointed out the garbage cans are not being maintained properly as it is (at the beach road ends) and he doesn't understand why they would be placed on the beaches. He stated this just gives people more of an opportunity to be lazy. The Clerk said she knows the Town has increased the garbage pick-up at the road ends, but there are simply more people leaving garbage. Councilman Van Scoyoc said this has been an ongoing problem at the beaches and the Town Board has recently discussed initiating a "carry-in, carry-out" pilot program at one of the beaches. He stated the Town will not provide any more garbage cans at the beaches.

Supervisor Cantwell and Councilman Van Scoyoc were present to discuss the proposed extension of the alcohol prohibition at Indian Wells Beach for the summer season. The Clerk said she sent a memo to the Supervisor advising him the Board wasn't looking to prohibit alcohol on the beach again this season; and invited him to attend the Trustees meeting. Supervisor Cantwell pointed out it took the Town Board and Trustees some time to work out a solution last year, so the prohibition was only put into effect for part of the season. He went on to say he felt there should be a prohibition this season and would like the Trustees agree with the same regulation as last year. The Trustees pointed out the signage at the road end didn't reflect the law as agreed to. Specifically, that the prohibition was to only be in effect on weekends and holidays during the lifeguard hours and was also to expire in September 2014. The incorrect verbiage caused undo angst to the public who understand what had been agreed to and is this Board felt all the work to compromise was for nothing. Supervisor Cantwell apologized and

3/10/15

promised to have the sign removed and correct it. He pointed out he didn't feel the prohibition did any harm and he didn't receive any complaints about it. In a discussion, the Board agreed to consider extension of the prohibition and will address this issue at their meeting of March 25th. The Board thanked the Supervisor and said should a prohibition be approved this year, this Board will forward the proper verbiage to the Town. Approximately an hour after leaving the meeting, Councilman Van Scoyoc returned with the sign from the road end to the Trustees office.

Rona Klopman told the Trustees she was present in support of the extension of the alcohol prohibition at Indian Wells Beach for the summer season. She told the Board there are a lot of families with children in her neighborhood and because their beach association doesn't have a lifeguard, she has told them to go to Indian Wells Beach as it is considered a family beach. She said she feels the safety of the lifeguards could be at stake if there was not a prohibition. Mrs. Klopman added she is also in support of the "carry-in, carry-out" proposal.

A motion was made by Dr. Forsberg to approve payment of the following bills: a) Optimum- \$144.80; b) Staples- \$118.96 (\$104.38 & \$14.58); c) Anthony Tohill- \$61.25 (White Sands; and d) North Fork Water Supply- \$41.40. This motion was seconded by Mr. Bock and unanimously approved. A bill from East Hampton Marina was tabled for further review.

The Trustees approved renewal of a Certificate of Deposit (Legal) at Suffolk County National Bank.

The Clerk reported a letter was sent to the Lazy Point tenants concerning the proposed amendments to the Lazy Point Rules and Regulations which include an increase in the fee of each lot from \$1,500.00 per lot to \$1,650.00 and an increase of the transfer fee from 2% to 4%.

The Clerk reported comments were submitted to Julia Duryea in response to the Draft Threatened and Endangered Species Management Plan and the 1st Pre-season fencing memorandum. She asked the Board to review them as well as the string fencing maps received from Ms. Duryea.

The Trustees will participate in the Friends of Erin Parade on Sunday, March 22nd and will meet at the office at approximately 9:15 a.m. to prepare the boat for transport to Montauk.

The Clerk reported a terse letter was received from Becky Molinaro concerning the Trustees comments to the Hook Pond Management Committee and the responses to the Request for Qualifications. She added the Trustees have been invited to the next Hook Pond Committee meeting scheduled for Wednesday, March 25th at 2:00 p.m. at the Village Hall.

Letters were received from several Lazy Point tenants concerning storage of boats and trailers on vacant lots. There was a discussion about a possible nominal fee for storage. Mr. Rick Drew told the Trustees he would inventory the boats and trailers; check the registrations to confirm they belong to Lazy Point tenants and forward a list to the Trustees.

3/10/15

In a discussion concerning transient moorings in Three Mile Harbor, the Clerk said the Trustees had 5 to 7 moorings which the Harbors and Docks Department assisted in maintaining. She noted the transient moorings have not been utilized in a few years now; but the Trustees office has received numerous requests to have transient moorings available in Three Mile Harbor. The Clerk said the Board is in the process of putting together a transient mooring proposal that would be offered to all the marinas adjacent to Three Mile Harbor. It was agreed the Clerk will send a letter to marina owners inquiring if they would be interested in assisting the Trustees as far as installation and maintenance of transient moorings for the summer season.

The Clerk pointed out duck blinds are to be removed from Trustee waters by April 1st of each year, but due to an issue with ice this year, it is being proposed to amend the removal date to April 30th. A motion was made by Mr. McCaffrey to amend the removal date for duck blinds from April 1st to April 30th for 2015. This motion was seconded by Mr. Bock and unanimously approved. A notice will be placed in the East Hampton Star and on the Trustees website; while letters will be sent to Harbormaster Michels and Mike Tracey of the Village Police Department.

A motion was made by the Clerk to send a letter to Charles Voorhis, agent for Robin Wilder, indicating the Trustees have no objection to placement of 12" of beach compatible sand to cover the rock revetment and plant with native beach grass as well as the addition of no less than 200 cubic yards of beach compatible sand to the beach. This motion was seconded by Mr. Lester and unanimously approved.

The Clerk reported a Shellfish Managers meeting was held on January 30th but she was not able attend. She noted the minutes of the meeting were received if any of the Trustees would like to review them.

Dr. Forsberg reported Dr. Gobler will be presenting the Water Quality Monitoring results in the Town Hall meeting room on March 30th at 5:00 p.m. and it will be open to the public.

The Clerk reported a memo was sent to the Planning Department regarding the Dankowitz driveway retaining wall. She added no response has been received to date.

Concerning a request from Sondra Anderson to transfer her lease of Lot 8S to Michael Walton, the Clerk said she will contact Ms. Anderson to determine if she intends to sell the house to Mr. Walton or add him to the lease.

A motion was made by the Clerk to approve the application of Dale Burch for replacement of an existing 4' x 35' dock in Hook Pond 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) submission of color photographs at the start and

3/10/15

upon completion of project and h) no treated material. Additional conditions include: the as-built survey will include the dimensions of the dock; and an Annual Agreement for continued placement of the structure on Trustee bottomland will be initiated. The 2015 Fee is \$3.00 per linear foot. The Burch Annual Agreement will reflect the fee due of \$105.00. This motion was seconded by Mr. McCaffrey and unanimously approved.

The Clerk reported a letter was sent to the Village advising that the application of John Calicchio for phragmite removal would require a permit from the Trustees. She noted Eric Brown, the attorney for the applicant, advised her the application is forthcoming.

Mrs. Klughers reported Hamptons Online is no longer the Trustees website provider; it is now Hamptons Web Design.

Concerning installation of a gas main on Town Line Road, Mr. Courtney said he feels if the Trustees give the Town a utility easement, it will be sufficient. He added it will allow PSEG to install the gas main as they do on other Town roads.

A motion was made by Mr. McCaffrey to approve the application of Halsey's Marina to replace one free standing pile; replace or sister 5 bulkhead support pilings and whalers; and dredge up to 100 cubic yards of material from two slips as shown on the project plan with the standard conditions with the exception of #4, #5, #6 & #8 and in addition receipt of the dredge material fee upon completion of the project. This motion was seconded by Mr. Lester and unanimously approved. The Clerk noted she met with Peter Mendelman and reviewed the file and maps for Halsey's Marina in order to determine how a prior Board determined the dock configuration and fee for the Annual Agreement. She added she would like to send a letter to Mr. Mendelman to confirm the dock configuration (760' of dock and 43 free-standing pilings) and the fees that will be charged this year.

Concerning Front Row Properties, for which the Trustees approved a permit two weeks prior, the Clerk stated it was presented as bulkhead repair; but after speaking with the Planning Department, she realized it was a vacant parcel. The Clerk pointed out generally the Trustees have not approved improvements on vacant parcels. She noted the adjacent property which is improved, is owned by the same person. She asked the Three Mile Harbor Committee to inspect the property. The Clerk added the applicant does not have approvals from the Town to date.

The Clerk reported she, Mrs. Klughers, Mr. Miller and Mr. McCaffrey attended the League of Women Voters forum on Monday, March 9th. She added it went very well and she had an opportunity to mention the Water Quality Monitoring presentation by Dr. Gobler.

The Clerk reported the auditors who work with the Town have advised her they can begin the audit in late April or early May. She noted they plan to do a three year audit of the Trustees records. She said Charlene Kagel of the Finance Department gave her an estimate of \$10,000 and asked if the Trustees can pick up the prior two years (which would be \$6,600) and the Town

3/10/15

will cover this year and years going forward. The Clerk said Ms. Kagel told her to contact Herzog & Little, CPAs and ask them to assist in putting together any information the auditors might require.

The Clerk reminded the Board the next Trustee meeting is scheduled for Wednesday, March 24, 2015 at 6:00 p.m. at the Trustees office. She added the Trustees will be attending a Zoning Board of Appeals hearing on March 23rd.

The Clerk reported a telephone call was received from the Suffolk County Department of Health indicating there are monies available from a grant for the last pump-out boat which was purchased in 2010. She added she will provide the County with a copy of a receipt for the boat and confirmation of the State's portion of the reimbursement, then the County funds will be forwarded.

The meeting was adjourned at approximately 8:00 p.m. by the Clerk.

3/10/15