

MEETING OF NOVEMBER 25, 2014
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON, NY

Present: Diane McNally, Trustee Clerk
Timothy Bock
Brian Byrnes
Debbie Klughers
Stephen Lester
Sean McCaffrey
Bill Taylor

Not Present: Stephanie Forsberg, Assistant Clerk
Nathaniel Miller

Also Present: John Courtney, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Christopher Walsh, Star Reporter
Chuck Bowman
George Eldi
Elaine Jones
Susan Knobel
Pat Mansir
Mark Mendelman
Peter Mendelman
Jack Passie
Russell Schlitt

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

Mr. Bowman was present concerning the application of Mary Meeker. The Clerk indicated some of the Trustees have been to inspect the site of the proposed project since the last meeting. She clarified the application is for replacement of 316' linear feet of existing bulkhead, including returns; constructed of vinyl sheathing, backfilled with clean beach compatible sand and planted with beach grass. The Clerk noted the application as submitted has been denied once before. Mr. McCaffrey reported the bulkhead is in disrepair and if repaired, he would he would like to see a Passing Way Easement submitted by the applicant. The Clerk pointed out she felt the construction process to replace the bulkhead would be more detrimental than helpful the area. Mr. Bowman stated there are no plans to dig up the beach, but sand will be put behind the bulkhead, in order to restore it. A motion was made by Mr. Byrnes to approve the application of Mary Meeker for bulkhead repair on Louse Point Road via a barge with the following standard conditions in addition to the submission of a passing way easement: 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 of the project and continuous communication between the contractor and

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Trustee office of the projects progress until completion; 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 the project and j) no treated material. This motion was seconded by Mr. McCaffrey and approved. Mrs. Klughers and the Clerk were opposed to this motion.

Jack Passie was present to ask the Trustees about the status of the Hunting Guide's License which was discussed at a meeting with Ed Michels and other interested parties in June. The Clerk advised Mr. Passie she believed the results of the June meeting were to amend the parking regulations at road ends and launching ramps by non-residents. A memo to that effect has been sent to the Town Board. In a discussion, it was agreed the Clerk will send a memo to Chief Michels asking if enforcement can be stepped up especially at Gann Road.

Russell Schlitt was present concerning an application to replace a deck on Lot 36S at Lazy Point. The Clerk asked the Lazy Point/Napeague Committee to review the application and inspect the site.

Peter and Mark Mendelman were present regarding an application submitted for dock and piling replacement at Three Mile Harbor Marina. Mr. P. Mendelman asked the Board if they would consider a long term permit as they would like to do the project in increments. The Board agreed to consider something as long as the Mendelmans keep the Trustees up to date on the project's progress. Mr. P. Mendelman said he will also be submitting applications for Harbor Marina and Halsey's Marina. He explained they are applying to State and Federal Programs (generated from Hurricane Sandy) for funding of these projects and it is a requirement that every permit must be in place in order to be approved.

The scallop shell recycling program was discussed. Mr. Mark Mendelman presented photos of the pile which is presently located on Boat Yard Road. Mrs. Klughers advised them signs were put up indicating the pile was closed and will be relocated. Mr. P. Mendelman said he felt more thought should have been put into the program; as there has been an enormous amount of seagulls and they have dumped the shells and excrement on their docks (as depicted in a photo). Mr. M. Mendelman agreed. The Clerk is to acquire estimates from local contractors to relocate the scallop shells to Lazy Point as soon as possible.

Susan Knobel told the Board, as per their request at the meeting of November 12th; she is submitting a survey of Lots 45N & 46N where she would like to relocate her house which is presently located on Lots 52N & 53N. She said Brian Frank confirmed the lots building envelope and there should be no problem with installing a septic system. In a discussion, Mr. Taylor and Mr. Byrnes were in agreement with the relocation of Mrs. Knobel's house to Lots 45N & 46N. The Clerk said she felt Mrs. Knobel should look at alternative locations as opposed

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to another waterfront location. Mrs. Klughers agreed all options should be considered but she was concerned if they wait too long, the house might end up in the water. In a discussion, the Trustees agreed Mrs. Knobel should contact Mr. Frank and ask if he can determine if there are other lots which would be feasible to use for relocation of her house. The Clerk will invite Mr. Frank to the next Trustee meeting. Mrs. Knobel also told the Board her homeowners insurance company informed her they are very anxious to cancel her policy. She said she has to install a handrail on the steps over the revetment, which she was required to do when the steps were first installed. The Clerk asked Mrs. Knobel to send a letter to the Trustees advising them her homeowner's Insurance policy is in jeopardy of being cancelled and she must install a handrail onto her steps in order to bring it into compliance. The Board will allow the handrail at this time. They will be removed if the house is relocated or a proper application will be submitted if the house remains in place.

The Clerk reported proof of residency was received from Robert Walton for transfer of the lease of Sondra Anderson on Lot 8S in Lazy Point. She noted a copy of a notice which was placed in the East Hampton Star was also received. She added she will send a letter to Mr. Walton to clarify if he is requesting to be added to the lease or if the lease will be transferred to him. She added she will advise him to seek counsel if he doesn't understand what the Trustees require.

Concerning the applications of Robin Weingast for sand replenishment and emergency sand bag placement, the Clerk said she would inform the applicant an updated survey indicating the most recent shoreline and vegetation line may be required. She asked the Lazy Point Committee to inspect the site to determine if it should be staked prior to either proposal. She added she will draft a permit for review at the next meeting.

The Clerk reported a notice of commencement was received regarding the Devon Yacht Club bulkhead repair. She added the project is supposed to be completed by January and she asked Mr. Byrnes to keep the Board up to date on the progress.

A motion was made by Mr. Bock to approve the minutes of a special meeting held on September 29, 2014. This motion was seconded by Mr. Lester and unanimously approved.

A motion was made by Mr. Byrnes to approve the financial report of October. This motion was seconded by Mr. Lester and unanimously approved.

The Clerk reported a Village Zoning Board of Appeals Hearing will be held on December 12th. She noted she would like the Board to look at the Halpern (48 Georgica Close Road) and Shuman (east of Old Beach Lane) applications to determine if comments should be submitted. A motion was made by Mrs. Klughers to send a memo to the Village ZBA advising that the Trustees do not approve of further encroachments into sensitive, fragile wetland eco-systems. This motion was seconded by Mr. Lester and unanimously approved.

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The Clerk reported Georgica Pond homeowners are offering to donate funding toward the remediation of the Pond. She noted she has concerns about the amount of information the DEC is requiring now for the excavation permit application, and it could be a long process. She added the Natural Resources Director is looking into hiring a consulting firm to assist with the application; which would cost approximately \$18,000.00. The Clerk pointed out the Trustees have already contributed a substantial amount of funds toward the Water Quality Testing Program (which goes toward Georgica Pond remediation). The Clerk asked if the Board would be supportive of hiring a consultant. . The Clerk added she didn't want the contributions toward the application to be seen as an acknowledgement that the Trustees require need a DEC permit. She said this Board would offer monies to the Natural Resources Department to further the application process in Georgica Pond. Mr. Byrnes pointed out he belongs to a couple of other groups and Assemblyman Fred Thiele has indicated there is a lot of money coming to Long Island to help with various projects. He suggested reaching out to Mr. Thiele, not only in this case, but where it is appropriate. The Board agreed they would support the Town hiring a consultant to assist with the application process for the dredging of Georgica Pond and possibly offer monies to help cover the cost.

The Clerk reported she attended a meeting concerning Hook Pond remediation on November 21st. She noted it was suggested that Lombardo & Company or Nelson, Pope & Voorhis be considered to complete a study of Hook Pond. She added the committee is hoping for a response by Wednesday, November 24th. The Clerk added Dr. Forsberg is reviewing the information received on the proposed consultants and will submit comments on behalf of the Board.

A memo will be sent to the Supervisor requesting the "No Alcohol" sign at Indian Wells Beach be removed. It was agreed a meeting will be scheduled to discuss this matter with the Supervisor. Mr. Byrnes pointed out he was watching a Town Board meeting on LTV where this was discussed and the Supervisor indicated he would like the prohibition to be in effect one for one whole summer season. He added the Town Board seemed to be in agreement with the Supervisor; although the Supervisor said he would have to discuss this with the Trustees.

The Clerk noted a letter was received from Britton Bistran in November of 2013 concerning a derelict boat along Napeague. She said a response was sent to Ms. Bistran indicating the Trustees would contact local law enforcement personnel to determine what actions could be taken. She noted it has been a year and another letter was received from Ms. Bistran offering to assist in removal of the boat. In a discussion, Mr. Taylor pointed out this boat has been in the same location for years. He said he thought it might be on state property. The Trustees agreed a letter should be sent to the state concerning removal of the boat. A response will be sent advising Ms. Bistran of the Board's determination and suggest she also send a letter to the state.

Concerning the Tick Tock bulkhead, the Clerk said she has been researching the files, and upon review of the photographs submitted by the agent, it looks as if vertical wood has been added to the bulkhead; increasing the height. She noted there is nothing contained in the Trustee

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permit which allows for an increase in height. She pointed out the contractor submitted a letter from the Building Department today that indicated if the applicant does not get their Certificate of Occupancy by January, he/she has to pay for renewal of the permit and might be subject to legal action. Mrs. Klughers said she would still like to ask for a passing way easement because at high tide, there is no beach. The Clerk said she would send a memo to the Building Department indicating the Trustees are waiting for submission of more information from the applicant and to please not insist on renewal of the permit to initiate legal action.

The Clerk reported she sent an email to Kim Shaw asking if she would be agreeable to opening the Accabonac Culvert. She noted a response was received from Mrs. Shaw indicating the permit has expired and she is not 100% in favor of opening the culvert. Mrs. Shaw noted if the culvert is opened, she would like to obtain data on the water quality in Accabonac. Mr. Byrnes pointed out there are a lot of people in the community who are angry over the money spent on the culvert and it is not functional as expected. He suggested asking for support from the Town Board as well as Legislator Schneiderman and Senator LaValle concerning this matter.

The Clerk reported she has no new information on the water quality reports from Dr. Gobler.

In a discussion concerning the removal of phragmites from Pussy's Pond, Mr. Courtney said there are people who would like to donate monies to the project. The Clerk noted Mrs. Shaw has received a grant for the removal of phragmites and also for a sub-surface monitor, which filters the ground water before it reaches the Pond. She added this monitor could possibly be utilized in other Town waters. Mrs. Klughers pointed out Springs School is the biggest contributor of nitrogen to Pussy's Pond and Accabonac Harbor.

The Clerk reported no information has been received from the Mako Lane Association for the beach access walkway. She noted a referral form has been submitted to Ordinance Enforcement. She added she will follow up on this matter.

Concerning the Lange shoreline fence, the Clerk reported there has been no response from a letter requesting the survey be updated to show the current conditions of the shoreline.

The Clerk asked the Beaches Committee to inspect the Sonenberg shoreline fence. She said the contractor is proposing to put the fence inside a portion of the property which is listed on the survey as a scenic easement. She noted she will request a copy of the scenic easement document in order to determine if the fence is allowed in it. The Clerk added if the fence is not located in the Trustees jurisdiction; the application will be forwarded to Natural Resources.

Concerning repair of the Flynn stairway on 117 Marine Boulevard, Mr. McCaffrey said he couldn't find the sand fence. It was agreed the area should be staked and dimensions of the stairway taken. A letter will be sent to Mr. Flynn to this effect.

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Concerning the application of Burch for dock replacement in Hook Pond, the Clerk suggested the Committee look at an aerial photograph to determine if the dock is pre-existing to 1984.

In a discussion concerning the application of Bannard for bio-log and phragmite removal, it was agreed the Clerk will send a letter to the agent asking for clarification regarding the size and methods to be undertaken on the two proposed sites indicated on the survey and in photographs.

The Clerk reported no new information has been received concerning the Iskander bulkhead repair at Hog Creek. The Board agreed to remove this matter from the agenda.

The Clerk reported memos were sent to the Building Inspector concerning the Abrahams, Roche and Weinberg bulkhead repair projects indicating the Trustee permit conditions have been met.

The Clerk reported a Northwest Creek Comprehensive Coordinating Committee meeting was held on November 17th. She noted the County plans to repair the boat ramp. In a discussion regarding the opening of conditional rainfall shellfishing areas, Mr. Taylor said he spoke with Lisa Tettelbach of the DEC and was advised he can collect the required water for testing. It was agreed testing should start in Accabonac Harbor and Northwest Creek.

The Clerk reported the Trustees were approved for a reimbursement grant from the Clean Vessel Assistance Program for operation and maintenance of the two pump-out boats. She said the requests will be submitted. She reminded the Trustees the cover on one of the pump-out boats (stored below the office) is not secured properly. Mr. McCaffrey told the Clerk he will check the boat.

The Clerk asked the Three Mile Harbor Committee to continue review of the Beckenstein dock repair application. She noted Mr. Beckenstein's prior Trustee permit expired and the project hasn't changed.

Concerning the access easement from Temple Adas Israel to a land locked cemetery, the Clerk said the access easement has been submitted with three descriptions- the first on the property of Temple Adas Israel; the second for the cemetery which has access off of 114 and the third is a merger of both of them. Mr. Courtney said he got copies of the deed from the Tax Assessors office and it indicated Temple Adas took title to one parcel in December of 2011 and to the other in October of 2013. He noted the Tax Assessor received notice of the merger as of April 2014; so it is all one lot. He added Temple Adas now has frontage on 114 and may not need an access easement. Mr. Courtney added he will speak with Mrs. Klopman to confirm this. The Clerk added Mr. Wolf has been submitting updates, on the Six Pole Highway encroachments and has had the gate removed.

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Mr. Byrnes reported real estate agencies have indicated on their brochures that some properties include ownership of the beach which fronts it. He suggested a letter be sent to the agencies to advise them the Trustees own the beaches.

Mrs. Klughers reported a public hearing regarding single plastic bag use is scheduled for the second Town Board meeting held in December. She asked the Board if they would like to offer support of this proposal.

The meeting was adjourned at approximately 9:15 p.m. by the Clerk.

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