

**MEETING OF APRIL 11, 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  
Kim Barbour  
David Elze  
Susanna Herrmann  
Bruce Horwith  
Billy Mack  
Kim Shaw, Natural Resources  
Donald Vanderveer  
James Walker

The meeting was opened with the Pledge of Allegiance at approximately 6:30 p.m. by the Clerk.

Kim Barbour of Cornell Cooperative Extension gave a presentation on Spartine seed collection for which she approached the Board last fall to get permission to collect seed species from Sammy's Beach and Northwest Creek. The next step is to consider locations in East Hampton Town which may be in need of re-vegetation. Ms. Barbour advised the Board that the Marine Meadows Program has expanded their weaving workshops to include coastal plant species (marsh grass & beach grass). She discussed 'Back to the Bays' initiative which includes several educational projects ( i.e. a paddling community race on May 7th at Havens Beach; the Great Peconic Race on September 10<sup>th</sup>) of which all proceeds will go to Cornell Cooperative Extension. There will also be stewardship restoration programs which will include shellfish seed and grass plantings. Ms. Barbour added they will be partnering with the Art Barge this summer to hold educational workshops.

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Mr. Armstrong reminded the Board of the presentations by Dr. Gobler and John (Barley) Dunne next Monday, April 18<sup>th</sup> at 6:00 p.m. at the Town Hall.

Bruce Horwith previously asked for the Trustees support of the excavation of the bottleneck in the northeast portion of Georgica Cove, and was hoping to get a modification in the Village permit from the DEC; but they advised him there too many new components to warrant a modification. Mr. Horwith will submit a new application to the DEC for the widening of the channel on the north end and may ask the Trustees to be named as the permit applicant/owner. He pointed out the other two excavations in southern part is being handled by Town thru a contract with GEI and in the meantime, he can use existing permit for the removal of phragmites. The phragmites will be hand cut and no mechanical equipment will be brought in at the present time. The Georgica Committee to meet with Mr. Horwith to decide who will be named as the applicant and also discuss long term goals.

Mr. Horwith was present on behalf regarding the application of the Creeks for phragmite control. It was agreed he will meet with the Georgica Pond Committee on Tuesday, April 19<sup>th</sup> at 10:00 a.m. at 291 Montauk Highway.

Billy Mack of First Coastal Corporation was present regarding the applications of Further Lane Homeowners Dune and Wildlife Conservation; LFX Group, LLC and 101 LPL, LLC for sand fence installation. He expressed concern that the present Trustee permit application for sand fencing is very onerous on the property owner because it requires an updated survey, as well as proof of ownership of property and it can be a long, expensive process. In a discussion, Ms. McNally felt the application is not onerous and the Trustees have to insure any sand fence installed will not encroach onto public property. It was Mr. Grimes' opinion that it is self-serving of the Trustees to ask for an as-built survey as the owner is trying to protect property; and if the homeowner signs a document indicating no claim will be made to additional ground; this will be a positive situation for the homeowner and the environment. From a legal aspect, Mr. Whalen would like the homeowner to acknowledge they own to the beach grass line only. Ms. McNally asked for verification forms from all the applicants and questioned the proposal fence on LFX Group, LLC as a Nature Conservancy parcel is between the applicant's property and the beach. The Beaches Committee will continue to review the application, and inspect the site of the proposed projects.

A motion was made by Mr. Grimes to approve the application of Michael Kennedy install shoreline fencing along approximately 323' of the beach with the standard conditions. This motion was seconded by Mr. Taylor. Ms. McNally and Mr. Bock were opposed.

Susanna Herrmann of En-Consultants was present concerning renewal of the application of Nancy and John Lerner for dock construction and bio-log installation at 10 Oyster Shores Road in Three Mile Harbor. She noted an existing retaining wall was previously removed and the area was revegetated. The Three Mile Harbor Committee will inspect the area of the proposed project and report back to the Board.

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The Hog Creek Committee has reviewed the application of Laurent Tourendel for bulkhead construction at 285 Kings Point Road. Mr. Armstrong inspected the site and determined the existing bulkhead very low and is in disrepair; and recommended that stabilization of the bluff might be more beneficial to the environment. Mr. Grimes felt there might be a legal reason why the owner wants to reconstruct the bulkhead. Mr. Whalen noted this also depends what zone the property is located in and the owners may have a legal interest in maintaining it. Mr. Armstrong will look at adjacent properties. Mr. Grimes said the areas to south and east have new bulkheads; and the bulkheads are pre-existing to 1975.

In response to a Village ZBA Notice of Hearing scheduled for April 22, 2016, the Georgica Pond Committee will review the application of 85 West End Road to construct an addition, as concern was expressed that numerous variances are being required.

The Georgica Pond Committee will review the application of Calvin Klein for phragmite removal and inspect the site of the proposed project. This Committee will report back to the Board at the meeting of April 25<sup>th</sup>.

A motion was made by Ms. Mansir to approve the language of the Town beach fire regulations which will be placed on signs at beach road ends. This motion was seconded by Mr. Grimes and unanimously approved. There was a brief discussion concerning uniform placement of signs (i.e. in the opposite corner of the beach road end that beach access is taken). It was agreed a recommendation will be made to the Town Attorney.

The Sportsmen's Alliance Expo will be held on Saturday, April 16<sup>th</sup> at 10:00 a.m. at the Amagansett Firehouse. Mr. Bock, Mr. Byrnes, Ms. McNally and the Clerk will attend. The Trustees will provide a raw clam bar and Former Trustee, Joe Bloecker will assist in opening clams.

Mr. Armstrong inspected 31 & 35 Waters LLC, LLC for dune restoration and bio-log installation and Ms. McNally reviewed the files. It was agreed to notify the agent that the weed control material which was placed at the bottom of the bluff should be removed. A motion was made by Mr. Armstrong to notify the Building Department, that upon inspection, all conditions of the Trustee permits issued to 31 & 35 Waters, LLC have been met. This motion was seconded by Mr. Byrnes and unanimously approved.

The Accabonac/Hog Creek Committee is waiting for receipt of an as-built survey for the McLaughlin bulkhead on 275 Kings Point Road.

Upon inspection of the Gicking retaining wall replacement at 14 Driftwood Lane, the Accabonac/Hog Creek Committee has determined this is not located in the area of Trustee jurisdiction.

The Clerk reported the Lebowitz dock application and survey are forthcoming.

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Mr. Armstrong and Mr. Byrnes met with Mr. Ketcham concerning past bulkhead repair and piling installation at 101 Gerard Drive. Upon review of the file, it was determined an application was previously submitted for both the bulkhead repair and piling installation. A motion was made by Mr. Armstrong to send a memo the Building Department indicating the Trustees have no objection to issuance of a Certificate of Occupancy to the Ketcham residence located at 101 Gerard Drive. This motion was seconded by Mr. Drew and unanimously approved.

Ms. Mansir will meet with Kim Shaw, Director of Natural Resources, to discuss a depth and usage study in relation to the proposed dredging of Accabonac Harbor inlet.

In response to a Village Public Hearing concerning the application of 260BC (Ronald Baron) for permission to allow two concrete retaining walls to remain in place, the Beaches Committee has determined the walls are not located within the area of Trustee jurisdiction.

The Education Committee will attend the Amagansett School on Monday, April 18<sup>th</sup> at 9:00 a.m. to give a presentation on the history of the Trustees. Mr. Byrnes said he is looking forward to meeting with the students, as it was a very good experience last year, and urged all the Trustees to attend if possible.

The Clerk reported the East Hampton High School Captain Rysam Scholarship applications were received. The Education Committee will review the applications and decide on a recipient by May 15<sup>th</sup>.

No new information has been received from Inter-Science Research Associates for the phragmite control applications of Chauncey Close and MMR, Real Estate Holdings, LLC.

A motion was made by Mr. Drew approve the application of John Calicchio for phragmite removal by hand cutting and re-planting of native vegetation at 306 Georgica Road with the standard conditions including submission of a "Letter of Intent". This was seconded by Mr. Grimes and unanimously approved.

Mr. Drew reported the Georgica Pond Committee met with a representative of the Natural Resources Department on site concerning the application of One Association Road (MyWifeReallyLikesIt) for phragmite management. He said concerns were expressed in regard to the property zoning. It was agreed an updated site plan would be required which would include the type, size and quantities of plantings. The Committee will review the updated plans upon receipt and report back to the Board.

The Georgica Pond Committee will meet with Mr. Horwith on site concerning the application of the Creeks for phragmite control on Tuesday, April 19<sup>th</sup>.

The Clerk reported the Georgica Association will be doing additional work, but not until after Piping Plover season is over. He added they should be coming before the Board for a modification to their existing Trustee permit.

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Concerning the proposed dredging of Fresh Pond, Ms. Mansir reported she is waiting on data from Natural Resources on the depths of the Pond. Mr. Taylor added they have to decide where to place channel and stake it out.

An updated survey was received from Inter-Science Research Associates for Devon Yacht Club. Ms. McNally will review the survey and report back to the Board.

Mr. Byrnes met with Darrell Glennon of Lazy Point Landscapes concerning repair of the parking lot at Lazy Point. A motion was made by Mr. Byrnes to approve an estimate in the amount of \$840.00 from Darrell Glennon of Lazy Point Landscaping for repair of the parking lot located in the area of the Lazy Point ramp and request an estimate for the removing of sand on the west side of Shore Road. This motion was seconded by Ms. Mansir and unanimously approved.

Notification was received from Costello Marine Contracting regarding commencement of the Levinson bulkhead reconstruction project at 267 Three Mile Harbor Road.

The minutes of the March 10<sup>th</sup> Nature Preserve Committee meeting were received. The next meeting is scheduled for April 14<sup>th</sup>.

Concerning a sunken barge in Three Mile Harbor owned by Don Tisdall, Mr. Whalen will draft letter to Don Tisdall informing him that Donald Vanderveer offered to remove the barge for a fee. He added if no response is received from Mr. Tisdall, he will contact the Coast Guard to determine what the Trustees other options would be.

Mr. Armstrong discussed the Asian Tiger mosquito which breeds in fresh water and found in areas of debris where there is standing water. He said he would like to encourage the public to dump standing water out of anything that is holding it (i.e. old tires, etc.).

A motion was made by Ms. Mansir to approve payment of the following bills: a) Optimum- \$155.65; b) Anthony Tohill- White Sands- \$367.50 and c) Edson International- \$278.50 for pump-out supplies. This motion was seconded by Mr. Bock and unanimously approved.

A motion was made by Ms. Mansir to approve the minutes of February 10, 2016 with one amendment. This motion was seconded by Mr. Drew. Ms. McNally was opposed.

A motion was made by Ms. Mansir to approve the minutes of February 22, 2016 with amendments. This motion was seconded by Mr. Armstrong and unanimously approved.

The Trustees will review the Financial Report as of March 31<sup>st</sup>.

The Clerk stated the Pond is traditionally opened in April but because it opened on its own, it really isn't that high at the present time. Ms. McNally said due to storms, the water

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temperatures, and migrating fish, the Pond was let out a little earlier the last few years. She felt if they open it later, there will be an issue with Piping Plover fencing. It was agreed to contact some of the baymen and also, Mr. DiSunno (the contractor) to ask if he feels the Pond is high enough to flush if opened.

The Clerk reported the Trustees were approached by the Hampton Racquet Club as they want to run a water main from Buckskill Road to Green Hollow Road. He said they were told Green Hollow is a Trustee road, but after speaking with Mr. Whalen and Stephen Lynch, it was determined it is not a Trustee road. Mr. Whalen said this is unopened town highway, not an urban renewal road.

A donation was received from Audrey and John Furfaro. A letter of appreciation will be sent.

The Clerk reported a mooring permit application was received for the southeast side of Napeague Harbor. He noted the only way to access the mooring would be from an unnamed Trustee road on Napeague Harbor Road; and the applicant asked permission to clear the hedgerow in front of the area where he wants to moor his boat. As this is located in the area of the scallop sanctuary, it was agreed the applicant should find an alternate location to south. A motion was made by Mr. Drew to deny the mooring permit application of Douglas Stewart as submitted. This motion was seconded by Ms. Mansir and unanimously approved.

Correspondence that required no action from the Trustees, was acknowledged by the Clerk.

Mr. Whalen reported the Southampton Town Trustees would like to hold a joint session with the East Hampton Town Trustees in the near future and are looking for support on proposed legislation. He will find out what the legislation entails and advise the Trustees.

The meeting was adjourned at approximately 8:30 p.m. by the Clerk.

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