

THE MEETING OF DECEMBER 9, 2014
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON

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

Not Present: Nathaniel Miller

Also Present: John Courtney, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Ira Barocas
Howard Chawtsky
George Eldi
Elaine Jones
Rona Klopman
Susan Knobel
Pat Mansir
Brian Schlitt
Russell Schlitt
Terry Singer

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

Russell and Brian Schlitt were present concerning an application for deck repair on Lot 36S at Lazy Point. Mr. Schlitt confirmed the project will be in-place, in-kind. A motion was made by Mr. Byrnes to approve the application of Russell Schlitt for repair of a deck on Lot 36S at Lazy Point with the standard conditions. This motion was seconded by Mr. McCaffrey. Mrs. Klughers was opposed to this motion.

Susan Knobel was present concerning the relocation of her house on Lots 52N & 53N to Lots 45N & 46N at Lazy Point. She told the Board it has been a year since she made them aware of the severe erosion on Lots 52N & 53N due to the dredging. She pointed out she has tried everything to protect her home; sandbags, coconut logs, and requested the dredging of the west channel to stop. Mrs. Knobel stated she is left with very few options and does not wish to let her home be destroyed. She said when she first mentioned relocation of her house in June of this year, the Board seemed agreeable with the idea; so she submitted a request to the Board. She

12/9/14

pointed out Lots 45N & 46N is one of the highest lots at Lazy Point. She noted she has the approval of the neighbors and support of the other Lazy Point residents. Mrs. Knobel went on to say she is able to move it to this short of distance without excessive damage to the environment. She said this is a simple move and the only problem would be the septic system can't fit on one lot but overlaps to the lot on the west. She pointed out Brian Frank already confirmed the lots are in a building envelope. She submitted a survey of the house placed on Lots 45N & 46N. She went on to say moving to another location (i.e. the south side or to the west) would be very costly and Shore Road is too narrow for her house to be transported. Mrs. Knobel indicated she obtained an estimate in the amount of \$11,000.00 from Verizon to move the wires to the south side; and the estimates from Cablevision and PSEG have not yet been received. She pointed out the elevation on the south side is very low. She went on to say she hired a certified arborist to look at the approach (if it was possible) if the house were to be transported around the loop in order to access the west side. He advised her there are stands of pines along the road and if they are cut, they will be in jeopardy of being diseased. Mrs. Knobel stated she is trying to save her home in a way that is beneficial to the harbor and to the landscape of the Town. She submitted photographs for the Trustees to review. The Clerk said she spoke with Mr. Frank and he is more than willing to come speak with the Board and could put in writing that the proposed lots are more environmentally friendly than the lots it is sitting on now. In a discussion, the Board agreed to wait for a report from Mr. Frank in order to make a determination if there are any other suitable lots where Mrs. Knobel can relocate her house.

Concerning the access easement from Temple Adas Israel to a land locked cemetery, there was a discussion at a previous meeting as to whether an access easement would be required as Temple Adas already has frontage on 114 and their lots were merged in April of 2014. Howard Chawtsky, who was present on behalf of the Temple Adas Israel, said from the beginning they told the Board the existing cemetery had no access to the new parcel. He noted there is a walk-in access but because of tombstones that have been there for the last one hundred years, they never expected to require or need additional property. Mr. Chawtsky said there is no way that a vehicle can get in to the new parcel from the existing cemetery or could a handicapped person walk that distance. He pointed out if there was an access, they wouldn't have come before the Trustees asking for one. He went on to say they have been before the Planning Board, Zoning Board and ARB, as well as the Trustees. Mrs. Klopman pointed out all those Boards approved it except the Trustees. The Clerk stated all of those Boards believed there were two separate parcels. She said she felt the Board was misled. Mr. Taylor said he remembered this issue being brought up when Temple Adas Israel first came before the Board; that there were two parcels. Mr. Courtney noted they were merged. Mrs. Klopman pointed out the parcels were required to be merged by Suffolk County before bringing the matter before the other Town agencies. She noted the new parcel needs access to get a hearse to the cemetery. Mr. Chawtsky asked if other people have access to the Trustee road, why isn't the Temple permitted to do the same thing. The Clerk replied access is granted to parcels where no other public access exists. A motion as made by the Clerk to approve an access easement from Temple Adas Israel for Six Pole Highway as indicated in Schedule A. This motion was seconded by Mrs. Klughers and unanimously approved.

12/9/14

A motion was made by Dr. Forsberg to approve the application of STP, Hedges, LLC for placement of 500 cubic yards of clean compatible beach sand to restore an eroded dune 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) only clean beach compatible sand shall be used; h) submission of color photographs at the start and upon completion of project; and i) no treated material. In addition, approval of the Highway Superintendent to utilize the end of Old House Landing Road is required and if shoreline fence is installed, it shall be at the toe of the bluff; not seaward of it and must meet the requirements of Town Code Section 255-4-70. This motion was seconded by Mr. Bock and unanimously approved.

A motion was made by Mrs. Forsberg to approve payment of the following bills: a) Optimum- \$144.80; b) Staples- \$78.28; c) Anthony Tohill- Seaview- \$5,573.75; d) Hamptons Online- \$35.00; e) North Fork Water Supply- \$12.94; f) Riverhead Building Supply- \$55.99. This motion was seconded by Mr. Byrnes and unanimously approved. Dr. Forsberg pointed out the payment due to Herzog and Little, CPAs has been vouchered to the Town.

A motion was made by Mr. Lester to approve the November Financial Report. This motion was seconded by Mr. McCaffrey and unanimously approved.

The Clerk asked the Trustees to review the 2015 Resolutions. A motion was made by the Clerk to cancel the Trustees meeting of December 23, 2014. This motion was seconded by Mr. Bock and unanimously approved. A motion was made by the Clerk to hold the Annual Organizational Meeting on Tuesday, January 13, 2015 at 6:00 p.m. This motion was seconded by Dr. Forsberg and unanimously approved. The Clerk asked the Trustees to review the annual resolutions which were sent to them in the mail.

The Trustees agreed to renew the Winter Flounder Certificate of Deposit at Suffolk County National Bank.

The Clerk noted a memo was sent to the Town Attorney concerning the proposed amendments to the parking regulations for hunters.

Concerning the application of Three Mile Harbor Marina, LLC for dock and piling replacement, the Clerk asked the Committee to review the application and inspect the site.

The Clerk reported an application was received from Front Row Properties, LLC for bulkhead replacement. A letter will be sent to the agent requesting clarification of the verification form submitted. She asked the Three Mile Harbor Committee to review the application and inspect the site.

12/9/14

The Clerk reported she received an email from Theresa Quigley informing the Trustees that she and her husband are selling their property at Barcelona Neck on Barcelona Road- which is a Trustee road.

An application was received from Robert Coe for dock replacement in Three Mile Harbor. The Clerk asked the Committee to review the application and inspect the site.

The Clerk reported notification was received from the Planning Department concerning the Natural Resources Special Permit issued to Sally Hershberger for erosion control to place approximately 500 cubic yards of fill, install erosion control matting, install coir logs and reconstruct a staircase. The Clerk noted the Trustees have not received an application from Ms. Hershberger. It was agreed a memo will be sent to the Planning Department and Ms. Hershberger advising a Trustee permit is required.

The Clerk reported Bruce Horwith has advised her there will be additional phragmite control projects in Georgica Pond. He asked if the Trustees would consider signing a Letter of Endorsement or Resolution, instead of issuing separate permits to each individual homeowner. In a discussion, it was agreed the Clerk will inform Mr. Horwith the Trustees are not opposed to this request, but would like to discuss the specifics with him further.

The Clerk reported the Hook Pond Remediation Committee interviewed Lombardo & Company today regarding a study of Hook Pond. As she could not attend, she sent an email to the Committee with questions; which Dr. Gobler advised her were read at the meeting. She added Pope, Nelson & Voorhis will be interviewed on Thursday, December 11th.

Concerning the trial alcohol prohibition at Indian Wells Beach this past summer, the Clerk said the Supervisor is willing to come and speak with the Board. She noted she would either arrange for the Supervisor to attend a Trustee meeting or perhaps a committee of Trustees could go to his office to discuss this issue. The Board agreed the sign at Indian Wells Beach should be removed.

The Clerk reported she has reviewed the application for the dredging of Georgica Pond received from Kim Shaw and the possible hiring of a consulting firm to do a study of Georgica Pond. She noted Mrs. Shaw's understanding is the cost will not exceed \$18,000.00; but she felt it wasn't clearly indicated this would be the final cost. The Clerk said she thought perhaps the Trustees could contribute toward this study as opposed to accepting monies from the homeowners. She went on to say if the Trustees are going to support this, some of the verbiage in the application needs to be changed; she stated it is not a dredging of the channel in Georgica Pond, it is a dredging or excavation of a shoal, which needs to be accomplished by the letting of the Pond. Dr. Forsberg agreed and felt the Clerk should bring this to the attention of Mrs. Shaw. She added she felt the Trustees should support this financially.

Concerning the Tick Tock bulkhead, the Clerk reported she has reviewed the Trustee files extensively and sent a memo to the Building Inspector requesting them not to require the agent

12/9/14

or the homeowner is held responsible to renew the building permit as the Trustees are going to ask an updated survey. She pointed out the last survey did not include the depths on the return or the height of the bulkhead. She noted although the contractor indicated there hasn't been a height increase, she wants to see it on the survey in order to confirm it.

The Clerk reported the scallop shell recycling pile which was located at the Head of Three Mile Harbor was moved to Napeague. Mrs. Klughers noted that thanks should be given to the Highway Superintendent for moving the shells.

Dr. Forsberg reported she met with Dr. Gobler concerning the water quality testing program. She noted the loggers indicated toxin decreases as a result of the letting of Georgica Pond. She pointed out this data should assist in moving forward with the excavation process. Dr. Forsberg added Dr. Gobler will hold a public presentation in the spring. In a discussion, the Board agreed to acquire a small motorboat to be used by Dr. Gobler and his staff in Georgica Pond and other areas which are being tested.

The Clerk reported no information has been received from the Mako Lane Association for the beach access walkway.

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 reported it has been determined the Sonenberg shoreline fence is located within the scenic easement on Shore Road. It was agreed a letter will be sent to Mr. Sonenberg advising him to contact the Zoning Board of Appeals in regard to this matter.

Dr. Forsberg advised the Board she notified East Hampton High School that the Trustees will participate in the 2015 Scholarship Program.

Concerning the application of Dale Burch for dock replacement in Hook Pond, it was agreed the aerial photograph must be reviewed in order to determine if the dock is pre-existing to 1984.

The Clerk reported she sent a letter to the agent concerning the application of Bannard for phragmite removal requesting clarification of the two sites and photographs.

An application was received from Clearwater Beach Property Owners Association for dredging of Hog Creek inlet. The agent was notified an additional payment must be made for the application fee. Copies of the application will be forward to the Committee for review when the application fee is received in full.

The Clerk noted proof of residency was received from Robert Walton concerning transfer of the lease of Sondra Anderson on Lot 8S in Lazy Point and a copy of the notice which was placed in the East Hampton Star. She said there is some confusion as to whether the house is

12/9/14

being transferred or if Mr. Walton is being added to the lease. She also noted adjustments would have to be made concerning the lease fee as Mrs. Anderson was approved for a special rate due to financial constraints. A letter will be sent to Mr. Walton to clarify this matter.

Concerning the applications of Weingast for sand replenishment and emergency sand bag placement, the Clerk noted she drafted the permits but would inform the applicant an updated survey indicating the most recent shoreline and vegetation line is required.

The Clerk reported the Nature Preserve 2014 State of the Committee Projects was received as well as a notice of the next meeting which is scheduled for December 11th at Zachary Cohen's home at 939 Springs Fireplace Road. She added the minutes of the November Nature Preserve meeting were also received.

The Clerk reported the dredging of Northwest Creek was discussed at the last Northwest Creek Coordinating Committee. She noted there is a dredge screening committee meeting in January or February. She added a dredge priority list must be submitted as soon as possible.

In response to a letter from Cynthia Diacre in regard to the condition of Middle Highway between Berryman Street and Jonathan Drive, it was agreed a letter will be sent advising Ms. Diacre if an access easement is in place, the road can be improved up to private lane specifications.

The Clerk reported the Trustee tool box has been installed. Mr. Lester suggested purchasing a tire compressor.

The Three Mile Harbor Committee to continue review of the Beckenstein dock repair application.

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

12/9/14