

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

Present: Diane McNally, Trustee Clerk
Timothy Bock
Brian Byrnes
Deborah Klughers
Sean McCaffrey
Nathaniel Miller
Bill Taylor

Not Present: Stephanie Forsberg, Assistant Clerk
Stephen Lester

Also Present: John Courtney, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Christopher Walsh, Star Reporter
Ira Barocas
Susan Knobel
Ben Krupinski
Approximately 30 Lazy Point Leaseholders

The meeting was opened at approximately 6:00 p.m. by the Clerk. She advised the Board Stuart Vorpahl, (a former Trustee), who has been ill, has been taken back to the hospital. She said Mr. Vorpahl was very instrumental in insuring the Trustees remained a viable and strong governmental entity in East Hampton Town. The Clerk added the Trustees wish Mr. Vorpahl well and asked the Board members to sign card for him.

The Clerk reported Mr. Krupinski was present concerning the application of Front Row Properties for bulkhead repair in Three Mile Harbor. As the legal documentation authorizing the agent to act for the applicant has been received, a motion was made by the Clerk to approve the application of Front Row Properties for bulkhead repair 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 and upon completion of the Project; 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 project; and j) no treated

2/10/15

material. In addition, prior to the start of the project written notification to the Trustees office of the name, contact information and East Hampton Town Contractors License number of the contractor or firm chosen to complete the project; and no increase in the elevation of the existing bulkhead is approved. This was seconded by Mr. McCaffrey and unanimously approved.

Mr. Coe was present concerning his application for dock repair at 18 Three Mile Harbor Drive. A motion was made by the Clerk to approve replacement of an existing 6' x 60' (3- 20' sections) floating dock and a 6' x 12' floating swim platform with non-treated Douglas Fir and polyethylene floatation drums with the all standard conditions and the following additional conditions: a) the annual dock agreement will be amended to include the swim platform inadvertently left off in the past. The structures description shall read: 145' dock (13' ramp from beach; 56' fixed dock; 16' aluminum ramp; 60' of floating dock in 3 (three) 20' sections and a 6' x 12' swim platform; b) written notification of the chosen contractor or firm's name, contact information and East Hampton Town Contractors License number prior to start of project. This motion was seconded by Mr. Miller and unanimously approved.

Mr. Bottini was present on behalf of the Surfrider Foundation regarding a proposal by the Army Corps to place 3000' of geo-textile bags on the beach in Montauk. He stated the Town Trustees have always taken a hard look at coastal erosion projects with an eye towards protecting the beach. He pointed out the proposed project will set a very bad precedence and asked the Board if they would consider sending a letter to the Town Board indicating it would not be looked upon favorably by the Trustees and it may negatively impact the beaches. The Board agreed a letter will be sent to the Town Board to this effect.

Approximately 30 Lazy Point tenants were present concerning the proposed increase in the lease fees. The Clerk noted several letters were received from the tenants as well as telephone calls to express their concerns or give suggestions to the Board. She indicated there are many variables to consider with this proposal; one being it could be a real financial hardship for some tenants if a substantial increase occurs at one time. As far as a suggestion that transfer fees be increased instead, the Clerk pointed out between 2006 to 2014 only five houses were sold; so the funds received from transfer fees is not significant. She stated it was not (nor will it be) the intent of the Board to drive the tenants out of their homes. Following a lengthy discussion, it was agreed the Trustees will meet with some Lazy Point tenants to discuss this matter further. In the meantime, the Board will review the Rules and Regulations as well as the Environmental Statement to determine if amendments should be made.

Susan Knobel was present concerning relocation of her house from Lots 53N & 54N to Lots 45N & 46N at Lazy Point. The Clerk stated, in review of the information submitted to date, she feels it is not specific enough for the Trustees to make a decision. She has looked at the plans for relocation of the house and the septic system and doesn't know if Mrs. Knobel will be able to get permits for the proposal as depicted. The Clerk pointed out the lots (45N & 46N) are very environmentally constrained and the entire project will be located seaward of the coastal erosion hazard line. She noted variances will be required and the ZBA might not issue them; and

2/10/15

would not consider the proposal without complete building plans from a contractor. The Clerk told Mrs. Knobel she would like to have more detailed information before making a decision. Mrs. Knobel asked what the information would be. The Clerk replied a building permit and a permit from the Suffolk County Department of Health for the septic system to start. Mrs. Mansir asked if Mrs. Knobel can apply to these agencies if she is not the owner of the property. Mr. Courtney said Mrs. Knobel would need the Trustees approval to apply to the other agencies. After a lengthy discussion, a motion was made by Mr. Byrnes to allow Susan Knobel to submit applications to the Suffolk County Department of Health and other necessary agencies for the appropriate permits needed to relocate her house from Lots 53N & 54N to Lots 45N & 46N at Lazy Point. This motion was seconded by Mr. Taylor and unanimously approved.

A motion was made by Mr. Byrnes to approve the minutes of September 23, 2014 and November 25, 2014. This motion was seconded by Mr. McCaffrey and unanimously approved.

A motion was made by Mr. McCaffrey to pay the following bills: a) Mike DiSunno & Son, Inc.- \$400.00 and \$700.00 (for the 10/20/14 & 1/13/15 openings of Georgica Pond); b) Staples- \$6.60, \$31.46 & \$128.93 (with a credit of \$4.72); c) Optimum- \$144.80; d) David Eagan & Associates- \$2,618.85 (Zweig); e) Anthony Tohill- \$2,035.25 (Seaview); f) North Fork Water Supply- \$44.00 and g) Hamptons Online- \$35.00. This motion was seconded by Mr. Taylor and unanimously approved.

The Clerk reported an Operation and Maintenance Reimbursement Grant in the amount of \$10,000 was received from the Clean Vessel Assistance Program for the Trustees two pump-out boats.

A motion was made by the Clerk to approve the application of Robin Weingast for placement of approximately 80 cubic yards of clean beach compatible sand with the standard conditions and the following additional conditions: 1) the project area will be staked for inspection by committee prior to start of project; 2) the shoreline fence will meet all requirements of Town Code Section 255-4-70; 3) no portion of the project will impede access along the beach at any time; 4) the name, contact information and East Hampton Town Contractor's license number will be provided prior to start of the project; and 5) any and all portions of the wooden walkway shown on the survey which encroaches into the project area will be removed permanently. This motion was seconded by Mr. McCaffrey and unanimously approved.

The Clerk asked the Georgica Pond Committee to continue review the application of Auguste Bannard for phragmite removal and biologic installation.

A motion was made by the Clerk to approve the application of Clearwater Beach Property Owners Association to dredge approximately 1,200 cubic yards of material from the inlet of the Hog Creek to a depth of 6' to restore navigability with the standard conditions #1-7 & #9 in addition to receipt of the dredge material fee of \$9,000.00 (\$7.50 per cubic yard x 1200). This motion was seconded by Mrs. Klughers and unanimously approved.

2/1015

A motion was made by the Clerk to approve the application of Three Mile Harbor Marina for dock and piling repair with the standard and additional conditions to be determined by the Committee. This motion was seconded by Mrs. Klughers and unanimously approved.

The Clerk asked the Three Mile Harbor Committee to review the application of Halsey's Marina for dock and piling repair. She added she would like clarification on linear footage of the docks and number of pilings.

A Notice of Hearing was received from the Village ZBA regarding the application of John Calicchio for phragmite removal at 306 Georgica Road. Upon review, the Board agreed a Trustee permit would be required. The Clerk will send a letter to Mr. Calicchio and the Village ZBA advising an application to the Trustees is necessary.

Mr. Byrnes advised the Board the Supervisor indicated to him that the Town Board would like to keep the alcohol ban at Indian Wells Beach in effect for one more season. The Clerk said she would contact the Supervisor concerning this matter.

The Clerk reported a copy of a Notice of Complete Application for a Natural Resources Special Permit was received concerning the proposal of Dankowitz to allow a driveway addition and retaining wall on a parcel which contains wetlands. She asked the Hog Creek Committee to review the information received and inspect the property which is located on Isle of Wight Road.

Concerning the application of Jonathan Lerner for dock reconstruction and erosion control at 10 Oyster Shore Road, the Clerk asked the Three Mile Harbor Committee to review the application and inspect the site of the proposed project.

The Clerk reported an application was received from Irving Paler for installation of a shoreline fence. Upon review, she noted the name of the construction company as well as the linear footage of the fence would need to be added. Mr. McCaffrey added he spoke with Mr. Paler's caretaker and informed him the area would also need to be staked.

A motion made by the Clerk to approve modification of the Trustee permit issued to OGP, LLC at 40 LaForest Lane for phragmite removal to include the addition of Smooth Cordgrass (*Spatina alterniflora*) and Common Three Square (*Scirpus pungens*) to the revegetation plan. This motion was seconded by Mr. McCaffrey and unanimously approved.

An application was received from Nicholas Grecco for sand replenishment for his property located on Bayview Avenue. The Clerk asked the Napeague Harbor Committee to review the application and inspect the area of the proposed project.

The Clerk reported an application was received from the Amagansett Beach Association for sand replenishment. She noted the Association has received several permits

2/10/15

in the past without actually having to do the project, but they like to keep a permit in place in the event it will need to be done.

The Clerk reported a Shellfish Managers Meeting was held on January 30, 2015 in East Setauket which she was unable to attend.

Concerning the Mako Lane Association walkway and the Lange shoreline fence, the Clerk said no new information has been received.

The Clerk reported she contacted the Town Attorney regarding the application of David Sonenberg for a shoreline fence. Mr. Courtney said the Town Attorney then contacted him and indicated upon review of the scenic easement, she agreed it doesn't allow for installation of a fence. It was agreed the application cannot be approved and Mr. Sonenberg will be notified.

Upon review of the Draft Piping Plover Plan for 2015, the Clerk noted it definitely requires comment from the Trustees. She added she will draft a letter to Ms. Duryea of the Natural Resources Department and forward it to the Board for review.

Concerning the application of Dale Burch for dock repair in Hook Pond, the Clerk noted she would like the Committee to review aerial photographs to determine if the dock pre-exists the 1984 inventory of structures.

It was agreed among the Board, that a memo drafted by the Clerk to Kim Shaw, the Natural Resources Director concerning an application to be submitted to the DEC for a permit to excavate sand from Georgica Pond, should be sent.

Mr. Taylor told the Clerk a letter should be sent to the DEC advising them he is willing to collect water samples for the conditional rainfall harvesting program evaluations in Accabonac Harbor and Northwest Creek.

A Notice of Completion regarding the repair of the Barnett bulkhead and stairway has been received. The Clerk asked the Hog Creek Committee to inspect the completed project.

A bill of sale was received from Michael Walton for the transfer of the Anderson lease of Lot 8S at Lazy Point. The Clerk asked Mr. Courtney to review the bill of sale as the Board felt the tenant, Ms. Anderson wanted to add Mr. Walton to the lease, not sell the house.

The Clerk reminded the Board that Hamptons Online will no longer hosting the Trustees website. Mrs. Klughers said she has been attempting to contact a company that Bruce Fletcher from Hamptons Online recommended, but has not received a response to date. She added she will continue to work on this and report back to the Trustees.

2/10/15

In response to a complaint regarding the condition of Middle Highway, the Clerk said even though she advised the individual an access easement would allow improvements to be made; he/she wanted to speak with the entire Board. So may attend a future meeting.

In a discussion concerning installation of a gas main on Town Line Road, Mr. Courtney reported he spoke with a representative of National Grid out obtaining a franchise (license) to utilize the road; but it can only be done with municipalities. He said he felt if National Grid was ever going the easement should stipulate the road reverts back to the Trustees and the license terminates. Mr. Courtney added he will contact Town Attorney Vail regarding this matter.

The Clerk noted an email was received from an auditor David Tellier , who works for the Town indicating the Trustees need to need to be included in the Town's full audit. It was agreed Mr. Courtney will contact the Town Attorney to discuss this matter.

The Clerk said she is looking into possible purchase of a GroPro Action video camera to use to inventory Trustee shorelines. Mrs. Klughers pointed out Dell Collum uses drones to take aerial pictures. She will contact Mr. Collum to see if he would be interested in working with the Trustees concerning this matter.

The Clerk reported the Town did a space needs and building safety survey. She added a meeting is scheduled for tomorrow with Department Heads to discuss this matter.

A Nature Preserve Committee meeting is scheduled for Thursday, February 12th at 5:30 p.m.

The Clerk reported a draft final water quality report was received from Dr. Gobler. She noted Dr. Forsberg will review the report. She added Dr. Gobler is scheduled to give a public presentation on the report in March.

The meeting was adjourned at approximately 10:00 p.m. by the Clerk.

2/10/15