

**MEETING OF JANUARY 11, 2016**  
**OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY**  
**OF THE TOWN OF EAST HAMPTON, NY**

Present: Pat Mansir, Deputy Clerk  
Bill Taylor, Deputy Clerk  
Tyler Armstrong  
Brian Byrnes  
Rick Drew  
James Grimes  
Diane McNally

Not Present: Francis Bock, Trustee Clerk  
Timothy Bock

Also Present: Richard Whalen, Trustee Attorney  
Lori Miller-Carr, Trustee Secretary  
Christopher Walsh, Star Reporter  
Michael Wright, EH Press  
George Eldi, Jr.  
Elaine Jones  
Kevin McAlister  
Alissa Meyer  
John Parker  
David Seeler

The meeting was opened at approximately 6:30 p.m. by Pat Mansir, Deputy Clerk with the Pledge of Allegiance. Ms. Mansir welcomed the public and explained that Francis Bock, the Clerk and Timothy Bock were not present as their father, Fred Bock, passed away.

Rick Drew gave a presentation entitled “A Vision for the Future 2016”, which outlined the Organizational Structure of the Trustees, Leadership & Planning and the 2016 Goals and Objectives. He pointed out in years past, the Trustee Board had a Clerk and one Assistant Clerk; but this year Francis Bock will serve as Clerk, Pat Mansir as 1<sup>st</sup> Deputy Clerk and Bill Taylor as 2<sup>nd</sup> Deputy Clerk. He noted they will each be assigned as project managers to the 2016 Trustee Committees.

In a brief discussion concerning the history of the Trustee seal, Ms. McNally pointed out the seal was first created by former Trustee Clerk, Arthur Roth and the Trustee Board in 1984.

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She said subsequent to that, the Trustees initiated the first Largest Clam Contest and the seal was updated. The design was made by Susan Knobel, whose ex-husband, Tom Knobel, was a Trustee at that time. Ms. McNally added the seal was installed in the former Town Hall courtroom and there is also one in the new Town courtroom.

David Seeler, President of Lazy Point Homeowners Association, expressed congratulations to all Trustees and looks forward to working with them in 2016. He felt Mr. Drew's presentation was a good summation of the goals of the Trustees for 2016 and that the Board can expect the cooperation of the Lazy Point Homeowners Association. Mr. Byrnes added he was assigned to the Lazy Point Committee last year and is confident there will be a good partnership between the Trustees and the Lazy Point Homeowners Association this year.

Alissa Meyer was present concerning Bayview Avenue and Noelle's Lane which are located off of the Trustee road, Midland Highway. She stated the Trustees do not maintain their roads and there are over 30 houses (20 which are occupied year round). She explained the homeowners who live on Bayview Avenue/Noelle Lane have to access Midland Highway in order to get to their homes; and when it snows, it becomes an emergency situation as the road is not plowed by the Town. She stated last year it became a very dangerous situation and she would like to see the Trustees work with the Town to come up with a plan to keep the residents safe. Ms. Meyer stated she felt the Trustees should use the resources available to maintain their roads; one being the assistance of the Highway Department. Ms. McNally replied unfortunately, during the building boom in the 70's and 80's, there were a lot of subdivisions developed and access roads were not recognized as owned by the Trustees. She explained the homeowners/builders/developers were all required to meet certain road specifications set forth by the Town and they did, but in the end, the fact remained they were improving Trustee roads not Town roads. Ms. McNally pointed out the homeowners/builders/developers should have obtained an access easement from the Trustees; which would have acknowledged the Trustee road would remain in as natural a state as possible and maintenance would be the responsibility of the owner taking access. Ms. McNally stated the problem now is the Town Engineer looks at Trustee roads as private; therefore they can't be maintained by the Town. She added she felt there should be a way to work with the Town regarding this matter without losing Trustee jurisdiction over the roads. Mr. Grimes stated perhaps the Trustees could hire the Highway Department to maintain their roads and pay for that service. He said the way it stands now; there could be an insurance liability for the homeowners. Ms. McNally noted this has been investigated in the past; but perhaps the Trustees could work with the Town Engineer and Town Board to amend the Town Code to allow the Highway Department to maintain their roads. Mr. Grimes suggested either giving the roads to the Department of Transportation; or the Trustees can decide to maintain their roads. Ms. McNally stated history has shown it isn't a good policy to give away public property. Mr. Grimes added as landlords, the Trustees have to be prepared to step up and provide some minimal maintenance. Ms. Mansir added she felt the Board can work on this issue and find a solution.

A motion was made by Ms. McNally to approve payment of the following bills: a) East Hampton Marina- \$210.71 (pump-out supplies); b) Hamptons Web Design- \$40.00 (website)

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fee); c) Staples- \$63.12, \$34.95; \$18.98 & \$9.00 = \$126.05 (office supplies); d) Optimum- \$155.65 (internet fee); e) Anthony Tohill- Seaview- \$796.25 & White Sands- \$61.25. This motion was seconded by Mr. Grimes and unanimously approved.

In a consensus among the Trustees, it was agreed to table approval of minutes of January 5, 2016 and December 8, 2015 for further review.

A motion was made by Ms. McNally to approve renewal of the Trustees (#4) Certificate of Deposit at Suffolk County National Bank. This motion was seconded by Mr. Grimes and unanimously approved.

The following Annual Resolutions were offered as follows: #14- **Special Meeting**: offered by Mr. Byrnes, seconded by Mr. Armstrong and unanimously approved; #15- **Appoint Committees**- offered by Mr. Byrnes, seconded by Mr. Drew and unanimously approved; #16- **Aquaculture Committee**- offered by Mr. Byrnes, seconded by Mr. Armstrong and unanimously approved; #17- **Open and Close of Georgica Pond**- offered by Mr. Byrnes, seconded by Mr. Drew and unanimously approved; #18- **Execute on-going leases at Lazy Point**- offered by Mr. Byrnes, seconded by Mr. Grimes and unanimously approved; #19- **Travel/Mileage**- offered by Mr. Byrnes, seconded by Mr. Armstrong and unanimously approved; #20- **Fee Schedule**- Docks, Revetments, Moorings, Fish Traps, Pilings- offered by Mr. Taylor, seconded by Mr. Drew and unanimously approved with one amendment- Lazy Point Leases- Transfer Fee to be changed from 2% to 4% on April 29, 2016; #21- **Rysam Fund**- offered by Mr. Taylor, seconded by Ms. McNally and unanimously approved; #22- **Harbor Management Committee**- offered by Mr. Grimes, seconded by Mr. Taylor and unanimously approved; #23- **Spawning Sanctuary No-Take Zones**-offered by Mr. Grimes and seconded by Mr. Taylor. In a brief discussion, Ms. McNally told the Board, John “Barley” Dunne, Director of Aquaculture, indicated he no longer feels a designated “No Take Zone” is necessary. A motion was made by Mr. Drew to table approval of Annual Resolution #23 for further discussion with Mr. Dunne, seconded by Mr. Taylor and unanimously approved; #24- **Pump-Out Boat Operators**- offered by Mr. Grimes, seconded by Mr. Byrnes. In a discussion, it was agreed the senior operator and second operator’s hourly wage should be equal amounts. A motion was made by Ms. Mansir to amend Annual Resolution #24 to increase the second operator’s hourly wage from \$14.50 to \$16.50. This motion was seconded by Mr. Drew and unanimously approved.

Ms. Mansir pointed out a Committee Assignments list has been distributed among the Trustees, but it is a rough draft and will be amended.

The application of John Callichio for phragmite removal and revegetation adjacent to 306 Georgica Road is to be reviewed by the Georgica Pond Committee.

The following notices of Town ZBA Hearings were received concerning the following applications: a) 1/5/16- 349 Promised Land Road, LLC- to be reviewed by the Napeague/Lazy Point Committee and b) 1/13/16- Application of Lowey Driftwood Renovation Site Plan- to be reviewed by the Beaches Committee.

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John Parker was present on behalf of Mayor Schroeder of the Village of Sag Harbor concerning a Bill before the State Legislature to grant Sag Harbor extended jurisdiction under the NYS Navigation Law. Mr. Parker said he is aware this issue was on the Trustees agenda of December 8, 2015 and a letter was sent to Assemblyman Thiele with questions and concerns, which he would like to address. He explained that over the years there has been a growing number of moorings and boats outside the breakwater. He pointed out there are presently no regulations outside of the village's 1500' jurisdictional limit. Mr. Parker noted last fall eight (8) boats sunk during a storm and it is very frustrating for the Village Harbormasters as they don't have the authority to go beyond the 1500' boundary. He went on to say there are also environmental issues with discharge of fuel and/or sewage, etc....which lack proper enforcement. Mr. Byrnes asked who has authority and are the boats moored or anchored illegally, outside local jurisdiction. Mr. Parker replied New York State and the Coast Guard has authority. He said the problem is no one is regularly patrolling or checking boats in that area. He pointed out the purpose of the Bill was a request for law enforcement; and it was passed in the Senate (in June 2015) but not the Assembly. Mr. Parker said Mayor Schroeder, who was elected in June 2015 requested further review of this issue by the Harbor Advisory Committee. He said they would like to cooperatively deal with the problem rather than dispute over who has jurisdiction. He stated there is no intent to infringe on any rights of East Hampton Town or the Trustees. Mr. Whalen asked Mr. Parker to indicate where the 1500' boundary line and the proposed extension line is on the chart. Ms. McNally pointed out in the mid 80's, the Trustees collected fees for moorings inside the boat basin in Sag Harbor. She noted it has always been a gray area- and it seems the jurisdictional boundaries are getting more clouded instead of clarified. She added she would like to see the boundary lines delineated and finalized. Ms. McNally said if there was a way to allow the increase of enforcement for a larger section of the waterway without using the term "jurisdiction" moving forward. Mr. Parker stated they are considering whether the current wording of the Bill should be amended. He noted one modification would be to add the following: "Nothing in this legislation should be considered to abrogate, dilute, limit or abridge any rights the East Hampton Town Trustees may possess, whether now or in the future, to regulate and manage properties within their control". Mr. Grimes said he understood Sag Harbor would like to take title to State waters. Mr. Whalen said this is where it gets murky, as the Northwest Harbor/Sag Harbor bay area is convoluted. He said the Trustees have asserted ownership in portions of Sag Harbor in the past; going back as far as the original grant of Long Wharf in 1770's. Mr. Whalen pointed out that ownership can be separated from jurisdiction; and that is what Mr. Parker is indicating they are attempting to do. He stated the proposed modification to the language of the Bill does not indicate the Trustees own the bottomland, but if they do, it will not in any way diminish that. He added although he would perhaps change the last part of the amendment, he felt the intent is protection of the Trustees rights. Mr. Parker said this matter has been discussed for several years and nothing has come to fruition. He said they want to make sure whatever is approved and goes to the State Assembly is enforceable; and would hope to have the Trustees cooperation and agreement in order to do whatever is necessary to protect the waters and people. Kevin McAlister, former Peconic Baykeeper, told the Board he is very familiar with no discharge zones. He noted the NDZ comes under the Clean Vessel Act and is Federal law down to State DEC law to become marine navigation law. He pointed out as far as enforcement, any peace officer can board boats.

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He said Sag Harbor may limit the authority of their own Harbormaster, but the law itself doesn't make that distinction. Mr. McAlister said he could provide the Board with a copy of the marine navigation law, if need be. Mr. Parker said it's one thing for an officer to see a violation but an entirely different process to board a boat for inspection. He pointed out Sag Harbor Village officers won't board a boat (in a different jurisdiction) unless they have additional law officers. He added the Sag Harbor Village officers don't have a regular schedule to do those kinds of inspections. Ms. McNally pointed out even though the Towns have federally declared no discharge zones- without documentation that someone is enforcing this Federal law, the bottomlands will be closed by the DEC based on the number of boats. She stated this is an area that needs to be addressed. Ms. Mansir suggested a committee review this matter further; consisting of Mr. Armstrong, Mr. Taylor, Ms. McNally and Mr. Whalen.

In Old Business, Ms. Mansir pointed out the following Village ZBA Hearings will be held on January 22, 2016: a) Application of Whittle- (a Trustee permit was previously issued and work was completed); b) Application of RST/JRT-EH, LLC (for a walkway over a dune at 41 Two Mile Hollow Road) . Ms. McNally pointed out an inquiry was made to obtain a copy of the deed for RST/JRT- EH, LLC; c) Application of Pond House, Inc.- Ms. McNally noted this is for installation of a pool between the house and Georgica Pond.

Ms. Mansir noted the following applications were received for phragmite control adjacent to Georgica Pond: a) Chauncey Close; b) MMR Real Estate Holdings, LLC; c) One Association Road (a.k.a. My Wife Really Likes It) and d) Breslauer- (a Trustee permit was previously issued) Mr. Armstrong explained phragmites are not a native species, but the European species is a lot more vigorous. He said they grow very tall and block out the light for other native species, and their roots grow very rapidly. Phragmites thrive in freshwater more than salt but also live in brackish water (like Georgica Pond). Mr. Armstrong pointed out the Trustees charge an application fee of \$100.00 for phragmites removal and \$75.00 for a renewal. He went on to say most of the time phragmites are hand dug and require proper disposal. Mr. Grimes pointed out phragmites have always been present and then something happened in 1936 going forward; and in certain places they expanded. He said there is a lot of speculation- one being that perhaps a European or Asian species was introduced. He noted phragmites choke out existing stands of vegetation, which impacts wildlife habitats; and as it grows, it changes the topography of the land. Mr. Grimes said one way of controlling phragmite growth is to increase salinity or excavate its root systems; and noted the DEC sanctions the use of chemicals. He went on to say if an aggressive approach is taken toward phragmites' ability to photosynthesize, they can be weakened or worn down. He added mechanical excavation is time consuming, however mowing and hand digging is less invasive. Mr. Taylor stated out phragmite removal must be vigilant. Mr. Grimes pointed out an example of effective phragmite removal is at the Maidstone Golf Club; although it has been a subtle change, they have been vigilant. Mr. Armstrong commended the Village for their support of phragmite removal. Ms. McNally added the former Trustee Board was aware of a possible change to the topography and that is the reason for the requirement of the 'Letter of Intent '(which was made part of the application) so as not to lose Trustee property.

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An updated survey is pending for the Lebowitz dock adjacent to 103 Isle of Wight to determine if it can be acknowledged as legal.

Concerning the proposed excavation of Fresh Pond, the Ponds Committee will contact Ms. Shaw, Director of Natural Resources to determine the status of the project.

A Trustee permit was issued to Mary Croghan for installation of a sand fence on Lots 7N and a portion of 6N at Lazy Point. Ms. Croghan confirmed the fence has been installed.

Ms. McNally reported the Lazy Point lease form has been modified so it reflects the amendments made to the Lazy Point Rules and Regulations. She added a copy of the modified lease form was given to each Trustee for review and approval prior to the issuance of the leases in April.

Concerning dumping on the Lester (Soak Hides) and Marina Lane Nature Preserve, Mr. Byrnes said toward the end of 2015, the Trustees encouraged the town to increase litter fee fines, and to aggressively enforce it. Mr. Grimes, who is a member of the Nature Preserve Committee said they are considering the use of motion activated cameras. Mr. Armstrong said he felt educating the public regarding littering should be an important focus. He stated they don't want to restrict the public's access by chaining or roping the areas off. Mr. Byrnes added the Superintendent of Highways, Stephen Lynch installed signage at Fresh Pond when there was a littering problem there last year.

Ms. McNally reported she spoke before the Town Board regarding the South Flora Management Plan. She stated unfortunately the language in the Management Plan includes the beach, which is not part of the Nature Preserve as their jurisdictional boundaries ends at the beach grass line. She pointed out the Plan also included plover management. Ms. McNally said the Town Board proposed a resolution to adopt the Plan which had been amended but did not have the support of the Nature Preserve Committee. Mr. Grimes stated this matter will be discussed further at the next Nature Preserve Committee meeting.

Notification was been received concerning the completion of the Beckenstein dock repair project. The Three Mile Harbor Committee will inspect the dock to confirm the project was completed according to the Trustee permit.

A memo was received from the Building Department requesting confirmation that the Shagwong wave break replacement project was completed according to the Trustee permit issued. The Three Mile Harbor Committee will inspect the completed project and if all is in order, a memo will be sent to the Building Department to this effect.

Ms. McNally reported a letter was sent to Supervisor Cantwell inquiring if the Trustees leasing of land at Lazy Point was subject to the requirements of the Rental Registry law as

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written. She noted the Town Attorney's office responded that the Trustees leasing of properties wouldn't be subject to the law, but the tenants would be if they sublet the premises.

Ms. Mansir noted a public hearing will be held on January 15<sup>th</sup> regarding a proposal to permanently prohibit alcohol consumption at Indian Wells Beach. She said the former Board of Trustees did not feel this was appropriate. She stated it was her opinion that alcohol, salt water and hot sun don't mix. Ms. McNally objected to Ms. Mansir's statement. Ms. McNally pointed out this matter was brought up by the Town Board three years ago as there was an issue with behavior at Indian Wells Beach; attention was brought to that behavior and a modification was made to ban alcohol on weekends and holidays 1000' from each side of the lifeguard stands. She noted it was re-implemented last season and there was not a substantial amount of alcohol, drugs or bad behavior last year. Ms. McNally went on to say, last year, after many meetings, a sign was put up indicating a total alcohol ban. She added she didn't feel there was enough documentation to justify a permanent ban. Mr. Armstrong said it was opinion that alcohol, hot sun and salt water can mix, but not during lifeguard hours. He agreed with Ms. McNally that the sign may have been misleading, but the lifeguards shouldn't be subject to drunken swimmers. Mr. Grimes said he views this on an EMS level and has dealt with numerous calls in years past; it was ok to have a few beers on the beach, but it is a lot different now. He pointed out now the parties are like mass gatherings, and there is more than alcohol involved. He added a ban makes it easier for law enforcement as it is cut and dry. Mr. Byrnes asked if this would prohibit people from having a glass of wine after lifeguard hours. Mr. Grimes replied he believes it would. Ms. McNally pointed out there are already laws on the books for public intoxication and they need to be enforced. In a show of hands, the Board agreed to a permanent prohibition of alcohol at Indian Wells Beach during lifeguard hours from May to September. Ms. McNally was opposed. Ms. Mansir added the Clerk advised her he felt Indian Wells Beach should be named Indian Wells Family Beach as he is against the use of alcohol on the beach.

A motion was made by Mr. Taylor to adjourn the meeting at 9:30 p.m. This motion was seconded by Mr. Byrnes and unanimously approved.