

MEETING OF JANUARY 20, 2015
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON, NY

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

Not Present: Stephen Lester
Nathaniel Miller

Also Present: Lori Miller-Carr, Trustee Secretary
Christopher Walsh, Star Reporter
Ira Barocas
Bruce Horwith
Greg Mansley
Doug Schumacher
James Walker
25 Lazy Point Leaseholders

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

Approximately twenty-five (25) Lazy Point tenants were present regarding a proposal to increase the lease fees from \$1,500 per year, per year to \$500 per month per lot. Letters and emails were received from many of the tenants prior to the meeting. In a discussion, several people addressed the Board indicating they would be forced to sell their homes if the lease fee is increased as they are on fixed incomes; therefore making way for only the wealthy to be able to afford purchase of the homes at Lazy Point, and change the neighborhood drastically. Many tenants said although they understand the Trustees are entitled to increase the lease fee; the Board should consider raising the transfer fee first. Some implied Lazy Point is the Trustees "cash cow". The Clerk explained the fee increase was suggested by Mrs. Klughers in a discussion during the Board's organizational meeting of the annual resolutions. She noted it was a proposal and not voted on. She went on to say although the leases do bring in approximately half of the Trustees revenues, they are not considered a "cash cow" by the Board. She pointed out the Trustees have used their funds toward many programs including: the water quality program; the eelgrass transplants; dredging; legal expenses, and so forth, which benefit all of East Hampton. Dr. Forsberg agreed with the Clerk and pointed out if one compares the land value of the lots to what the leaseholders are presently paying for the lease; it (the proposed fee raise) is not an unreasonable amount. She also reiterated what the Clerk said concerning the many programs the

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Trustees fund and the cost of living increase; results in the Trustees need to continue generating funds. Mrs. Klughers said she felt the tenants are fortunate to have homes on public property and agreed with Dr. Forsberg regarding the lease increase. She pointed out there has not been a town wide property assessment in years and the tenants are getting a bargain. She added she didn't feel the Trustees are trying to push out local families as one has to be a resident in order to obtain a lease. Mr. Bock said he is in favor of a reasonable fee increase and liked the idea of increasing the transfer fee. Mr. Byrnes noted he would be in favor of a reasonable lease fee increase, but was surprised by the amount proposed at the Organizational Meeting. Mr. Taylor agreed the lease fees should be increased. He stated he spoke with the Assessor's office concerning this matter. He felt the Board should determine what the value of the leased land is and decide on a fair number. In summary, the Clerk said the Trustees will look for a proposal from Rick Drew, one of the tenants who spoke as a representative for all. In the meantime, she added the Board would be more than willing to answer any more questions or concerns the tenants might have.

Bruce Horwith, agent for several Georgica Cove homeowners, was present regarding phragmite control projects. He requested the Trustees support this effort via a Letter of Endorsement he can take to other permitting entities. Following a discussion, Dr. Forsberg stated she had no problem with this request, and made a motion to provide a Letter of Endorsement to Bruce Horwith on behalf of the homeowners in Georgica Cove for phragmite control although receipt of applications from individual homeowners to the Trustees is also expected. This motion was seconded by Mr. McCaffrey and unanimously approved.

James Walker, agent for Clearwater Beach Property Owners Association, was present concerning the proposed dredging of Hog Creek inlet. Although the project is basically the same as in years past, the Clerk said she would like to make sure all the conditions of the prior Trustee permit have been met. She also reminded Mr. Walker there would be a fee for the dredge spoil removed. This matter will be addressed further at the meeting of January 27th.

Susan Knobel was present concerning the proposal to relocate her house presently located on Lots 53N & 54N to Lots 45N & 46N at Lazy Point. Mr. Byrnes stated, after listening to Mr. Frank from the Planning Department and his fellow Board members, as well as Mrs. Knobel's input, he has concluded that lots (45N & 46N) would be suitable for the proposed relocation. He pointed out although Mr. Frank stated other sites might be available in the area, Mrs. Knobel stated they would be very difficult, if not impossible to get to. Mr. Taylor said he would support allowing Mrs. Knobel to relocate her house to Lots 45N & 46N. He pointed out there would be a net benefit to the environment moving the house from a dangerous location to a much better location. The Clerk said she actually has more reservations following Mr. Frank's presentation as she is concerned relocating the house to another waterfront location will cause more problems in the future for whoever is living there. She pointed out Mr. Frank had indicated if the Trustees were looking to put a new house on Lots 45N & 46N, the Planning Department would not recommend it; but because it is a relocation, he would recommend the proposal before the ZBA. The Clerk went on to say she is very afraid of what may happen to lots 53 & 54N if vacant. Mrs. Klughers agreed with the Clerk; and pointed out in reality the relocation of a house and septic system would be a new assault to the environmental conditions on Lots 45N & 46N. Mr. Taylor stated he believes the Board has a situation now that could be made better. Once Lots 53N & 54N are vacant, there won't be any other waterfront properties in danger. He noted

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the lots can be re-vegetated and there is more protection for the house on Lots 45N & 46N than for any of the other waterfront houses. Mr. Taylor added he felt the Trustees have the opportunity to do something good for the environment and keep Lots 53N & 54N vacant. Dr. Forsberg stated she felt if the Trustees approve this relocation, there won't be many lots left in the event someone else (i.e. Weingast) requests to relocate. She added she shares the reservations of the Clerk and Mrs. Klughers. Mr. Bock said he felt the Trustees will have to discuss future relocation requests on a case to case basis. He noted he likes the idea of the old septic system being removed. Mrs. Knobel pointed out the erosion on Lots 53N & 54N) is a manmade problem, it is not global warming. She went on to say the waterway was dredged in such a way that it eroded the property she leases and she wasn't given an option. She stated she doesn't feel anyone in Town would think it would be right for her house to wash out to sea. Mrs. Knobel presented three options: 1) to relocate her house to Lots 45N & 46N; 2) leave house on Lots 53N & 54N and allow the house to be elevated, moved back, update the septic system and keep the revetment fortified; 3) leave the house and let it go out to sea. She asked the Trustees to consider the relocation. Mrs. Klughers asked if Mrs. Knobel could move her house back without elevating it. Mrs. Knobel replied according to FEMA requirements, it would have to be elevated. The Clerk stated she wouldn't like to see the house go into the water. However, if the house is relocated and there is severe erosion, it is incumbent upon Mrs. Knobel to move her house before it gets washed away; or she will be held responsible for any environmental damage. Mrs. Knobel stated if she is not allowed to move the house to Lots 45N & 46N; and she can't move it to either the south side or down the road as it could be detrimental to the black pines and a financial burden; then what is her option? The Clerk replied it is a conundrum and that is why the Trustees have a lot to take into consideration. Mr. Taylor pointed out Mrs. Knobel is asking if the Trustees will give her permission to relocate the house if it meets all the environmental reviews of the Town. Yet, she can't answer all concerns as she doesn't own the property. Marian McMahon (a Lazy Point tenant) asked what the Trustees need to know before they making a decision. She said Mrs. Knobel has been debating this request for a long time. The Clerk replied the Trustees will continue to discuss this matter until a resolution is reached. Mrs. McMahon said she didn't feel it fair to wait until a storm washes the house away. Mr. Byrnes stated he was satisfied with Mr. Frank's presentation and even though it didn't give the Trustees 100%; Mr. Frank was saying the relocation is acceptable and made that very clear. He pointed out Mr. Frank is the expert and that is why the Trustees rely on different agencies. He added he is a little disappointed and not convinced by what he is hearing from the other Board members who have reservations over the relocation. The Clerk added a few Board members are not present as well as the Trustees Attorney; and she would like to discuss the matter further at a future meeting.

A motion was made by Mr. Taylor to table approval of the minutes of November 25, 2014 for further review. This motion was seconded by Mr. McCaffrey and unanimously approved.

A motion was made by Dr. Forsberg to approve payment of the following bills: a) Hamptons Online- \$35.00 and b) North Fork Water Supply- \$38.44. This motion was seconded by Mr. Taylor and unanimously approved.

A motion was made by the Clerk to renew the Certificate of Deposit ending in # ...7248 at Suffolk County National Bank. This motion was seconded by Dr. Forsberg and unanimously approved.

It was agreed the Clerk will invite Supervisor Cantwell to the meeting of January 27th to discuss the alcohol prohibition at Indian Wells Beach.

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The Clerk asked the Trustees to continue review of the Trustee Rules and Regulations for Lazy Point and if they have any amendments to contact her. She added the leases renew on April 29th.

The Clerk introduced a new Annual Resolution (#23) concerning employment of the pump-out boat operator. In a discussion, a motion was made by Mr. Byrnes to approve the Resolution with an increase of \$.50 per hour for both pump-out boat operators for the year 2015. This motion was seconded by Mrs. Klughers and unanimously approved.

The Tick Tock bulkhead project has been completed and is to be inspected by the Accabonac Harbor Committee.

Concerning the application of Robin Wilder for sand replacement, the Clerk noted the appropriate fee was received. She asked the Accabonac Harbor Committee to review the application and report back to the Trustees.

The Clerk reported a Shellfish Managers meeting is scheduled for Friday, January 30th at the DEC office in East Setauket and if anyone is interested in attending, to do so.

The Clerk reported no new information has been received regarding the following: Mako Lane Association walkway; the Lange shoreline fence and the Sonenberg shoreline fence.

The Flynn application, which was inadvertently included on the agenda, was approved at the meeting of January 13th.

Concerning the application of Dale Burch for dock replacement in Hook Pond, the Clerk asked the Ponds Committee to review the pre-1984 aerial photographs to determine if the dock is pre-existing the inventory of structure at that time and to also inspect the site.

An updated survey and color photographs were received from Land Planning Services for the application of Briar Patch Associates (Bannard). The Clerk asked the Ponds Committee to review the information and inspect the site.

The Clerk reported no new information has been received from Sondra Anderson regarding her request for an addition to her lease of Lot 8S at Lazy Point.

A letter was received from Cynthia Diacre asking if the Board would consider grading a section of Middle Highway between Berryman Street and Jonathan Drive as it is in dangerous condition with deep potholes. The Clerk stated Ms. Diacre will be advised the Access Easement clearly indicates the private property is responsible for maintenance of the Trustee Road, not this Board.

The Clerk reported she has been in contact with Mr. Soeke, an attorney for National Grid concerning the proposed installation of a gas main from Debra's Way to Industrial Road. She pointed out the Town owns property in the area and advised Mr. Soeke the Trustees will advise the Town an Access Easement to one of their parcels adjacent to Town Line Road can be obtained which will provide for installation of utilities.

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Concerning the application of Front Row Properties for bulkhead replacement, the Clerk reported upon review, she determined documentation must be received from the owner giving the agent authority to act on his behalf.

The Clerk asked the Three Mile Harbor Committee to continue review of the application of Robert Coe for dock repair at 18 Three Mile Harbor Drive and inspect the site.

The Landey, Schenck and Osborne bulkhead projects have been inspected by the Three Mile Harbor Committee and found to be completed according to the Trustee permits issued.

The Clerk reported Mark and Peter Mendelman have requested a meeting with the Three Mile Harbor Committee concerning the applications of Three Mile Harbor Marina and Halsey's Marina. She asked the Committee to review the applications and contact the Mendelman's to schedule a meeting.

The Clerk reported she previously received a complaint from Village Police Officer Tursa concerning a tree across Barcelona Road. Mr. McCaffrey confirmed the tree has since been removed.

A request was received from a gentleman on the Northwest Creek mooring permit waiting list asking if the Trustees would consider giving his location on said list to an individual who is his friend as he no longer requires a permit. The Board agreed this would not be fair to others on the waiting list.

The Clerk acknowledged receipt of general correspondence which does not require action from the Trustees.

The meeting was adjourned at approximately 8:50 p.m. by the Clerk.

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