

MEETING OF JUNE 23, 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
Stephen Lester
Sean McCaffrey
Nathaniel Miller
Bill Taylor

Also Present: John Courtney, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Christopher Walsh, Star Reporter
Girl Scout Cadette Troop 419
Alexandra Schumacher
Tyler Armstrong
Zachary Cohen
Albert DiCostanzo
Rick Drew
George Eldi
Rona Klopman
Chris Kohan
Vincent Priore
Joan Priore
Claire Scott

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

Alexandra Schumacher spoke on behalf of Girl Scout Cadette Troop 419 concerning a “noise pollution” project which will assist them in obtaining the Silver Award. She told the Trustees the Troop would like to install a sign at Pussy’s Pond. The Clerk explained the bottomland of Pussy’s Pond is within Trustee jurisdiction, but the area around the pond is a Nature Preserve. She pointed out the chairman of the Nature Preserve Committee, Zachary Cohen, is present at tonight’s meeting. In a discussion, it was agreed because the sign will be placed on the land; the Troop will attend a Nature Preserve Committee meeting to present their proposal.

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A motion was made by Dr. Forsberg to approve payment of the following bills: a) Staples- \$92.28; b) Seacoast Enterprises Associates, Inc. - \$1,472.08 and c) West Marine- \$649.99. This motion was seconded by Mr. McCaffrey and unanimously approved.

A motion was made by Dr. Forsberg to allow the Municipal Jumbo Certificate of Deposit at Suffolk County National Bank to renew. This motion was seconded by Mr. Bock and unanimously approved.

A motion was made by Dr. Forsberg to approve the following minutes: a) March 25, 2015; b) April 28, 2015 and c) May 12, 2015. This motion was seconded by Ms. Klughers and unanimously approved.

A Management Representation Letter was received from Town auditors Nawrocki Smith, LLP. Mr. Courtney explained this is very standard and for the retainer. The Clerk will sign said letter and return it to the auditors.

A meeting was held at the office on June, 15, 2015 with representatives of U.S. Fish and Wildlife Service, the Supervisor, Kim Shaw and Juliana Duryea of the Natural Resources Department, Marguerite Wolffsohn, Planning Director and Ed Michels, Harbormaster to discuss the piping plover protection area at the Amagansett National Wildlife Refuge. The Clerk pointed out U.S. Fish and Wildlife is planning to electrify fencing inside the area of string fencing. She explained the main purpose is to keep predators out. She said if anyone goes inside the fence, they will get ticketed for trespassing. Concerning the boundary line of the property, the Clerk said U.S. Fish and Wildlife stated they will forward a survey to the Trustees.

The Clerk stated fencing was installed on Napeague Beach off Marine Boulevard by Natural Resources. She pointed out several beach users felt the amount of fence was excessive, so it was relocated slightly to the east to allow for public access. At a meeting held today at the Supervisor's office, the Clerk noted she, Ms. Klughers and Mr. McCaffrey were present as well as Natural Resources, Marine Patrol and CFAR. She added they discussed the placement of the fence along Napeague Beach and clarified the difference between guidelines and the present management plan for Plover protection. Concerning the monitoring of Plovers, the Clerk pointed out it has been very frustrating for Juliana Duryea, who is the Town monitor. She spent time training East Hampton High School students to be monitors with the DEC, after which she was told by the DEC the students would not be allowed to go out on their own. In a lengthy discussion, it was agreed data is needed to determine if the Plovers can be de-listed from the endangered species list.

Concerning the Hook Pond Water Quality Improvement Study, the Clerk reported the Town Board passed a resolution to reimburse East Hampton Village for 50% (\$7,500.00) toward the total cost of a bathymetric survey of Hook Pond which will cost \$14,788.00.

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Dr. Forsberg reported the Village asked if the Trustee sampling site in Hook Pond could be relocated. She said currently Dr. Gobler and his lab are testing the Cove on the southwest corner of Terbell Lane. Dr. Gobler agreed a central location in the Pond would be better. Dr. Forsberg explained the reason they chose the present location was for access reasons, but there is a possibility the Maidstone Club will allow access over the bridge to the northern end of the Pond. She added she will speak with Dr. Gobler regarding this.

Dr. Forsberg gave a report on the Water Quality Testing Program. She spoke with Dr. Gobler concerning micro-algae (seaweed bloom) in Georgica Pond and if removing it would be a good thing to do and how to go forward. She said Dr. Gobler felt removing the seaweed might be helpful, but there are some complications involved; one being the requirement of a DEC permit for both the removal as well as the disposal. Dr. Gobler felt it might only be effective on a short term basis and could grow back in a week or two; even stronger. Dr. Forsberg pointed out she didn't feel this is something the Board should pursue at the present time.

The Clerk reported she drafted a response to Kim Shaw of Natural Resources concerning the GEI application for Georgica Pond excavation. She said she needs more Trustees to review it so it can be forwarded to Ms. Shaw.

Concerning the Water Quality Monitoring update, Dr. Forsberg reported all of the sites are doing well. She noted the Georgica gut closed and the salinity level is dropping which means fresh water is entering the pond. The dissolved oxygen and micro-algae levels are stable for the present time. Dr. Forsberg said a member of the public, Joan Priore, contacted her and the Clerk with questions about water quality. She proceeded to address each question which Mrs. Priore asked.

The 2014 Annual Report and 2015 Operating Plan were received from the Shellfish Hatchery. The Clerk pointed out Barley (John) Dunne advised the Board he is considering the possibility of selling surplus oyster seed.

The Clerk asked the Georgica Pond Committee to review the following phragmite removal applications: a) Yass; b) Hall; c) OGP, LLC and d) Chae.

A letter was received from the Village of Sag Harbor requesting assistance from the East Hampton Town Trustees with the removal of a 27' sunken sailboat. The boat which was found beyond the breakwater and outside the village's jurisdiction. The Board agreed a response should be sent asking for coordinates of the sunken boat in order to determine if it is located within Trustee jurisdiction.

The Clerk asked the Hog Creek Committee to review the application of U.S. Information Systems for dock repair.

A memo was received from Supervisor Cantwell requesting input from the Trustees concerning the proposed amendment of Chapter 141 (Fire Prevention) to require beach fires be

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contained in a metal container. Mr. Byrnes said he would like to get some feedback from the community before a response is sent. The Board agreed.

Ms. Klughers noted a memo was sent to the Town Board requesting an increase in littering fines for violations on beaches, but no response has been received to date. The Clerk said she will contact the Town Attorney, Elizabeth Vail in regard to this matter.

In response to a Village ZBA Notice of Hearing concerning the application of 88 Apaquogue Road, the Clerk said she would like to send a memo indicating that due to Georgica Pond's fluctuating heights, allowing for variances within wetlands setbacks could have detrimental effects to equipment such as a generator, etc... Concerning an application for variances at 62 Further Lane, the Clerk will ask for additional time in order for the Trustees to submit comments.

The Clerk reported a response was received from Becky Molinari, Village Administrator indicating they will review the Trustees request for removal of the garbage cans on the beaches. Ms. Klughers said she would like to tag the cans and have the Trustees remove them in the event they are not removed within two weeks. The Clerk stated she would like to obtain more information from the Village regarding their policies and procedures for placement and emptying of garbage cans. She noted perhaps a compromise can be reached. Dr. Forsberg requested the Clerk contact Ms. Molinari regarding this issue.

Mr. Lester reported he has been approached by several members of the public about the condition of the parking lots in different areas, i.e. Louse Point and Lazy Point. The Clerk replied she will send a memo to the Highway Department and Town Board concerning this matter.

Rona Klopman asked if there is coordination between Pio Lombardo (whose firm is collecting data for the Town and Village) and Dr. Gobler so there will be no duplication of efforts in water quality monitoring. The Clerk explained Mr. Lombardo is collecting the data which Dr. Gobler puts together and gives it to the Town; so there is no overlap or duplication.

The Clerk reported road end Shellfish Signs have been installed in the appropriate locations except at Devon and the "no crabbing" signs are ready to be installed if needed at Georgica Pond. The Clerk will contact Devon Yacht Club to find out where they would like to place the sign.

Ms. Klughers reported she would like to start a sediment testing project in Accabonac and Napeague Harbors for the breakdown of methoprene which is used to control mosquito larvae. In a discussion concerning spraying by Vector Control, Ms. Klughers said she contacted Legislator Schneiderman and requested he re-introduce a bill to ban the use of methoprene in Suffolk County. She added she feels it is incumbent on the Town Board to draft a management plan for mosquito control.

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The Clerk reported notification of the start of the Bannard bio-log project was received.

Ms. Klughers reported boulders are still on the beach adjacent to the Reiss property at Hog Creek. She noted there is also a problem with the neighbors and public access to the beach. The Clerk will send a letter to Mr. Reiss reminding him he must comply with the conditions of the Trustee permit.

The Clerk reported notification of the completion of the Silver bulkhead was received. She asked the Hog Creek Committee to inspect the site and report back to the Board.

The Clerk reported the Wagner retaining wall issue will be in court on July 16th. She added she would like another Trustee to attend the hearing with her, if possible.

The Clerk reported an illegal shoreline fence at Hog Creek has been referred to Ordinance Enforcement.

A motion was made by Mr. Miller to authorize an expenditure of \$3,000 for removal of a derelict boat and debris on a Trustee road off Napeague Harbor Road. This motion as seconded by Ms. Klughers and unanimously approved.

The Clerk reported a Notice of an Incomplete Application was received from the Suffolk County Department of Health Services regarding the septic proposal for Lots 45N & 46N at Lazy Point by Susan Knobel.

The Clerk gave a report on the meeting of June 16th with the Lazy Point leaseholders. She noted an Educational Event with Cornell Cooperative Extension and the East Hampton Shellfish Hatchery is scheduled for August 19th. She noted discussion will continue regarding the Lazy Point rules and regulations and lease fees. It was agreed the Lazy Point Committee will review information received from Rick Drew concerning the Good Circle fundraising program (for non-for-profit agencies), the educational event on August 19th and an explanation of CPI.

Two new draft plans have been received from the Nature Preserve Committee. The Clerk noted one draft is a general Community Preserve Management Plan (for purchases with CPF-solely for open space preservation) and the other is general Nature Preserve Management Plan (for properties designated as a Nature Preserve). She asked the Trustees to review the plans for comment to the Nature Preserve Committee.

Upon contacting the attorney for the Calicchio phragmite removal project, the Clerk noted she was advised a Trustee application is forthcoming.

The Clerk reported the Hedges Banks property owners who were issued violations for illegal deer fencing or expired Trustee permits are being addressed by agents.

A card of appreciation was received from Sophie Spencer, the recipient of the Rysam Fund Scholarship.

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The Clerk received a response to a letter sent to Supervisor Cantwell regarding the amendment of Chapter 82 concerning the alcohol prohibition at Indian Wells Beach. She added the Supervisor indicated he would be available to meet with the Trustees at their convenience to discuss this matter.

The Clerk and Mr. Bock attended a public meeting on Friday, June 19th held by the Southampton Trustees regarding beach driving rights, piping plover protection, enforcement, etc... She added it was an interesting meeting.

The Board agreed the Largest Clam Contest should be held on Sunday, September 27th at 12:00 noon on the grounds of the Lamb Building.

A motion was made by Mr. Lester to approve payment of a bill in the amount of \$9,113.00 to David Eagan for legal services in the Young/Lemieux, Zweig and Clemente, et al. cases. This motion was seconded by Mr. Miller and unanimously approved.

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

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