

**MEETING OF MARCH 25, 2014**  
**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  
Stephen Lester  
Sean McCaffrey  
Nathaniel Miller  
Bill Taylor

Not Present: Stephen Lester  
Stephanie Forsberg, Assistant Clerk

Also Present: John Courtney, Trustee Attorney  
Lori Miller-Carr, Trustee Secretary  
Chris Walsh, Star Reporter  
John Mullen  
Lazy Point Residents/Leaseholders  
Eric Schultz- Southampton Trustee  
John Cirrelli  
Ed Warner- Southampton Trustee

The meeting was opened at 6:00 pm by the Clerk.

Approximately 40 Lazy Point leaseholders were present concerning a letter which the Trustees sent proposing amendments to the Lazy Point Rules and Regulations. The Clerk said she received letters from several leaseholders and apologized for the misunderstanding, and she has come to understand many of the concerns expressed. David Seeler addressed several points that were brought up at a meeting of the leaseholders. He pointed out many of the leaseholders felt the time line for the Lazy Point Rules and Regulations amendments is not practical for expressing their concerns. He indicated there has not been a clear expression of the objectives of the proposed actions or any discussion of the impact this could have on the leaseholders. Mr. Seeler asked the Trustees to consider delaying their decision until a thoughtful conversation can take place among the leaseholders and Trustees; to come up with changes that support the objectives of the Trustees, while considering the impact of the community. He read a letter from one of the leaseholders, George Eldi, who indicated most of the leaseholders are senior citizens and on fixed incomes. He noted keeping their homes in the family without the penalty of the new proposal is important. Mr. Seeler pointed out the leaseholders feel improved dialog with Board members who could meet periodically; to address problems would be very helpful to all involved. He added many leaseholders are very angry about this extreme proposal; but would like to proceed in a dignified manner. The Clerk pointed out when the Trustees made the

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decision regarding the new leases v. the renewal leases, the variables of individual circumstances and family situations honestly didn't come to the forefront of their minds. She noted the Board was thinking about the very wealthy people who seem to be buying into the area. She went on to say the Board's intent was to find a way to avoid this problem at Lazy Point and thought if the leases were more expensive, it would deter it. The Clerk pointed out the way the proposed amendments were worded needs to be changed. She told the leaseholders she appreciates all letters (and calls) and will forward the concerns expressed to the Trustees. She went on to explain one of the reasons this process was begun is due to the Board being confronted with some leaseholders not obtaining permits for certain projects; and used the example of Mr. Seeler removing vegetation at his residence without a permit. Mr. Taylor said he is opposed to the amendment as the house will be valued at a lower price if the lease fee is increased to the proposed amount. He noted there are a lot of things that have to be taken into consideration i.e. the overall tax burden. Mr. Byrnes stated he is also opposed to the increase and will review all the letters received. He added he is confident the Board will come to a conclusion that everyone will be able to live with. The Clerk pointed out the goal is to have new tenants understand the value of the Lazy Point property and respect the fact it is a very special place to be. She said it is unfortunate, but the newer tenants are the ones who want to make major improvements i.e. raising the house. Mr. Bock said the Trustees would like to see more respect from the leaseholders in regard to the removal of litter. He stated the Trustees removed approximately 4 tons of debris from the beach. Ms. Klughers pointed out no area residents came to help out. Mary Croghan told the Board the leaseholders weren't aware the Trustees were going to pick up litter and she felt most of the debris was left from high tides or storm events. She pointed out she knows for a fact that most of the leaseholders walk the beach and clean up after themselves. Other leaseholders agreed with Ms. Croghan. A motion was made by the Clerk that the Trustees will not implement the conditions of the "new lease" concept as discussed until they have had further opportunity to discuss the implications with the Lazy Point leaseholders. This motion was seconded by Mr. Byrnes and unanimously approved. Mr. Taylor asked if a committee can be formed to discuss these issues. The Clerk pointed out the Rules and Regulations and the Fee Schedule are set in January of each year, unless the Trustees make a motion to table them; which they did this year. She went on to say the Fee Schedule and the amendment to the Rules and Regulations was agreed upon two weeks ago and a letter was sent to the leaseholders. She noted the fee schedule remains the same and the only amendment to the Rules and Regulations is in regard to access for emergency vehicles. Mr. Ryan asked the Trustees to explain this to him. Mr. Byrnes explained it basically means the tenants should not place unnecessary items in their driveways (i.e. boats, etc...). Mr. Whitmore stated he felt it is important to meet regularly to review new proposals as they need a lot of thought. He added he felt all the leaseholders care about the neighborhood and are more than willing to work with the Trustees. Ms. Klughers said she felt Lazy Point would be a great test site in regard to use or non-use of chemicals (herbicides, pesticides, etc...). Mr. Ryan felt Lazy Point this is a very green community as there are very few lawns and the houses are small. Ms. Klughers added she would be willing to work with the leaseholders if they are interested. Mr. Ryan suggested the Trustees consider raising the transfer fee; which doesn't impact the value of the houses. Mr. Priore thanked Mr. Seeler for speaking on behalf of the leaseholders and would like to move forward with a committee. The Clerk asked if the leaseholders would like to send a representative to the next meeting or if they would like to meet with the Committee before the meeting. It was agreed the leaseholders would form a committee first and go from there. Ms. Klughers told the leaseholders an eelgrass restoration workshop will be held at Lazy Point on May 18<sup>th</sup>. She noted beach grass will be woven into burlap discs and then transplanted into Napeague Harbor. In summary, the Clerk confirmed

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the leaseholders will form a committee and by the 22<sup>nd</sup> of April, if there are no objections to the addition of paragraph XVII to the Rules and Regulations regarding access for emergency vehicles and the Fee Schedule remains the same as 2013; the leases will be sent out on April 29<sup>th</sup>. The leaseholders thanked the Trustees for taking their requests under consideration.

For the record, the Clerk pointed out Trustee Lester is on vacation; Mrs. Forsberg is ill and Mr. Miller is handling a personal matter, but might be here later.

Mr. Jack Passie was present regarding non-residents coming to East Hampton Town as duck hunting guides and not being required to obtain a local license. Mr. Niggles pointed out Southampton Town requires a special permit in the event a guide would like to take hunters out who are not residents. Mr. Schultz said the permit was \$250.00, but the Southampton Trustees are considering reducing it. He noted in order to obtain a guide license, the applicant has to be a resident. Mr. Niggles stated he felt this same policy should apply to East Hampton Town. In a discussion, Mr. Courtney said the concept would require a public hearing and the wording has to be very specific about what is prohibited as well as detail what the requirements for a permit are. He suggested Mr. Passie and Mr. Niggles contact the Town Board concerning this matter as the Trustees don't have enforcement powers. The Clerk pointed out there is a hunting component of the Nature Preserve Committee, and she will mention this issue to them. She said she will also provide a copy of Mr. Passie's letter to the Town Board and indicate the Trustees are supportive of some kind of additional guidelines for non-resident hunters who are utilizing East Hampton's resources. Mr. Taylor asked if there are any problems with this law in Southampton. Mr. Schultz replied they haven't had any problems. The Clerk suggested Mr. Passie also contact the Sportsmen's Alliance.

John Mullen and his attorney, John Cirrelli were present concerning the application for a revetment on the beach at Louse Point. The Clerk noted a letter was received from Mr. Cirrelli calling into question the Trustees jurisdiction to act on this application based on comments made in the Young/Lemieux case. Mr. Cirrelli said he didn't feel the letter was challenging the Trustees jurisdiction, but he is trying to appeal to the fairness of the Trustees and emphasize the project is proposed above the high water mark. He stated Mr. Mullen is watching his property disappear and is asking the Trustees to take into consideration there are hard structures all along the beach (approximately a mile) except at the Scully and Nature Preserve properties. Mrs. Klughers pointed out where the hard structures are located, there is no beach. Mr. Mullen stated he has lost 15' to erosion since 1990. Mr. Taylor said he took photographs of where the armoring stops and since the Trustees allowed the armoring to go so far along this shoreline- it seems like continuing it makes more sense than not. The Clerk noted the situation is unfortunate because the Trustees argued against the revetment for Ms. Wilder. She pointed out the Trustees advised Ms. Wilder what the implications would be if a rock revetment was installed and the problem is now coming true. Mrs. Klughers asked if any other alternatives are being explored, perhaps a soft solution which the Trustees might digest a little easier. Mr. Mullen replied he installed sand one time, without a Trustee permit, which was not done intentionally. The town told him to remove all brush and plant beach grass. He stated this was a mistake as he lost the sand and erosion took more land. Mrs. Klughers pointed out there is also an issue with the irrigation system. Mr. Mullen said he will take the irrigation system out if necessary. Mr. Taylor said the first rule in navigation is to go from

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where you are. He went on to say this is a textbook example of what happens when you armor one property and a good reason why it shouldn't have been allowed to begin with; but once it is armored, the choices are limited. Mr. Courtney pointed out the Trustees could make it a condition that sand is placed on the revetments each year and follow through with it- whether it eroded out or not. Mr. Mullen told the Board they were promised sand from dredging of Accabonac Harbor, but it went on Louse Point beach instead. The Clerk said regardless of what the Trustees decide moving forward; whether it is a soft or hard structure, there will be a requirement for annual maintenance and sand placement. Mrs. Klughers asked if it would be possible for Mr. Mullen to move his house away from the bluff crest. Mr. Mullen replied this would not be a feasible alternative. Mr. Byrnes asked if the Board has an idea when a decision will be rendered. The Clerk replied she is waiting for the Trustees to come to a consensus.

Ira Barocus presented a \$100.00 check toward the first Indian Wells and Atlantic Avenue Beach beer bash.

The Clerk reported Susan Knobel submitted an amended application for installation of a 50' triple row of coir fiber logs, anchored by a heartwood framing system and placement of approximately 65 cubic yards of clean beach compatible sand. A motion was made by the Clerk that upon review by the Lazy Point Committee, if they are amenable to the proposal, the amended application of Susan Knobel for installation of coir fiber logs be permitted. This motion was seconded by Mr. Bock and unanimously approved.

A motion was made by the Clerk to approve payment of the following bills: a) Staples- \$27.62 & \$38.50; b) American Casting- \$408.39 (for mooring tags); and c) East Hampton Marina- \$417.36 (for pump-out boat supplies). This motion was seconded by Mr. Miller and unanimously approved.

A motion was made by the Clerk to approve a payment in the amount of \$249.00 plus tax to Intuit for the automatic renewal of QuickBooks updated software. This motion was seconded by Mrs. Klughers and unanimously approved.

Concerning the application of Mary Meeker for bulkhead repair application on the beach adjacent to 36 Louse Point Road, the Clerk said she will send a letter to the agent requesting additional information.

The Clerk reported she sent a letter requesting more information for the revetment application of Mollie Zweig but no response has been received to date.

Concerning the application of Jeffrey Britz for shoreline fence near Atlantic Avenue, the Clerk noted the request was for use of metal stakes. She added she will send a letter to the agent asking the application be amended to include only wooden stakes.

In regard to an application received from James Johnson for installation of shoreline fencing near Beach Lane, the Clerk pointed out the survey doesn't show the existing beach grass line, but it shows where it was in 1954. However, she noted she doesn't have any objection to the proposal except the fence must be installed at the toe of the current dune, not 10' in front of it. She pointed out

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the difficulty is the applicant is not only proposing to install the fence across the front of the dune, but are also going perpendicular to the shoreline substantially- 500' on each side. The Clerk asked the Beaches Committee to inspect the area.

Concerning the application of Charles Phillips for dune restoration near Dune Lane, the Clerk reported the project is seaward of the property line. She added a covenant to the deed would be required and she will contact the agent to advise him of this.

The Clerk reported the agent for Susan and Morris Mark is looking for a response to their proposal for an alternative stairway and walkway on Georgica Pond. She noted the new proposal appears to be parallel rather perpendicular to the shore; therefore may be considered a floating dock, which the Trustees will not approve. She added she would advise the agent the Trustees do not approve the proposal.

Mr. Byrnes reported he and Mr. Bock inspected the Maslin and Fard properties on Kings Point Road and took photographs. Mr. Bock said the first thing they noticed was a soaker hose at the top of bluff along the whole length of property and erosion down toe of the bluff. Mr. Byrnes pointed out there is also a platform at the bottom of the bluff which doesn't have a Trustee permit. Mr. Bock said he doesn't feel a second tier bulkhead is necessary. A motion was made by Mr. Bock to deny the applications of Bonnie Maslin and Ali Fard for two 2<sup>nd</sup> tier bulkheads and extensions to the revetments as submitted. This motion was seconded by Mr. Byrnes and unanimously approved. Mrs. Klughers added she will attend the ZBA hearing and advise them the applications were denied by the Board of Trustees.

The Clerk reported letters were received from leaseholders Stephen Grimaldi, Martin Pettersen and Carol and Allen Bennett requesting the addition of family members to their Lazy Point leases. She asked the Napeague/Lazy Point Committee and Mr. Courtney to review the requests.

The Clerk reported new applications were received from Scott Silver and Joel Zbar for bulkhead reconstruction at 100 and 108 Runnymede Drive. She asked the Hog Creek Committee to review the applications and report back to the Trustees.

In a discussion concerning the Town Board's proposal to ban alcohol at Atlantic Avenue and Indian Wells Beach, the Clerk said a public hearing has been postponed. She noted she asked the Town Board not to change Town Code (Chapter 91). She said there are a lot of ways to address the problem, which is the intoxication, not the alcohol. Mr. Courtney suggested trying to find out what kind of conduct the Town Board is trying to prevent. Mr. McCaffrey said he felt the problem was when a large group of young people came to Indian Wells Beach with cases of beer and stayed all day long. Mr. Courtney pointed out that is something the Trustees can't enforce. The Clerk noted a big concern was also public urination and profanity in the presence of children, which is against the law, but a police officer has to witness it. Mr. Bock said he goes to Indian Wells Beach every weekend and never witnessed any of this behavior. He pointed out he feels certain Amagansett residents who claim Indian Wells Beach as theirs saw a group of people, who were a long way down the beach misbehaving. Mrs. Klughers stated she felt the Town should enforce the laws that are already on the books.

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The Clerk reported Mr. Courtney has drafted alternative wording regarding the proposed change to the Mass Gathering Permit Application. Mr. Courtney advised if the Trustees that should they be required to sign a consent form by the Town, they will also have to request insurance and hold harmless agreements from the applicants. Mr. Courtney added he will forward the wording to the Town Attorney.

A motion was made by the Clerk to issue a permit to the Clamshell Foundation (Ross Perchik) to hold the 34<sup>th</sup> Annual Three Mile Harbor Fireworks Display on July 19, 2014 . This motion was seconded by Mr. Taylor and approved. Mr. Miller and Mrs. Klughers were opposed to this motion.

The Clerk said she will draft a special group shellfishing permit for the Sportsman Alliance.

Concerning the piping plover protection measures, the Clerk reported a memo was received from Plover Monitor Juliana Duryea regarding installation of pre-fencing on March 24<sup>th</sup> . She noted a copy of the 2013 end of season report and a copy of the US Fish and Wildlife Service guidelines was also received. She stated a letter was received from the US Department of Interior recommending also that East Hampton Town submit new management plan. In a discussion, the Clerk said it was mentioned in her meeting with the Supervisor that if the Trustees are not happy with the present management plan, perhaps they should take it on themselves. Mr. Schultz pointed out the Southampton Trustees handle plover monitoring; and although it is a costly endeavor, they feel the beaches are worth it. The Clerk explained to Mr. Schultz when East Hampton first started the plover monitoring program, the whole issue was the earlier the areas are fenced, the sooner the plovers fledge and the sooner the fences can be removed. Mr. Schultz pointed out he spoke with US Fish & Wildlife and asked what would happen if Southampton didn't monitor the plovers anymore and they were very non-specific in their response. The Clerk added she asked for data on plover production and survival from US Fish and Wildlife , but never received a response.

The Clerk asked the Accabonac Harbor Committee to inspect the completed Forelli bulkhead repair project; as well as Tick Tock II, and report back to the Trustees.

Concerning the Water Monitoring Presentation by Dr. Gobler, the Clerk said it went very well. She added Stephanie Forsberg and Sean McCaffrey were present.

The Clerk asked the Beaches Committee to review the as-built survey received for the Hartley dune restoration project.

Notification was received from Patrick Bistran, Jr. advising the Board the Manheim revetment project has commenced.

The Clerk reported a notice of completion was received from the Village of East Hampton concerning the two beach road end projects; Main Beach and Georgica Beach.

Upon review of an as-built survey received upon completion of the Zaslav dune restoration project, the Clerk noted it looks like the stairway was pre-existing the storm. She added if the Beaches Committee finds this acceptable, the project will be deemed done according to the Trustee permit.

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The Clerk noted Mrs. Forsberg is scheduled to meet in the Trustees office with the Girl Scouts on Saturday, March 29<sup>th</sup> at 10:00 to discuss the procedures and collecting data for endangered species. She added Mrs. Forsberg would welcome any Trustees who might be available to assist her.

Concerning the Hook Pond restoration proposal, the Clerk reported information was received from Rebecca Molinaro, the Village Administrator concerning data she received from a consultant on similar projects. She asked the Ponds Committee to review the data.

Notification was received concerning completion of the Reiss bulkhead repair project in Hog Creek. Mr. Byrnes submitted photographs of the completed project.

The Clerk reported no new info has been received from Ordinance Enforcement concerning the Salter bulkhead. She added she received word there are two more repaired bulkheads in the vicinity and asked the Committee to inspect the area.

The Trustees briefly discussed storage on vacant lots at Lazy Point. Mr. Byrnes said he would like a letter to be sent to the appropriate party concerning the condition of the beach road end on Mulford Lane. The Clerk added she will send a letter to Maureen Veprek, president of the Napeague Beach Association regarding this matter.

Concerning another issue, Mr. Byrnes reported the bulkhead was repaired at Gann Road and he felt the Trustees should have been notified. He asked the Clerk if a letter could be sent to the Town Board requesting they notify the Trustees in the future of any projects that are done on their property.

An email was received concerning a derelict boat which washed up at the end of Napeague Harbor Road. The Clerk asked Mr. Miller to look into this matter.

Mr. Miller reported "private beach" signs have been posted at the end of Crassen Boulevard. He suggested installing a kayak rack in the area just to make a point this is public property. Mr. Taylor added he felt the Highway Department should be notified there is an illegal sign in the area and ask for its removal.

Mr. Byrnes said he contacted the Highway Department requesting repair of the pot holes on the parking lot at Lazy Point but nothing has been done to date.

The Clerk reported she attended a Nature Preserve meeting on March 13<sup>th</sup> at which they discussed the Filippelli property along Accabonac Harbor and marshes. She pointed out she had a brief disagreement with Mr. Rick Whelan as he felt the marshes are private property. She told Mr. Whelan the marshes are wet and are therefore Trustee property.

The Clerk reported Dianne Le Verrier, who represents Stephen Lloyd for access over Six Pole Highway, requested a letter indicating the Trustees approved access at a prior meeting. Mr. Courtney pointed out the Trustees never revoked the access easement granted years ago and it is still on record. He told the Clerk he felt a letter should be sent to Ms. Le Verrier to this effect. The Board agreed.

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Concerning the applications of Kennell Schenck, Jennifer Landey and Robert Osborne for bulkhead repair, the Clerk reported information was received from the architect concerning the returns. She asked the Three Mile Harbor Committee to review the information. Mr. McCaffrey said he measured the Landey dock. The Clerk added an annual dock agreement will be sent to Ms. Landey.

An as-built survey and photographs of the completed bulkhead repair project were received from Harbor Marina. The Clerk asked the Three Mile Harbor Committee to review the information received so she can advise the Building Inspector that all is in order.

The Clerk reported a letter and data concerning road run-off in Three Mile Harbor was received in response to Dr. Gobler's water quality presentation. She asked the Three Mile Harbor to review the letter.

The Clerk reported David Rattray and Steve Boerner have requested a meeting with the and Trustees next week to discuss the delineation line of Gardiner's Bay and Napeague Bay. It was agreed Mr. Miller and Mr. McCaffrey will attend the meeting along with the Clerk.

The Clerk presented a proposed new beach driving brochure. She said the Supervisor has asked for Trustees comment prior to forwarding to the other Town departments. She added she will give copies of the brochure to the Trustees for their review and input.

The meeting was adjourned at approximately 8:15 p.m. by the Clerk.

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