

MEETING OF MARCH 28, 2016
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON, NY

Present: Francis Bock, Trustee Clerk
Pat Mansir, Deputy Clerk
Bill Taylor, Deputy Clerk
Tyler Armstrong
Timothy Bock
Brian Byrnes
Rick Drew

Not Present: James Grimes
Diane McNally

Also Present: Richard Whalen, Trustee Attorney
Lori Miller-Carr, Trustees' Secretary
Christopher Walsh, Star Reporter
Michael Wright, EH Press Reporter
Drew Bennett
Mary Croghan
George Eldi, Jr.
Bruce Horwith
Steve Latham
Brian Matthews
Marc Miller
John Parker
Tim Taylor

The meeting was opened with the Pledge of Allegiance at approximately 6:30 p.m. by the Clerk.

Bruce Horwith was present concerning the application of the Creeks for phragmite removal on three different parcels in one compound. He noted a majority of the shoreline is bulkheaded and approximately 60 acres of phragmites will be removed eventually. In addition to hand cutting, the applicant would like to have the option of using a low-ground pressure machine to cut the larger monocultures of phragmites. In a discussion, it was agreed the Georgica Pond Committee will inspect the property and be ready to approve the application at the meeting of April 11th.

3/28/16

George Eldi, Jr. was present on behalf of the Lazy Point Association. He said the Association will participate in the Shoreline Sweep on April 3rd at 9:00 a.m. at the launching ramp and the Trustees are welcome to attend. He asked if the Trustees could contact someone to grade the parking lot at the ramp as there are substantial pot holes that need to be filled in. Mr. Eldi pointed out there is also sand to the west of Shore Road that needs to be removed or pushed back. Ms. Croghan reiterated Mr. Eldi's concern about sand on the road. It was agreed Mr. Byrnes will get an estimate from a contractor for grading of the parking lot and removal of the sand on Shore Road.

Marc Miller was present on behalf of Hampton Clam Bake and Bay Kitchen Bar Caterers who hold several catered parties on the beach during the summer. He said he has a blanket Certificate of Liability naming the Town of East Hampton and the Trustees as additional insured which expires March 2017. He pointed out the Town Attorney has confirmed that use of the blanket Certificate of Liability is acceptable. He said if anything did change, the Trustees would be notified. Mr. Miller invited the Trustees to attend a "kick-off" party for the EHSEED Pilot Program at Gann Road in May. He will provide the Trustees with further information in regard to the exact date and time.

Mr. Parker was present concerning State legislation to expand Sag Harbor's jurisdiction under sections of the State Navigation Law which would permit regulation of vessels and mooring areas. He presented the expansion plan and agreement between East Hampton Town and Sag Harbor Trustees. Upon review, Mr. Whalen said he reviewed the plan and agreement with Mr. Parker and feels it is acceptable as written; although there is no guarantee the language will remain the same when it goes before the State Legislature and the Department of State. He suggested the Trustees send a letter to Senator LaValle requesting to be notified if any changes are made to the pending Legislation. A motion was made by Mr. Drew to support the proposed jurisdiction expansion plan and agreement between East Hampton Town and Sag Harbor Trustees as written. This motion was seconded by Mr. Byrnes and unanimously approved.

Tim Taylor was present on behalf of CFAR (Citizens For Access Rights). He requested the Trustees take a more active role in the installation of Piping Plover fencing; be more aware of where the fencing is installed. He said CFAR is very supportive and respectful of the Piping Plover fences, but asked that the Town uses the federally approved guidelines as opposed to the National guidelines as it requires smaller fencing areas, allowing for more public access to the beaches. Mr. T. Taylor expressed concern regarding the fence which is installed each year between Atlantic Avenue and Indian Wells Beach; and asked if there is any data that proves U.S. Fish and Wildlife Service has ownership of the parcel. He suggested the Trustees look into acquiring a copy of the deed. Mr. B. Taylor stated the Trustees requested data last year but never received a response. Mr. T. Taylor noted some CFAR members are interested in getting certified to become Piping Plover monitors. The Board advised Mr. T. Taylor to contact Natural Resources as they are responsible for installing the Piping Plover fences. Mr. T. Taylor added CFAR will hold its annual meeting on Wednesday, April 20th at Ashawagh Hall.

3/28/16

Steven Latham was present on behalf of the Georgica Association concerning the proposed dredging of Georgica Pond. He reminded the Board access must be taken over the Georgica Association's property (which is west of the Pond) in order to get dredge equipment to the Pond. He pointed out the Association will be working with the Trustees concerning any activity that occurs in the Pond. Mr. Latham showed the Board a copy of a survey which indicated where the Association's property is located. He said the Association has a permit from the Trustees and the DEC to replenish the dune up to their property line and recently received a modification from the DEC for placement of an additional 7,000 cubic yards of sand. He indicated the Association would like to acquire sand from the dredging of the Pond and work with the Trustees on some kind of agreement. Mr. Latham pointed out historically the Trustees have authorized the contractors to bring in dredge equipment and there has never been any notification to the Association. He added perhaps the Association could acquire sand from the dredging in exchange for the Trustees accessing their property.

Brian Matthews was present on behalf of Faith Popcorn for dock reconstruction at 7 and 9 Association Road. Mr. Armstrong and Mr. Drew reported they reviewed the applications and inspected the site. A motion was made by Mr. Drew to approve the applications of Faith Popcorn for the reconstruction of a pre-existing 9' x 18' shoreline structure at 7 Association Road and an 8'.5" x 10'.5" shoreline structure at 9 Association Road in-kind, in-place with the following conditions: a) copies of applications and permits acquired from other agencies are to be submitted to the Trustees; b) notification in writing, at the start and upon completion of the project; c) an as-built survey, certified to the Trustees, of the permitted activities will be submitted to this Board upon completion of the project as at the start; d) submission of color photographs at the start and upon completion of the project. This motion was seconded by Mr. Armstrong and unanimously approved.

Drew Bennett was present concerning the application of Barbara Rosecan for bluff restoration at 313 Kings Point Road. Mr. Byrnes reported he and Mr. Armstrong inspected the site. Mr. Armstrong noted a letter was sent to Mr. Bennett requesting an updated survey; but upon consultation with Ms. McNally, it was agreed the project could be started as long as an as-built survey is submitted upon completion. A motion was made by Mr. Armstrong to approve the application of Barbara Rosecan for bluff restoration at 313 Kings Point Road utilizing 275 cubic yards of clean up land fill and stabilizing the biodegradable matting, coir log terracing and planting of American beach grass with the standard conditions. This motion was seconded by Mr. Drew and unanimously approved.

Richard Ketcham was present concerning a Trustee permit which was issued to him on May 11, 1999 for installation of seven (7) batter pilings to stabilize a jetty on his property at 101 Gerard Drive. He said he never sent notification to the Trustees that the work was completed or an as-built survey; and he needs to obtain a Certificate of Occupancy in order to sell the property. He noted the jetty has deteriorated to the point that it is almost gone. In a lengthy discussion, it was agreed Mr. Byrnes and Mr. Armstrong will meet Mr. Ketcham at the site Wednesday at 10:00 a.m. to determine if a Certificate of Occupancy should be issued.

3/28/16

Mr. Armstrong reported the Building Inspector inquired if the McLaughlin bulkhead repair project at 275 Kings Point Road was completed according to the conditions of the Trustee permit; as they would like to issue a Certificate of Occupancy. He noted he contacted the contractor, Costello Marine, and asked them to submit an as-built survey; which they agreed to do.

The Clerk reported the Trustees received a copy of the Administrative Natural Resources Special Permit issued to John Gicking for replacement of a wooden and cement retaining wall at 14 Driftwood Lane. He added a letter was received from the contractor indicating the project will be done from the property and it will not be necessary to access the beach.

The Clerk reported a Notice of ZBA hearings scheduled for April 8th included the applications of East Dune Lane Corp at 23 and 27 East Dune Lane to legalize walkways and staircases. The application of Nala, LLC at 24 Drew Lane for retaining walls and walkways will also be heard. Mr. Armstrong will attend the ZBA hearing. The Beaches Committee will inspect the site of the proposed projects.

The Board discussed a Town Board resolution to set a public hearing to consider amending Chapter 91 (Beaches and Parks), Section 91-4 (Prohibited Conduct) and consolidate regulations for beach fires. It was agreed a memo will be sent to the Town Board requesting installation of beach road end signs in corner locations; and to also consider installing signs in Spanish. Ms. Mansir pointed out it is especially crucial that signs in Spanish be placed at Georgica Pond or any body of water that is closed due to toxic conditions (i.e. blue-green algae).

The Clerk reported the Sportsmen's Alliance will hold an Expo on April 16th at the Amagansett Firehouse beginning at 10:00 a.m. The Trustees agreed to participate.

A motion was made by Mr. Taylor to support a permanent ban of alcohol at Indian Wells Beach, 1,000 feet from the beach road end as per red posts, during lifeguard hours on Saturdays, Sundays and holidays from 9:00 a.m. to 5:00 p.m. as passed by the Town Board on January 15, 2016. This motion was seconded by Ms. Mansir. Mr. Bock was opposed. In a vote of 6 to 1, the motion was passed.

The Board discussed the possible construction of a new ramp at Alewife Road. The Clerk pointed out Harbormaster Michels indicated there might be funds available for this project. He will contact the Town Board and Harbormaster Michels to determine what the status is concerning this matter.

In a discussion concerning receipt of ZBA public hearing notices, the Clerk stated he will contact John Whelan, Chairman of the ZBA and request that notices be sent to the Trustees in a timely fashion. The Beaches Committee inspected the Burwell property at 39 Marine Boulevard and determined the proposed project is not located within the area of Trustee jurisdiction. The ZBA application of 260, LLC at Further Lane for permission to allow two existing retaining

3/28/16

walls to remain in place, was discussed. It was agreed the Beaches Committee will inspect the property to determine if the retaining walls are in the area of Trustee jurisdiction. Mr. Armstrong reported he inspected the Hair property at 265 Three Mile Harbor-Hog Creek Road. He noted the application is to demolish an existing residence and move it back and install a swimming pool. He added he inspected the property and a letter was sent to the ZBA recommending approval of the application.

Concerning 31 and 35 Waters, LLC (Abernathy) for dune restoration, Mr. Armstrong said he believes Ms. McNally inspected the project site but he hasn't. He added he will inspect the site and report back to the Board at the meeting of April 11th.

Mr. Armstrong and Mr. Byrnes reported they inspected Clearwater Beach Property Owners Association and recommended approval of the dredging application. A motion was made by Mr. Byrnes to approve the application of Clearwater Beach Property Owners Association for maintenance dredging of the Hog Creek Inlet with standard conditions in addition to submission of a payment to the Trustees for the dredge spoil fee. This motion was seconded by Ms. Mansir and unanimously approved.

The Clerk reported an application is forthcoming concerning the Lebowitz dock at 103 Isle of Wight Road.

Mr. Armstrong reported the Trustees will sponsor an educational event on April 18th at 6:00 p.m. at the Town Hall. A presentation will be held on the 2015 Water Quality Testing report by Dr. Christopher Gobler and John (Barley) Dunne will also give a presentation on the 2015 Shellfish Hatchery's report. Mr. Drew said he would work on a notice of this event which will be distributed to the public. Mr. Byrnes stated he would like to investigate the possibility of asking the Town to consider contributing funds toward Dr. Gobler's fee for water quality testing.

Concerning the applications of 11 Chauncey Close and MMR Real Estate Holdings for phragmite control, Mr. Drew reported the Georgia Committee is waiting for further information from Inter-Science Research Associates. He noted as per requested, information was received on the plantings for the Calicchio phragmite control project. A "letter of intent" is forthcoming from the applicant.

The Wainscott Citizens Advisory Committee is scheduled to meet on Saturday, April 2nd. Mr. Drew and Mr. Armstrong will attend the meeting.

A letter was received from Inter-Science Research Associates concerning the commencement of the Rayner dune restoration projects at 85 and 93 West End Roads.

Mr. Drew reported Rebecca Molinaro, Village Administrator, sent a letter requesting modification of the Village permit to allow for the mechanical excavation of phragmites on the northeast bottleneck of Georgia Pond. Mr. Byrnes suggested requesting the Village for an update on Hook Pond and any other issues pertaining to the Trustees.

3/28/16

Mr. Drew told the Board that Lorraine McKay did a great job creating a spreadsheet of the Trustee phragmite removal projects. He suggested spreadsheets be used for other Trustee projects as well. Mr. Byrnes suggested sending reminders to the Georgica Pond homeowners to be mindful of their use of fertilizers during the upcoming season.

Ms. Mansir reported she met with Mr. Shaw regarding the excavation of Fresh Pond. She noted the permit is in place and more information is needed on the specifications of the project in order to obtain estimates from contractors.

Concerning the proposed relocation/repair of the Lazy Point launching ramp, Ms. Mansir reported Bill Hillman of Suffolk County Department of Public Works is to inspect the site in the near future.

Ms. Mansir reported the repair/reconstruction of the Northwest Creek bulkhead and ramp project is on hold until the weather gets warmer.

Ms. Mansir reported Kim Shaw, Director of Natural Resources suggested the Trustees contact Suffolk County Department of Public Works and advise them, once again, of the necessity of dredging Accabonac Harbor inlet. Mr. Taylor stated Accabonac Harbor is on the dredge priority list for 2016.

In a discussion concerning repair of the parking lot at the Lazy Point ramp and removal of the sand on the west end of Shore Road, it was agreed Mr. Byrnes will obtain estimates from three contractors.

Concerning the application of Devon Yacht Club, Mr. Armstrong reported Inter-Science Research Associates is to submit an updated survey indicating the location of the dredge spoil material.

A motion was made by Ms. Mansir to approve the application of Nicholas Grecco for placement of 300 cubic yards of sand at 117 Bayview Avenue with the standard conditions. This motion was seconded by Mr. Byrnes and unanimously approved.

As a follow-up to a complaint from Donald Vanderveer regarding a sunken barge owned by Don Tisdall located in Three Mile Harbor (outside the Three Mile Marina boat basin), Mr. Whalen stated he will draft a letter to Mr. Tisdall and contact the Coast Guard to determine what the process would be for removal of the barge.

A motion was made by Mr. Bock to approve payment of the following bills: a) American Casting- \$410.94 (mooring tags) and b) Staples- \$57.36 (general office supplies). This motion was seconded by Mr. Drew and unanimously approved.

3/28/16

A motion was made by Mr. Armstrong to approve the minutes of a Special Meeting of March 7, 2016. This motion was seconded by Mr. Drew and unanimously approved.

A motion was made by Mr. Byrnes to approve the minutes of January 11, 2016 with amendments. This motion was seconded by Ms. Mansir and unanimously approved.

A motion was made by Mr. Byrnes to approve the minutes of January 25, 2016 with amendments. This motion was seconded by Mr. Drew. Mr. Bock abstained from this motion as he wasn't present at the meeting.

Mr. Byrnes reported the Amagansett School principal is looking forward to the Trustees presentation to the students on the history of the Trustees and their role in the community. He and Mr. Bock will work on getting items together to take to the presentation. Mr. Byrnes said he asked Supervisor Cantwell to attend. Mr. Armstrong suggested reaching out to other schools to give similar presentations (in particular the East Hampton High School).

A motion was made by Mr. Drew to close the debit account at Bridgehampton National Bank and open up a debit account at Suffolk County National Bank. This motion was seconded by Mr. Armstrong and unanimously approved.

The Clerk reported a mooring permit was received for a mooring in the area of the scallop sanctuary in Napeague Harbor. The Trustees agreed a mooring should not be permitted in this area. The applicant will be advised he must moor in a different location.

Mr. Armstrong reported there is an exposed septic ring at the Kim house on Gerard Drive. He said he felt something should be done about this.

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