

MEETING OF MAY 26, 2015
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON, N.Y.

Present: Diane McNally, Trustees
Timothy Bock
Brian Byrnes
Deborah Klughers
Stephen Lester
Sean McCaffrey
Nathaniel Miller
Bill Taylor

Not Present: Stephanie Forsberg

Also Present: John Courtney, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Christopher Walsh, Star Reporter
Ira Barocas
Carol Bennett
Zachary Cohen
Mary Croghan
Dell Collum
Joshua Davidson
Albert DiCostanzo
George Eldi
Bruce Horwith
Rona Klopman

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

The Clerk explained to the public that in preparation for the next Trustee meeting when LTV will be here to film, those who wish to address the Board should come to the podium.

Zachary Cohen was present regarding the Town Board amendment to Chapter 91-Beaches and Parks concerning the new hunting law. The Clerk said the Trustees have received a copy of the proposal which has been adopted by the Town Board. She noted she also received a phone call from Town Clerk, Carole Brennan indicating the Town Board didn't think it applied to the Trustees as it is a Park issue, not a beach issue. Ms. Klughers stated she didn't feel the Town should decide whether to include the Trustees or not in any changes to Chapter 91. She was present at the Town Board meeting where the proposal was discussed and she asked the Town

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Board to postpone the meeting for two weeks to give the Trustees time to comment. It doesn't feel appropriate the Town Board would adopt it without Trustee input. Mr. Cohen said he always tries to notify the Trustees, on behalf of the Nature Preserve, if he feels any issue pertains to them. He noted as this only applies to hunting of big game on private lands and not the town lands he also didn't consider getting Trustee input. He explained hunters were required to obtain a permit from the state and the town to hunt deer- and then permission was also required of the landowners. Now, the Town tag (permit) will not be required on the private lands. Although this will not affect Trustee properties, Mr. Courtney said the Board should have been put on notice. A motion was made by the Clerk to notify the Town Clerk the Trustees do not have any objections to the proposed amendments to Chapter 91- Beaches and Parks concerning hunting of big game on private property. This motion was seconded by Ms. Klughers and unanimously approved.

Bruce Horwith was present regarding renewal of phragmite removal permits in Georgica Pond. He noted he submitted a status report for Trustee review. The applicants are as follows: David Topper and Margaret Segal at 6 LaForest Lane; Janet Ross at 102 Apaquogue Road; David Gallo at 94 Apaquogue Road; Alfred and Jane Ross at 33 Cover Hollow Farm Road; Richard Rubin at 18 & 24 Chauncey Close Road; and Mast One, LLC (a.k.a. M. Chae) at 31 Association Road. The Clerk had drafted a letter which states as-built surveys are required from each applicant prior to renewal. She expressed concern if vegetation is planted in the areas where phragmites are removed, some of the public's land could be lost. Mr. Horwith explained he doesn't suggest planting to the homeowners, as no native vegetation existed at the project site prior to removal of the phragmites. He added the only planting will be done upland. Mr. Horwith asked what he should do if the DEC and Village of East Hampton insist on asking for a permit. Who would be the applicant? The Clerk replied it would still remain the upland property owner's responsibility as the Trustees don't acknowledge permits are required from other entities. Ms. Klughers pointed out if the other permits are obtained, the Trustees should have no problem with them, as long as the project description matches what the Trustees have approved. When asked where the phragmite debris is taken, Mr. Horwith said the hand-cut debris can go in a landfill; however, phragmites dug out with sediments may be contaminated so other arrangements are made. It was agreed Mr. Horwith and the Clerk will meet and review the overview map of the project sites.

Mr. Horwith asked the Board if there are any plans to dredge Georgica Pond, in particular the Georgica Cove area where it is overrun by phragmites. The Clerk said she attended a dredge meeting today at which Georgica Pond was discussed, but it was only in regard to the shoal not the Cove. She pointed out that currently there is no access to the Cove. Mr. Horwith said he met with several homeowners who are involved with phragmite control and some of them volunteered access from their private property for dredging equipment. He noted they have also indicated they are more than willing to contribute funding toward dredging. The Clerk advised Mr. Horwith the permit process is very difficult. The Trustees have been working with the Natural Resources Department develop a project plan. She added the Town and Trustees may have to pursue alternatives to the existing permitting process and implementation; perhaps hiring someone to complete additional dredging in the Cove or offer the County the extra funding to do it.

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Dell Collum expressed appreciation to the Trustees for their assistance in the Shoreline Sweep. He noted twice the amount of debris was collected this year as compared to last year. He reminded the Board he expressed concern to them at a prior meeting about garbage cans on the Village beaches. Mr. Collum stated he didn't feel there should be any garbage cans on the beaches as it just makes it easier for garbage to be on the beach. He said the cans are not emptied at the end of the day, and rodents get into them at night and the debris is all over the beach the next morning. The Clerk told Mr. Collum she contacted the Village Highway Department after the last Trustee meeting, but was told to speak the Village Administrator, Becky Molinari. Ms. Molinari advised her garbage cans are placed on four (4) Village beaches and maintained twice a day during the summer season. She added Ms. Molinari told her if anyone has any complaints about the Village's protocol, to direct them to her. The Clerk advised Mr. Collum, from her perspective, the Town and Village are using all the resources available to them to try and stay on top of the garbage issue. Mr. Collum asked if the beaches are owned by the Trustees. The Clerk replied the beaches are owned by the public and managed by the Trustees. Mr. Collum pleaded with the Board to support him on this issue. Ms. Klughers said she agreed with the Clerk regarding the Town and Village doing everything they can, but doesn't feel the garbage cans should be on the beaches. She pointed out the Trustees co-manage the beaches but don't have enforcement powers or garbage pick-up; and that is why the Town and Village do this for the Trustees and the community. She suggested a letter be sent to the Village indicating the reasons why the garbage cans should be removed from the beaches. Mr. Taylor pointed out the Town used to have garbage cans on the beaches ten or fifteen years ago, they were removed as it was making the litter issue worse. He added he felt this should be mentioned if a letter is sent to the Village. A motion was made by Ms. Klughers to send a letter to the Village of East Hampton requesting removal of the garbage receptacles on the beaches where they are currently located. This motion was seconded by Mr. McCaffrey. The Clerk was opposed to this motion. She stated it is her opinion there is not enough information on the Village's policies and procedures; and taking the garbage cans off the beaches could make the garbage issue worse because unfortunately there is not enough enforcement or education regarding litter.

Mr. Barocas said he felt there should be more enforcement on the beaches and suggested the fines for littering be increased. He added commercial businesses (caterers) are making money for their use of the beaches. There should be a minimum fee attached to all commercial mass assemblage applications and there should be follow-up to ensure the applicants abide by the conditions of their permits.

Joshua Davidson spoke in favor of removal of garbage cans on the beaches. He said he is in favor of the "carry-in, carry-out" proposal and suggested signs be placed at the road ends indicating this. He told the Board he was disturbed as a woman let her children paint on the jetty rocks at Maidstone Beach last summer. He added the paint is still on the rocks. Mrs. Klughers pointed out in the event something like this occurs in the future, the Police or Harbor Patrol should be contacted. The Clerk will ask Natural Resources if there is a safe way to remove the paint without causing further environmental damage.

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Concerning Fishing for Energy, Ms. Klughers reported there is now a dumpster at the Montauk Transfer Station for fishermen and fisherwomen to dispose of nets, rigging, cans, rollers, chains, traps, pots, line...etc... She added this is free of charge to all commercial fishermen/women.

A motion was made by Mr. Byrnes to approve payment of the following bills: a) Staples- \$78.52 & \$96.63; b) L. Rost (reimbursement)- \$319.41 (rain gear for pump-out boats); c) Seacoast Enterprises Associates- \$108.29; and Edson- \$178.50 (for pump-out boat). This motion was seconded by Mr. Lester and unanimously approved.

A motion was made by Mr. Byrnes to approve the minutes of April 14, 2015. This motion was seconded by Mr. McCaffrey. This motion was approved with Ms. Klughers abstaining.

Clerk reported the Town auditors reviewed the Trustees financial records and will prepare a report. A motion was made by the Clerk to approve signing of a contract from the Town auditors, Nawrocki Smith, LLP for services rendered to the Trustees for the fiscal year ended December 31, 2014. This motion was seconded by Mr. Taylor and approved. Mr. Byrnes abstained from this motion.

Concerning Piping Plover Management, the Clerk reported a memo was sent to the Supervisor in regard a fence installed by USFWS west of Atlantic Avenue road end and a letter sent to USFWS requesting a deed or survey of the Amagansett Wildlife Refuge which they claim ownership of. As no response has been received from USFWS date, the Clerk requested the Supervisor's assistance in obtaining documentation for ownership of the Refuge property.

The Clerk reported Mr. Miller received the mooring coordinates for the transient mooring area in Three Mile Harbor. They will be forwarded to M. Mendelman at Three Mile Harbor Marina.

Zachery Cohen reported the South Flora Nature Preserve Management Plan has not been scheduled for hearing to date. He said the Town Attorney informed him the Town Board wants to review it further. He added it should be heard at the second meeting in June or the first meeting in July; but comments or amendments can be submitted in the meantime. The Clerk noted she has concerns regarding the trails and a beach accesses which she would like to clarify. She added she will put this in writing before the hearing.

The Clerk reported the Town Board adopted the amendment to Town Code Section 82-5 regarding the prohibition of alcohol at Indian Wells Beach on May 7th. She added the restriction is on Saturdays, Sundays and holidays until September 30th. Mr. Byrnes said he didn't like the fact that the Trustees were not advised of the hearing and felt a letter to this effect should be sent to the Town Board. The Board agreed.

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Concerning Three Mile Pond (Soak Hides), the Clerk noted the area has been tested by Dr. Gobler and no contaminants were found. There was a discussion as the Trustees were not aware Dr. Gobler had been asked to do the tests by the Natural Resources Department. It was agreed other agencies should contact the Trustees directly if they would like waters tested.

Ms. Klughers said a memo was sent to the Town Board on March 26th asking for an increase in fines for littering on the beaches, but no response has been received. She has since asked the Town Board to schedule a public hearing and suggested a \$1,000 fine or 15 days in jail as well as amending the Town Code to consider littering a violation not a misdemeanor.

Rona Klopman reported the Amagansett Citizens Advisory Committee (ACAC) voted 11 to 2 against the “carry-in, carry-out” proposal for Indian Wells Beach. She said they felt there are enough problems with the alcohol issue and they didn’t need to deal with any more restrictions this summer. Ms. Klughers suggested perhaps putting “carry-in, carry-out” signs at a beach where there are no garbage cans.

The Wilder sand placement was inspected by the Accabonac Harbor Committee and found to be completed according to the Trustee permit.

A motion was made by Ms. Klughers to expend up to \$800.00 for crabbing and shellfish signs. This motion was seconded by Mr. McCaffrey and unanimously approved.

Mr. Miller stated “No Swimming in Channel” signs should be placed at Louse Point and Three Mile Harbor (Maidstone Park Beach). The Board agreed.

The Clerk reported she will attend the awards ceremony at the East Hampton High School on June 4th to present the Rysam Fund Scholarship.

Notification was received concerning completion of the Rifkind erosion control project in Hog Creek. The Clerk noted an as-built survey is required and she will send a letter to the applicant to this effect.

Upon review of the Roche as-built survey submitted upon completion of the bulkhead repair at 283 Kings Point Road, the Clerk noted it indicates there are two staircases while the permit contained only one. She asked the Hog Creek Committee to inspect the site to determine the status of the bulkhead and staircase.

Concerning a derelict boat on Napeague Harbor Road, Mr. Miller reported he is waiting to receive an estimate on the cost of removing the boat and other debris in the area. Ms. Klughers added she will send a letter to the adjacent property owners advising them the Trustees are in the process of hiring a contractor to remove the debris.

Mr. Byrnes reported he tagged two kayaks which were left on the racks at Louse Point without a Trustee permit. He said he will give the owners time to remove them and will contact the Parks Department to assist in their confiscation.

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The Clerk reported there has been a misunderstanding concerning the Goldman mooring in Northwest Creek. She explained the mooring was installed too early- before the permit was issued this year so the Mooring Committee thought it had been in all winter. A letter was sent to Mr. Goldman advising the mooring permit was revoked and his payment was returned. Following conversations with Mr. Goldman and the contractor, it was confirmed the mooring was taken out last winter and a copy of an invoice (for the removal) was provided. The Clerk added she spoke with Mr. Goldman and the problem has been resolved.

Concerning the Calicchio phragmite removal application, the Clerk said she requested additional information from the agent, but nothing has been received to date.

The Clerk reported photographs of the Coe dock were received. She noted she will send a letter to Mr. Coe asking for the as-built survey also required.

Concerning violations issued for properties at Hedges Banks, the Clerk reported notification was received from Walbridge Surveyors that they are preparing a survey for Strauss. She added no new information has been received for the Kahn property.

The Clerk reported the DEC permit for Front Row Properties has been amended and the bulkhead is now proposed landward of the mean high tide. A letter will be sent to the agent indicating the Board has no objections to the DEC amendment and reminding him the elevation is not to be increased.

The Clerk reported she attended the Mass Assemblage meeting on Thursday. She said they discussed commercial assemblages and will work on concepts i.e. limiting time at certain locations for surfers, yoga, etc... Ms. Klughers told the Trustees a large group of paddle boarders was seen going from the parking area on Montauk Highway through to Georgica Pond and then having a cook-out along the beach near the gut. She wondered whether they should be required to have a permit.

The Clerk reported a meeting was held with the Supervisor, Mrs. Shaw and the Harbormaster concerning the Winter 2015/Spring 2016 Dredging Schedule. She noted the priority list included Accabonac Harbor, Napeague Harbor and Northwest Creek. She pointed any waterway in which the County considers as having a navigational channel will be reviewed for dredging while additional areas will be on hold. The Clerk said the Harbormasters advised her the Three Mile Harbor mooring grid is getting shoaled, so the Board may have to look for alternative mooring sites next year. Concerning Georgica Pond, the Clerk submitted amendments to the project description and proposal by GEI Consultants to assist in acquiring a dredge permit. She added once the application wording is complete, the concern will be funding.

Mr. Byrnes suggested the Trustees and Town Board have a joint meeting/work session to discuss general issues. He said he felt this might be a way to find common ground.

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The Clerk reported the following pump-out totals for 2014: 52,400 gallons pumped from boats in Lake Montauk and 22,205 gallons pumped from boats in Three Mile Harbor.

The Clerk reported Showtime submitted a Trustee Consent Form for use of the beach on May 18th, even after she sent a letter informing them the Trustees would not consider allowing them on the beach for filming this year. She added she will send a follow-up letter advising Showtime they accessed and filmed without a permit.

A bill was received from David Eagan for legal services but it was not broken down by each suit. The Clerk will contact Mr. Eagan regarding this matter.

The Munis Budget Report was received.

Mr. Byrnes reported dredging is being done at Devon Yacht Club outside of the marine basin and the spoil is being placed on the northwest side. The Clerk will notify Ordinance Enforcement.

The Clerk said a phone call was received from the caretaker of Gardiner's Island inquiring if Trustee permission would be needed to move a World War II tower landward on the Island. Mr. Courtney confirmed Gardiner's Island is privately owned.

The meeting was adjourned at approximately 9:00 p.m. by the Clerk.

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