

**MEETING OF OCTOBER 28, 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  
Nathaniel Miller  
Bill Taylor

Not Present: Stephanie Forsberg, Assistant Clerk  
Stephen Lester  
Sean McCaffrey

Also Present: John Courtney, Trustee Attorney  
Lori Miller-Carr, Trustee Secretary  
Chris Walsh, Star Reporter  
Chuck Bowman  
George Eldi  
Mrs. Hall  
Elaine Jones  
Rona Klopman  
Pat Mansir  
Vincent Priore  
Diana Walker  
Christopher Walsh

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

Rona Klopman was present regarding the access easement for use of Six Pole Highway by Temple Adas Israel. She noted the survey obtained is for the entire road and asked if this was necessary. Mr. Courtney said he spoke with the attorney for Temple Adas Israel and told him the survey only has to include the area up to where the Trustees deeded to the Town; which is the southern end of Six Pole Highway. He told Ms. Klopman to ask Mr. Saskas, the surveyor, to contact him. The Clerk added she has received several updates from Mr. Wolf concerning removal of the vegetation, gate and the electric lines.

Diana Walker suggested a sign be installed at the Marine Boulevard beach access as people sometimes enter the access at a high rate of speed. Mr. Miller said the speed limit is 15 mph in that area and it should be enforced. Ms. Walker also expressed concern in regard to parking on Shore Drive and felt perhaps signs should be installed there. The Clerk suggested

10/28/14

Ms. Walker contact the Highway Department and the Police Department to make them aware of the situation as parking signs are not within Trustee jurisdiction.

Chuck Bowman was present concerning the application of Mary Meeker for bulkhead repair on Louse Point Road. In a discussion, Mrs. Klughers pointed out the bulkhead has been buried and the beach built up. She asked if the property owner would consider a soft approach. Mr. Bowman stated it wouldn't be feasible and the owner, under the Trustee regulations, has the right to reconstruct the bulkhead. He noted all the Town agencies and the DEC have deemed the bulkhead functional. Mr. Bowman told the Trustees if they feel so strongly about the detrimental effects of bulkheads, they should change their regulations and policies. Mrs. Klughers said she felt this bulkhead could have exasperated erosion on the neighboring properties. The Clerk noted there is enough beach in front of the bulkhead and enough embankment behind it to attempt a soft approach. She said she would like to see an alternative at this location. She said the Trustees can deny the application as submitted and consider a new application for a soft approach. Mr. Bowman told the Clerk Mr. Krupinski represents the applicants and if it is denied by the Trustees, the matter will go to his attorneys. He stated he didn't feel this would be a good fight to have. In a discussion, it was agreed some of the Trustees will meet Mr. Bowman at the site.

Pat Mansir told the Board she is actually frightened by the recent dredging of the west channel in Napeague Harbor. She pointed out the west channel was last dredged in 2002 and the County promised that the east channel would be next on the list to be dredged. She said she remembers being at a Trustee meeting years ago and there was a discussion about the relocation in the event a leaseholders house is in jeopardy. Mrs. Mansir pointed out even though the Board wasn't in favor of re-leasing vacant lots, they seemed to agree to possible relocation of a house. She noted there is a history of trying to maintain what is owned, but never at the detriment of other people. She added she is very concerned about Mrs. Knobel's house and hopes the Trustees will consider allowing her to relocate. The Clerk told Mrs. Mansir the Trustees were not in favor of the recent dredging and tried to mitigate it as best as they could. She said the Board is in a unique position now and have to take a lot into consideration to determine what to do as far as Mrs. Knobel's situation. The Clerk noted Susan Knobel submitted an application for relocation of her house from Lots 52N & 53N to 45N & 46N at Lazy Point. She noted the Planning Department has offered to have the lots flagged. The Clerk said she wants to look into this matter carefully in order to make it fair for everyone. She noted there have been requests in the past from other leaseholders to relocate to another lot. Mr. Miller said he felt Mrs. Knobel should consider relocating to a southern lot. The Clerk pointed out her concern is what kind of effect would moving Mrs. Knobel's house have on the property. She used the example of a couple of properties in town where houses were moved and the surrounding land was decimated. Mrs. Knobel told the Clerk she will do everything in her power to make sure there is as little damage to the land as possible. She said she will dig out the vegetation and replant it after the move. In a discussion, Mrs. Klughers pointed out this is a unique situation as Mrs. Knobel's house is in danger and asked Mr. Courtney if the Board did decide to make an exception, could he draw up a resolution which would ensure a precedent is not set. Mr. Courtney agreed he could do this. Elaine Jones stated for the record, she supports Mrs. Knobel's relocation. She pointed out she believes Mrs. Knobel will take care of the property and it would be wonderful if

10/28/14

the Trustees can help her relocate. Mrs. Jones asked if there is any hope of having the east channel dredged. Mr. Taylor replied it would be a huge project and cost millions of dollars. He noted the water quality is so good in Napeague Harbor, it is not pressing to have the east channel dredged. He added there are some studies which indicate the harbor can't support two channels. The Napeague/Lazy Point Committee agreed to meet at Lots 45N & 46N to inspect the area.

Mrs. Hall was present concerning the opening of Georgica Pond. She noted she felt there is a need for excavation as the shoaled area is exposed. She asked the Board if they would consider opening the Pond once a month. She said the homeowners agreed to fund it if necessary. Mr. Miller stated while he would like to see the Pond opened more often, currently openings are times to fish migration. In a discussion, the Clerk pointed out pre and post-opening data has been received from Dr. Gobler. She said she would like to review it and then make a determination about future openings. The Clerk pointed out Bruce Horwith of the Nature Conservancy has been contacted by at least twelve (12) Georgica Pond homeowners who are interested in contributing funds for remediation efforts for the Pond.

Mr. Priore pointed out 500 cubic yards of dredge material was placed west of the inlet at Lazy Point. He asked if the Trustees know where it will be relocated. Mr. Taylor said he thinks it is being utilized for the road end.

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

The Clerk reported she contacted Ordinance Enforcement regarding construction of a deck at the Schlitt residence located on Lot 36S at Lazy Point but has not had a response. Mr. Eldi told the Clerk nothing more has been done on the lot since the worked was stopped.

A motion was made by Mr. Byrnes to approve payment of the following bills: a) Mike DiSunno & Son, Inc.- \$800.00; b) East Hampton Star- \$285.00 (clam contest ad); c) Skidmore's- \$963.93 (t-shirts for clam contest); and d) Cook Maran Insurance Company- \$3,500.00 (renewal of bonds). This motion was seconded by Mr. Bock and unanimously approved.

A motion was made by Mr. Byrnes to approve the minutes of a Special Meeting held on September 29, 2014. This motion was seconded by Mr. Miller and unanimously approved.

A motion was made by the Clerk to approve the financial reports of August and September. This motion was seconded by Mrs. Klughers and unanimously approved.

In response to a letter from the DEC requesting a recommendation of one harbor in the town to be evaluated for rainfall related conditional shellfish harvesting, the Clerk noted Accabonac Harbor would be most suitable. In a discussion, it was agreed Mr. Taylor will contact the DEC to determine if it is feasible for him to do the samplings. Mr. Byrnes told the Board he could assist in delivering the samples.

10/28/14

In a brief discussion regarding the possible opening of the Accabonac Harbor culvert, Mr. Byrnes pointed out when he became a Trustee, he remembers somebody telling him the Supervisor told Kim Shaw to let the Trustees get their own permits from the DEC. He noted this has never happened and asked if the Trustees have a better relationship with Mrs. Shaw now and would she be willing to file on the Trustees behalf. The Clerk replied with regard to Georgica Pond, the relationship has improved but the Trustees need to follow up with Mrs. Shaw on the culvert. She told the Board that Mr. Byrnes reached out to a local contractor for an estimate to open the culvert and it will cost \$14,000.

The Clerk reported an application was received from Dale Burch for dock replacement in Hook Pond. She noted the work was started but stopped by Village enforcement officers. She asked the Ponds Committee to review the application and inspect the area.

An application was received from David Sonenberg for a shoreline fence on 117 Marine Boulevard. The Clerk asked the Beaches Committee to review the application and inspect the area.

A Technical Analysis Memo was received from the Planning Department concerning the application of Michael Feldberg for replanting with indigenous vegetation within 100' of the dune crest on 219 Marine Boulevard. The Clerk asked the Beaches Committee to inspect the area of the proposed project to determine if Trustee comment is necessary.

A motion was made by Mr. Miller to approve a request from John Dunne, Director of Aquaculture, to overwinter oysters in Napeague Harbor. This motion was seconded by Mr. Taylor and unanimously approved.

Mr. Byrnes reported an application for a walkway through the Double Dunes was approved by the ZBA. He asked who owns the Double Dunes. The Clerk explained the Nature Conservancy owns the Double Dunes in this area and is cooperating with another homeowner to allow the walkway to traverse both parcels to get to the beach. Mr. Byrnes said he didn't feel the homeowner should be allowed to go through the dunes. The Clerk pointed out the applicant/homeowner will have to get permission from the Trustees for a walkway or staircase down to the beach grass line.

In a discussion regarding the prohibition of alcohol at Indian Wells Beach, the Board agreed to invite the Supervisor to a Trustee meeting to resolve the issue. The Clerk said she would like to find out how many tickets were issued this summer for violation of the alcohol prohibition. Mr. Byrnes stated he felt installing the booth alleviated a lot of problems. The Trustees felt the wording on the prohibition sign should be corrected to reflect the law as it is written if the Board agrees to the prohibition next year.

Mrs. Klughers reported she inspected the Tick Tock bulkhead. She asked if the Trustees can request a Passing Way Easement from the property owner. Mr. Courtney replied it can be

10/28/14

requested, but the owner is under no obligation to submit it since the Trustees didn't require it at that time. A letter will be sent to the applicant requesting submission of a Passing Way Easement.

The Clerk reported a letter was sent requesting additional information regarding the application of Slipper Shell Studio, LLC for bluff restoration. She added no response has been received from the applicant to date. It was agreed the Clerk will send another request to the applicant.

The Clerk reported notification of commencement of the Abernathy and 31 Waters, LLC dune restoration projects was received.

Mrs. Klughers reported she inspected the Neville bulkhead at 22 Driftwood and determined the rocks have still not been removed and the stairway, which was supposed to be retractable, isn't. She pointed out an irrigation system was also installed. It was agreed a letter will be sent to the property owner concerning this matter.

Mrs. Klughers presented a press release concerning the proposed scallop shell recycling project. In a discussion, it was agreed the shells should be placed on Trustee property at the Head of the Three Mile Harbor instead of at the Atlantic Avenue parking lot. She noted the shells would then be used in Aquaculture projects such as oyster bed replanting, reef building, etc...

A motion was made by the Clerk to purchase 5000 shellfish bags from Globe Bag Company. This motion was seconded by Mr. Miller and unanimously approved.

The Clerk reported an application has not been received from the Mako Lane Association for the beach access walkway. The Board agreed the Clerk should contact Code Enforcement again.

Concerning the Lange shoreline fence, the Clerk reported there has been no response to a letter requesting the survey be updated to show the current conditions of the shore. Mr. McCaffrey will look into this matter.

Mr. Miller reported the Harbor Management Committee met and discussed the following: a) possible purchase of a smaller mobile pump-out boat to use as a spare in the event one of the regular boats breaks down; b) inventory of duck blinds to make sure all those permitted are in use.

In response to a request for a temporary mooring in Napeague Harbor, the Trustees agreed not to allow it.

The Clerk reported no new information has been received concerning the Iskander bulkhead and a request for a Passing Way Easement.

10/28/14

The Clerk asked the Hog Creek Committee to inspect the Abrahams, Roche and Weinberg bulkhead projects. She added as-built surveys were requested from all three applicants, but only one has been received from Mr. Weinberg.

Concerning the Springmark (Zbar) fence, Mrs. Klughers reported the fence still has metal posts. It was agreed the Clerk will contact the Natural Resources and Planning Departments regarding this matter.

The Clerk asked the Three Mile Harbor Committee to inspect the site of the proposed Walsh bulkhead replacement.

The Clerk reported she would like to put in a purchase request for a toolbox for the back of the Trustee truck. The Board agreed.

The Clerk reported a copy of an application for filming/still photography shoot was received from the Town Clerk's office for Ryan Jones c/o Bee Nest, Inc. for Nov 2<sup>nd</sup>. She added she sent Mr. Jones a Trustees Declaration and Consent Form.

The Clerk reported she sent a memo to the ZBA concerning a hearing on the Bell Estate dock.

In response to a report that work was being done on a bulkhead at the Pilla residence on Shore Road, the Clerk noted the work is on the upland deck, not the bulkhead.

The Clerk reported she was advised by the Highway Superintendent that National Grid is installing a larger gas main along Town Line Road. She added there was also a complaint received of debris along Town Line Road.

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

10/28/14