

MEETING OF SEPTEMBER 23, 2014
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
Sean McCaffrey
Nathaniel Miller
Bill Taylor

Not Present: Stephen Lester

Also Present: John Courtney, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Chris Walsh, Star Reporter
George Eldi
Rona Klopman
Susan Knobel
Ben Krupinski
Vincent Priore
Diana Walker
Laurie Wiltshire

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

The Clerk reported letters were received from Mrs. Knobel and Ms. Weingast expressing their concerns regarding the proposed dredging of the west channel in Napeague Harbor. She said a committee of Trustees met at on site since the Trustee last meeting; and hoping to get a modification of the deposition site, but it didn't happen. She noted in the interim the County has started to mobilize the dredging equipment and plan to start October 1st. The Clerk stated after extensive review of Trustee files and speaking with a lot of people, she has drafted a letter to the Supervisor in which she indicated the Trustees have had serious reservations and concerns for the potential negative impact to Lazy Point due to the dredging of the west Channel. The Clerk pointed out if Suffolk County Department of Public Works goes ahead with the plan, the beach will continue to erode and the ramp will be severely impacted. She said she would like to advise the Town Board that the Board of Trustees have not technically approved of the spoil deposition site. All Trustees present with the exception of Mr. Taylor agreed they are not in favor of dredging the west channel in Napeague Harbor. A motion was made by the Clerk to this effect and seconded by Mr. Byrnes and approved. Mr. Taylor was opposed to this motion. He said he

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has been involved in dredging programs for a long time and feels there will be repercussions from this motion. The Clerk replied it is unfortunate but the Trustees have asked Suffolk County for consideration of dredging the east channel and have submitted an application for renewal of the excavation permit but were told they need to do a study, etc... She stated she feels someone needs to draw the line SCDPW as they are supposed to be the environmental stewards in Suffolk County. Mr. Byrnes asked if any feedback was received from Kim Shaw, Director of Natural Resources. The Clerk replied Mrs. Shaw had hoped the dredge spoil could be relocated but once they met at the site, the County representative implied the plan couldn't be modified. The Clerk stated for the record, Napeague Harbor's west channel is more than adequate for navigational purposes at this time. In a discussion, Mrs. Knobel said she met with Kevin Kispert of the DEC and she asked him why there was no environmental assessment done regarding the impact of dredging on the shoreline. Mr. Kispert told her due to the time frame of the last permit, they weren't required to do an assessment. Mrs. Knobel pointed out there has been a major hurricane since the last dredging permit was issued and it had affected the shoreline; but it wasn't factored in. A motion was made by the Clerk to send a letter to Supervisor Cantwell (c.c. to other town and governing agencies) indicating the Trustees are not in favor of the dredging of Napeague Harbor's west channel as proposed. This motion was seconded by Mr. Miller. Mr. Taylor was opposed to this motion.

Ben Krupinski was present concerning the application of Mary Meeker for bulkhead reconstruction at 36 Louse Point Road. Upon review of the application, the Clerk noted the verification forms submitted are photocopies and out-of-date. She asked that original, updated verification forms be forwarded to the Trustees and attached to the application. She pointed out an updated survey is also required. Dan Hall of Land Use explained the application was previously before the Trustees and denied as the beach was in good condition. He noted nothing has changed on the property since that time. He said an engineer's report and photographs have been submitted indicating the bulkhead should be reconstructed; and permits from other governing agencies including the DEC have been received. Mrs. Klughers said she felt this is a situation where the shoreline is stable and may be a perfect example of a soft solution. Mr. Hall pointed out their shoreline was severely impacted during Hurricane Sandy. Mr. Krupinski said he has been familiar with the property for a long time and while the beach has built up, he saw it when water was going over the bulkhead. He pointed out if you look at the slope behind the bulkhead if it was gone, the property would be sliding down the bluff and washing out. He added he felt the bulkhead is saving the property. It was agreed the Accabonac Harbor Committee will review the application and inspect the property again.

A motion was made by the Clerk to approve the application of 31 Waters, LLC (owned by Kevin Abernathy) for dune restoration with the following standard and additional conditions: a) copies of applications and permits acquired from other agencies are to be submitted to the Trustees; b) written notification 48 hours prior to the start of the project and continuous communication between the contractor and Trustee office of the projects progress until completion; c) a valid as-built survey of the permitted activities will be submitted to this Board upon completion of the project as at the start; d) if the beach is to be used as access to the project

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site, it shall be left in the same condition upon completion of the project as at the start; e) no equipment shall be left on the beach overnight; f) access along the beach shall not be impeded; g) only clean beach compatible sand shall be used; h) plantings shall be 12” on center, in staggered rows; i) submission of color photographs at the start and upon completion of the project; and j) no treated material. Additional conditions are as follows: a) written notice and approval of the Highway Superintendent to utilize the terminus of the public road; and b) no staging of equipment or materials at the terminus of the road end or on the beach. This motion was seconded by Mrs. Klughers and unanimously approved.

A motion was made by the Clerk to approve the application of Kevin Abernathy of 35 Waters Edge Road for dune restoration with the same standard and additional conditions as 31 Waters Edge, LLC. This motion was seconded by Mrs. Klughers and unanimously approved.

The Clerk reported no response has been received from Sondra Anderson concerning the residency requirement of an addition person, to her lease of Lot 8S.

Clerk reported Brian Schlitt who leases Lot 36S along with his father, Russell, at Lazy Point has built a deck without a Trustee permit. Mr. Schlitt submitted an expired East Hampton Town building permit to the Trustees. He was given a Trustee application which has not been returned.

Mr. Byrnes reported several Trustees attended a meeting with the Lazy Point residents, at which time the launching ramp, road repair and dredging were discussed.

Susan Knobel asked the Board to continue consideration of the relocation of her house to Lots 45 and 46N.

Diana Walker asked the Board what the difference is between jurisdiction to the mean high water mark and jurisdiction to the beach grass line. The Clerk said the beach grass line is the beach vegetation, so if the Trustees jurisdiction begins there, there’s public beach seaward of it. Ms. Walker asked if she had a house on the beach, could she just keep planting beach grass to gain private property. The Clerk responded yes and that is why the Trustees require covenants for properties doing beach grass planting restoration to ensure no claim is made to the planted area.

Concerning access to property owned by Temple Adas Israel from Six Pole Highway, the Clerk reported a letter was sent to Mr. Wolff asking him to remove a gate and vegetation which is encroaching into the right of way. Rona Klopman noted she was told Mr. Wolff put his house up for sale. The Clerk stated Mr. Wolff has asked to address the Trustees at their meeting of October 14, 2014 to discuss a compromise. In a discussion, it was agreed the gate and bushes should be removed and the Clerk will obtain estimates for their removal.

Mrs. Klopman said she contacted Marine Patrol concerning the beach party on the beach west of Marine Boulevard. She noted although a Mass Gathering Permit was issued, tents were

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installed on the beach which were not part of the permit. She pointed out she sent a letter to the Town Board asking that the information regarding mass gathering permits issued be placed online for public review.

A motion was made by Dr. Forsberg to pay the following bills: a) Staples- \$21,34; b) Star Island Yacht Club- \$399.04; c) Hamptons Online- \$62.50; d) NYS Insurance Fund- \$473.86 (Workers' Compensation). This motion was seconded by Mr. Miller and unanimously approved.

A motion was made by Dr. Forsberg to approve the minutes of August 12, 2014. This motion was seconded by Mr. McCaffrey and unanimously approved.

A motion was made by Dr. Forsberg to approve the July financial statement. This motion was seconded by Mr. Miller and unanimously approved. It was agreed second notices will be sent to Lazy Point leaseholders who are in arrears for 2014.

The Board had no objections to a town application for a mass gathering permit for a party for a party at Big Albert's Landing Beach on September 26, 2014.

The Georgica Pond Committee to review the application by Rifkind for erosion control and inspect the site.

The Accabonac Harbor Committee to review the application of Slipper Shell Studio, LLC for bluff restoration and inspect the site.

An application was received from East Hampton 2013 Trust (Jason Liebman) for beach grass planting. Although a permit has expired, the Trustees agreed to allow the contractor permission to finish a dune restoration project for this parcel started last spring, but which was stopped by the DEC because of the plover window. The Clerk added upon completion of the dune restoration project, the Trustees will consider the beach grass planting application.

The Clerk asked the Three Mile Harbor Committee will review the application of Thomas Walsh for bulkhead replacement and inspect the site.

A request was received from Inter-Science for modification of the permit issued to Devon Yacht Club. A motion was made by the Clerk to approve modification of the permit issued to Devon Yacht Club for use of aluminum sheet piling as opposed to plastic sheet piling. This motion was seconded by Mr. Byrnes and unanimously approved.

A notice was received from the DEC that a portion of Northwest Creek has been re-classified from uncertified year round to seasonally certified for shellfishing.

An Environmental Assessment Form was received concerning Floken, Inc. (Joseph) for a subdivision. The Clerk noted the property owner has an existing dock in Georgica Pond. She added she will review the EAF further and contact the Committee if she feels a comment should be forwarded.

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The Clerk reported a request was received from Project Most for permission to plant beach grass at Georgica Beach in early October. The Board agreed to recommend an alternate site i.e. Louse Point, Napeague (Art Barge area or east side); Sammy's Beach or Maidstone Park. It was agreed a Hold Harmless Agreement should be initiated. Mrs. Klughers will contact Anita Wright of Project Most regarding this matter.

Dr. Forsberg reported Dr. Gobler has been performing water quality and algae monitoring every two weeks. She noted there are still high levels of blue-green algae in Georgica and its spreading throughout the Pond. She stated Dr. Gobler has asked the Board to consider a small scale project of looking at the water quality of the Pond before and after the opening of the gut. She said the Trustees would like to be able to excavate the Pond, but unfortunately the permit is not in place for this winter. In a discussion regarding the opening of Georgica Pond, Mr. Miller said a few of the commercial fishermen have suggested opening the Pond earlier as the fish are starting to run, and asked if the Board would consider it. Dr. Forsberg told Mr. Miller she understands his concern, but Dr. Gobler needs a few weeks to collect data for the pre-letting study. Mr. Miller pointed out the temperature is still high during the day and doesn't want to open the Pond until all the data is in. A motion was made by the Clerk to approve a pre-letting study of Georgica Pond by Dr. Gobler utilizing funds available from the water monitoring program. This motion was seconded by Dr. Forsberg and unanimously approved. A motion was made by the Clerk to reiterate the closure of Georgica Pond to crabbing and harvesting of other marine species for 21 days from September 23, 2014; allowing the Clerk to lift that ban at her discretion based on test results. This motion was seconded by Dr. Forsberg and unanimously approved.

The Clerk reported she attended the Comprehensive Wastewater Management Plan meeting. She noted the consultant now needs input from the community. She added the plan was emailed to the Trustees.

Concerning the Georgica Pond Restoration Action Plan, the Clerk pointed out the Town Board's Resolution of support included a type 2 SEQRA requirement. She questioned this and doesn't understand the DEC's involvement. She will follow up with the Supervisor.

The Clerk reported the preparations for the Largest Clam Contest are underway. Mr. Byrnes reported WLNG has been advertising the contest. The Clerk noted the entry boxes will be dropped off at the seafood shops. Dr. Forsberg will pick up the entry clams on the morning of the contest. Mr. Miller and Mr. McCaffrey will get ice and coolers. Mr. Lester will get water and soda from Peconic Beverage. Mrs. Klughers said she wants the bottles, cans and clam shells to be recycled. She will make signs for garbage cans. She reported the Sportsmen's Alliance, the Classic Boat Society, the Girl Scouts, Natural Resources, the Riverhead Foundation and the Hatchery will be present at the contest.

A motion was made by the Clerk to approve access to 22 Ancient Highway pending receipt of an access easement and a metes and bounds description. This motion was seconded by Mr. Bock and unanimously approved.

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The Clerk reported the Town Board held a public hearing on the proposed new code chapters for Mass Assemblies on September 18, 2014.

The Accabonac Harbor Committee to inspect the Tick Tock bulkhead repair, phase 3 to ensure the applicant has met all the conditions of the Trustee permit.

Mr. Miller told the Board there have been many complaints regarding insufficient enforcement of the shellfish ordinance and this matter has been discussed several times at the Harbor Management Committee meetings. He pointed out someone dumped a large number of undersized oysters by the launching ramp at Commercial Dock. He noted scallop season is approaching and something has to be done. Mr. Miller stated the way the Town Code is written now, there is only a \$50.00 fine for the first offense and it needs to be changed. In a discussion concerning the hiring of a Bay Constable, Mr. Taylor pointed out it has to be a town position not an elected one. He suggested the Trustees ask the Town Board to consider hiring a Bay Constable. It was agreed a meeting should be held prior to the opening of scallop season with the Supervisor, the Police Chief, the Chief Harbormaster and the Trustees to discuss enforcement and also changing the Shellfish Code.

The Clerk reported an application has not been received from the Mako Lane Association for the beach access walkway built without a permit.

Concerning the Lange shoreline fence, a letter was received from the attorney indicating the survey will be updated to show the current conditions of the shore as requested by the Trustees.

The Clerk noted another memo (plus copies of two prior memos) was sent to the ZBA re: the application of MTSTL, LLC indicating the Trustees are not in favor of an 800' "roll-out" boardwalk across the double dunes.

The Hog Creek Committee inspected the Springmark, LLC (Zbar) stairway on Runnymede Drive. It was suggested metal posts installed on the bluff be replaced with wooden posts. A letter will be sent to the applicant to this effect.

Concerning the Iskander bulkhead, the Clerk noted a letter was previously received from Rick Whalen indicating the applicant doesn't feel the Trustees have jurisdiction in the area of the bulkhead. Mr. Courtney said he advised Mr. Whalen to review the Trustee files.

The Clerk reported the stairway at 22 Driftwood Lane is to be a retractable or removable for the winter but it doesn't appear to be. She asked the Hog Creek Committee to inspect the site.

The Clerk asked the Hog Creek Committee to inspect the Abrahams and Roche bulkhead repair projects on Runnymede Drive.

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The Clerk reported Folkstone Road end appears to have been repaired by the Town. The Roads Committee confirmed they have inspected the road and found it to be satisfactory.

The Clerk reported the Ingalls Road Property Owners Association and Andrew Marks bio-log projects have been inspected by the Three Mile Harbor Committee and found to be completed according to the Trustee permit.

Concerning 8 Five Rod Highway, the Clerk reported information was sent to the Planning Board indicating the Trustees want to keep the road in as natural a state as possible and submission of an access easement is required by the Trustees. She will send another memo to this effect.

The Clerk reported that following the Trustees decision to deny the revetment applications of Mullen, Clemente, Wilder and Lynch, she called Mr. Mullen to tell him the outcome. She said Mr. Mullen then came to the office and thanked her for letting him know although he doesn't know where the matter may go from this point. She noted a letter was received from Mr. Lynch asking if he could meet with the Trustees on the 25th or the 26th. The Board agreed the Clerk or committee could meet with Mr. Lynch, but he should also come to the regular Trustees meeting of October 14th.

The Clerk reported the duck blind permit applications have been sent and being received back for review by the committee.

Mr. McCaffrey reported he inspected a shoreline fence at 117 Marine Boulevard and informed the owner a Trustee permit is required.

A Village ZBA Public Hearing is scheduled for October 1st at 1:00 p.m. concerning the application of the Maidstone Club for an irrigation system.

The Clerk reported Cornell Cooperative Extension/Marine Meadows will hold an eelgrass workshop on September 27th in Westhampton.

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

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