

**MEETING OF SEPTEMBER 9, 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  
Brian Byrnes  
Debbie Klughers  
Stephen Lester  
Sean McCaffrey  
Bill Taylor

Not Present: Timothy Bock  
Nathaniel Miller

Also Present: John Courtney, Trustee Attorney  
Lori Miller-Carr, Trustee Secretary  
Zachary Cohen  
George Eldi  
Rona Klopman  
Vincent Priore  
Diana Walker

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

Zachary Cohen was present on behalf of the Nature Preserve Committee regarding the recent purchase of two parcels adjacent to Hog Creek by the Town using Community Preservation Funds (CPF) and the possibility of public access to this water way via one of the parcels. Mr. Cohen told the Board he met with Lion Head Beach Association and has received correspondence indicating their covenants and restrictions are very similar to Clearwater Beach Property Owners Associations'. He stated the Hog Creek Associations have asserted, in writing, there is not a covenant on uses of the subject properties; but there is a covenant for structures on them. The dredging of Hog Creek as a benefit from obtaining public access was also discussed. Mr. Cohen pointed out the Army Corp of Engineers will not dredge where they don't feel there is enough public benefit. It was agreed the Trustees will contact the Department of Environmental Conservation in order to determine their minimum access criteria to determine if Hog Creek can be included on the County dredge list.

Mr. Cohen discussed South Flora and the vehicular access off Dolphin Drive to the beach. He noted there is some confusion as there are "no parking" signs along both sides of Dolphin Drive, but the signs do not conform to the Town Code. He felt a public hearing will be held to clarify this matter in the near future. The Trustees agreed to support parking on the east side of Dolphin Drive. There was a brief discussion regarding parking on Montauk

Highway. Mr. Byrnes said he felt the highway parking creates a dangerous situation. Mr. Cohen noted that except for the portion of highway between Dolphin Drive and Hither Hills, parking is not allowed from Amagansett to the new Montauk Highway. He believes a number of people will push to get no parking along the highway all the way to Montauk.

Concerning access to property owned by Temple Adas Israel from Six Pole Highway, the Clerk said no response has been received from Mr. Wolff, who was asked to remove a gate and vegetation encroaching into the right of way. She noted a second letter was sent to Mr. Wolff giving him thirty days to remove the items. Rona Klopman asked about the status of the access easement. Mr. Courtney replied he advised Mr. Chawtsky, the Temple's representative, the metes and bounds description would have to be amended to include the entire road. He said Mr. Chawtsky will contact the surveyor concerning this matter.

Diana Walker advised the Board she doesn't think the public is aware the Trustees are utilizing their own funds for Dr. Gobler to complete the water quality monitoring. She pointed out she felt water quality is one of the most important issues the Town is facing. As this program is costing the Trustees almost 25% of their annual budget, she felt the Board should consider forming a "Friends of the Trustees" as a fund raising entity. The Clerk pointed out there is a statement on the Trustees website indicating donations can be accepted, but the Trustees have to be careful how those funds are used. The Trustees cannot appear to accept monies from those who may have a specific agenda for its use, which may not be beneficial to the public. However, Mrs. Klughers pointed out CFAR (Citizens For Access Rights) has held a number of fundraisers and then given the Trustees a generous donation to assist with the recent legal expenses incurred defending public access to the beach. Ms. Walker added she felt the Trustees could ask the Town Board for funding toward the water quality program.

The Clerk reported, in response to Ms. Walker's inquiry at the last Trustee Meeting, the use of Community Preservation Funds by the Town to purchase public lands under Trustee jurisdiction only to ensure the land remains public is not an appropriate (or legal) use of the CPF.

The Clerk reported that in response to a previous concern expressed by Mr. Priore regarding the placement of Trustee agendas and minutes on the internet, Ms. Klughers has arranged for an upgrade to this Boards website. She advised Mr. Priore the Trustees will post agendas, results of meetings and minutes once approved by the Board.

Susan Knobel was present regarding the proposal to dredge Napeague Harbor's west inlet. The Clerk noted Mrs. Knobel submitted a letter to the Trustees stating she was informed by a representative of the Suffolk County Department of Public Works (SCDPW) the dredge will be delivered to the site on September 15<sup>th</sup> and dredging is to commence on October 1<sup>st</sup>. She expressed concern that the spoil is slated to go on a portion of the beach and not along the shoreline near the launching ramp. The Clerk advised Ms. Knobel she spoke with Legislator Schneiderman and tried contacting Mr. Hillman from the SCDPW in regard to this matter. She said this Board believes the project as planned can potentially cause more scouring of the ramp and adjacent area. She went on to say the Trustees as well as the Supervisor have requested the

9/9/14

deposition of the dredge material be in an alternative location. Legislator Schneiderman told her the County engineer would be the one to contact and he thought a study would be needed before the permit could be amended. The Clerk noted SCDPW is dredging for navigational reasons, not for any other purpose; and it doesn't appear the harbor needs navigational dredging at this time. She pointed out the Trustees have not yet approved the deposition of dredge material on the Trustee beach as required and she doesn't know if the Town has completed its formal approval either. It is becoming a very complicated issue. After a lengthy discussion concerning the placement of the dredge spoil, a motion was made by Dr. Forsberg to offer Suffolk County Department of Public Works up to \$25,000.00 to relocate the dredge spoil to the beach by the launching ramp at Lazy Point. This motion was seconded by Mr. McCaffrey and unanimously approved. The Clerk will contact the appropriate agencies to advise them of this offer.

A motion was made by Dr. Forsberg to approve payment of the following bills: a) David Eagan & Associates- \$167.23; b) Optimum- \$144.80; c) Staples- \$14.58 and \$73.26; d) Seacoast Enterprises Associates, Inc.- \$457.08; e) Hamptons Online- \$35.00; f) One Beacon Insurance- \$6,238.00 and \$3,138.00; g) North Fork Water Supply Corp.- \$12.00; h) East Hampton Star- \$52.07; i) IRS- \$24.77. This motion was seconded by Mr. Byrnes and unanimously approved.

A motion was made by Dr. Forsberg to approve of the following minutes: a) April 22, 2014; b) May 13, 2014; c) June 10, 2014; d) June 24, 2014; e) July 8, 2014 and f) July 22, 2014 with minor amendments by Mrs. Klughers. This motion was seconded by Mr. McCaffrey and unanimously approved.

The Clerk noted the 2015 Budget Meeting with the Town Board was held. She noted the Trustees requested \$87,000 more than last year. She added the results will be known when the Supervisor's 2015 Budget is released.

The July Financial Report is to be reviewed further by the Trustees.

A motion was made by the Clerk to send a letter to Herzog and Little, CPAs indicating the Trustees are satisfied with the review of their financial records for 2012 and 2013. This motion was seconded by Dr. Forsberg and unanimously approved. The Clerk noted the review recommended the Trustees continue monthly review of financial reports from QuickBooks and that deposits be made on a more regular basis (five days from the receipt of funds). Obviously this indicates the Trustees are managing their finances very well.

The Clerk reported there have been no major problems with the Mass Gathering Permit Application process this year. She noted a public hearing will be held on September 18<sup>th</sup> concerning a new Mass Assemblies law. In a discussion, the Trustees agreed a fee for garbage removal should be addressed.

A letter was received from Roger Boleis indicating he no longer wishes to install his dock in Hog Creek. It was agreed a letter will be sent advising Mr. Boleis that once removed from the inventory; the Trustees will not permit a dock to be reintroduced in the future.

9/9/1

A motion was made by the Clerk to approve requests from the following Lazy Point leaseholders for additions of family members to current leases: a) Martin Pettersen- Lot 35N; b) Stephen Grimaldi- Lot 1N; c) Evelyn Martin- Lot 16N; d) Albert DiCostanzo- Lot 26S; e) Allen and Carol Bennett- Lots 48N & 49N; f) Mark Webb- Lots 24N & 25N. This motion was seconded by Dr. Forsberg and unanimously approved.

A motion was made by Mr. Lester to approve the application of David Seeler for re-vegetation on Lot 38N at Lazy Point. This motion was seconded by Mr. Byrnes and unanimously approved.

Concerning a request from Susan Knobel to relocate her house from Lots 52N & 53N to Lots 45N & 46N, the Clerk asked the Lazy Point Committee to review the information provided by Ms. Knobel and inspect the lots.

The Clerk reported she was advised by Ms. Duryea of the Natural Resources Department that all plover fencing has been removed from the beaches.

Preparations are underway for the 24<sup>th</sup> Annual Largest Clam Contest which is scheduled for Sunday, October 5<sup>th</sup> beginning at noon at the Trustees office. The Clerk said posters have been prepared and are ready to go out. She noted Chris Walsh and the Trustee secretaries have agreed to be clam chowder judges. Mrs. Klughers advised the Trustees she has contacted various groups (i.e. Sportmen's Alliance, Cornell Cooperative Extension, CFAR, etc...) who might be interested in participating with displays at the contest.

Concerning the Napeague vs. Gardiner's bay delineation line, the Clerk presented a map drafted by former Trustee Norman Edwards from the Trustees files. After comparing Mr. Edwards map with that from Mr. Boerner, the Board agreed Mr. Edwards' map is more accurate. The Clerk added she will send a copy of the map from the files to Mr. Boerner and Mr. Rattray.

A motion was made by Mrs. Klughers, based on all the information received and reviewed to deny the applications of Constantine Clemente, John Mullen, Thomas Lynch and Robin Wilder for rock revetments along Louse Point. This motion was seconded by Mr. McCaffrey and unanimously approved. The Board believes alternative solutions have not been adequately explored or implemented for these properties.

The Board agreed to renew a Certificate of Deposit (legal) account at Suffolk County National Bank.

The Clerk reported a meeting was held with the Supervisor, Village Mayor, Natural Resources Director and others concerning the proposed Georgica Pond Restoration Action Plan. In a discussion among the Trustees, it was pointed out there is a proposal for affordable housing on Daniel Hole Road for which Mrs. Klughers pointed out a plan for denitrification systems should be in place as the septic systems installed would directly affect Georgica Pond. The Board agreed. The Georgica Pond Restoration Plan was acceptable to the Trustees. A letter to this effect will be sent and will also indicate the Trustees look forward to working with Natural Resources to renew the Georgica Pond excavation permit.

9/9/14

The Clerk noted an access easement form was given to the owner of 22 Ancient Highway and has not been returned to date.

The Clerk reported a memo was sent to the Zoning Board of Appeals requesting an opportunity to comment on the Ryan rock revetment in Montauk. She noted a response was received indicating the hearing was closed, but the file is available in the Planning Department if the Trustees wish to review it.

Mr. Courtney reported he spoke with the agent, Land Planning Services, regarding amendments to the Passing Way Easements for the Abernathy and 31 Waters, LLC dune restoration projects.

In response to a memo from the Building Inspector, the Clerk requested the Hog Creek Committee inspect the Tick Tock bulkhead project to determine if it has met the conditions of the Trustee permit.

Dr. Forsberg reported dangerous levels of blue green algae are still reported in Georgica Pond. A motion was made by the Clerk to continue the closure of Georgica Pond to crabbing due to toxic levels of blue green algae for an additional 21 days in accordance with Town Code. This motion was seconded by Dr. Forsberg and unanimously approved.

Dr. Forsberg reported rust tide was found in Three Mile Harbor. Although it is not harmful to humans, Dr. Gobler would like to do an additional experiment which includes the use of a small quantity of shellfish. The Board approved Dr. Gobler's experiment in Three Mile Harbor.

Concerning the Mako Lane Association walkway, the Clerk noted the Board is waiting for receipt of an application.

In a discussion regarding the Lange shoreline fence, Mr. Courtney noted the survey submitted does not indicate the deed line. A letter will be sent to the applicant requesting an updated survey which shows the deed line and the current conditions at the site (i.e. beach grass line, MHW, etc...). It was agreed the Beaches Committee will inspect the site to determine if the fence has been buried by sand.

The Clerk reported a second memo will be sent to the Zoning Board of Appeals advising the Trustees are not in favor the proposed MTSTL, LLC roll-out walkway thru the Double Dunes.

The Clerk asked Mr. Byrnes to inspect the Springmark (Zbar) bulkhead project and report back to the Board.

In response to a letter from Rick Whalen regarding the Iskander bulkhead application, Mr. Courtney told the Board he will contact Mr. Whalen to discuss this matter further.

9/9/14

The Hog Creek Committee is to inspect the Abrahams and Roche bulkhead projects for completion as per the Trustee Permit.

Mr. McCaffrey is to determine if the Folkstone Road end has been repaired by the Highway Department on behalf of this Board.

A memo will be sent to the Building Inspector advising him the Three Mile Harbor Committee inspected the Ingalls Road and Mark bio-log projects and found them to be completed according to the Trustee permit.

The Board approved purchase of rain gear for the pump-out boat operators.

The Clerk asked the Trustees to review the duck blind permit applications and let her know as soon as possible if amendments are necessary.

Mr. Byrnes suggested a letter be sent to the Town Board requesting the sign placed at Indian Wells Beach regarding the recent prohibition on alcohol be amended to correctly reflect the law as the public is confused by the misrepresentation of the regulations. The Board agreed, especially as this was such a controversial issue.

Mrs. Klughers reported the Concerned Citizens of Montauk are sponsoring an informational forum on the Fisheries Industry on September 20<sup>th</sup>. She added Trustee Miller will be one of the speakers.

Dr. Forsberg reported she attended the Bronze Award Ceremony for Girl Scout Troop 419. They presented a poster of thanks for Trustee assistance with creating the Endangered Species Pamphlet. She added the Troop will be present at the Largest Clam Contest to distribute the pamphlet to the public.

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

9/9/14