

MEETING OF OCTOBER 13, 2015
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON, NY

Present: Diane McNally, Trustee Clerk
Timothy Bock
Brian Byrnes
Debbie Klughers
Stephen Lester
Sean McCaffrey
Bill Taylor

Not Present: Stephanie Forsberg, Assistant Clerk
Nathaniel Miller

Also Present: John Courtney, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Christopher Walsh, Star Reporter
Kim Barbour
Judy and Richard Boyd
Mary Currier
George Eldi
George R. Eldi
Bob Eldi
Ken Hamilton
Rona Klopman
Kevin McAlister
Mark Mendelman
Peter Mendelman
Joan and Vincent Priore
Clare Scott
Mark Webb

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

A motion was made by Mr. Byrnes to place a notice in the East Hampton Star for a thirty day comment period concerning the proposed amendments to the Trustee Rules and Regulations for Lazy Point. This motion was seconded by Mrs. Klughers and unanimously approved. Mr. Byrnes thanked both the Lazy Point residents and his fellow Board members for all the work that was put into the proposed amendments. Mr. Webb also expressed appreciation to all who were involved in the process and asked what will happen once the thirty (30) day notice is complete.

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Mr. Courtney explained if no comments are received, the amendments will be adopted. A motion was made by Mr. Taylor to re-schedule the Trustee meeting of November 24th to November 17th due to Thanksgiving. This motion was seconded by Mr. McCaffrey and unanimously approved. A notice will be placed in the East Hampton Star and given to the Town Clerk. The Board agreed if no comments requiring additional discussion or amendments are received from the public, the proposed amendments to the Lazy Point Rules and Regulations will be adopted at the meeting of November 17th.

Kevin McAlister, gave an update on Defend H20, and the proposed ban of methoprene. He told the Board his efforts with mosquito control goes back to 2002 and he has been involved in several lawsuits with Suffolk County and New York State regarding the application of methoprene. In 2005, lawsuits alleging the negative impacts of methoprene use prompted an EIS (Environmental Impact Statement). Mr. McAlister noted half of the members of the Council on Environmental Quality (an arm of SEQRA) rejected the findings of the EIS. He pointed out New York City did an EIS on mosquito control and placed a ban on methoprene; and this was done in other New England states as well. He went on to say he is asking for the Trustees support of a methoprene ban as Suffolk County will have their annual review soon and it is an opportunity to step forward and make their voice be known. He added he felt it would go a long way if the Trustees would go with him to Hauppauge and register their opposition to the use of methoprene. Ms. Klughers thanked Mr. McAlister for giving the Trustees an update. She noted the Trustees have discussed this matter many times. She pointed out the State Health Department has put East Hampton Town at a level 2 risk and the DEC has given a ten year permit for the application of pesticides by Vector Control. She went on to say the discharge of methoprene over water is illegal under the Clean Water Act; but Vector Control continues to spray over water. Ms. Klughers presented a petition which has the support of the Springs Citizens Advisory Committee, the Accabonac Protection Committee and many others. She said she feels the community can come up with a plan of their own to stop spraying of mosquito larvae and suggested requesting the Town Board consider this. She pointed out Orient Point has their own mosquito control plan and thinks East Hampton Town should contact them to find out what process they had to go through. She noted this has also been an issue in Southampton Town. Mr. McAlister said it must be impressed upon legislators a ban is being proposed in East Hampton. The Clerk asked if Mr. McAlister would approach the County. He replied he would and will advise the Trustees of the County's calendar.

Peter Mendelman was present regarding a request of Halsey's Marina to modify an existing permit (for dock maintenance dredging of 100 cubic yards in two slips) to increase the dredging to 300 cubic yards at 8 slips. He noted he will submit an application on Wednesday. He pointed out the dredge window started October 1st and ends December 31st. Mr. Mendelman added the Town has not yet gone through the process of approving the NRSP (Natural Resource Special Permit); but the project has been approved by the DEC and Army Corp of Engineers.

Mark Mendelman was present concerning the application of Three Mile Harbor Marina for bulkhead repair and maintenance dredging. He noted this project has already been approved by the DEC and is pending before the ZBA and Planning Boards. The Clerk expressed concern

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about the proposed elevation of the bulkhead. Mr. P. Mendelman pointed out he felt in a period of rising sea levels; the Board should consider amending their policy for pre-existing commercial businesses. The Clerk asked for documentation for the file that shows the marina is being affected by sea level rise.

Kim Barbour of Cornell Cooperative Extension (CCE) was present to request access via Trustee regulated lands to do cordgrass seed collection in Accabonac Harbor, Northwest Creek and Three Mile Harbor. She noted this is part of a marshland restoration program. She noted CCE has been doing seed collections in Southold for the past few years and will begin a project in Southampton. The Clerk asked if there would be any detrimental effects to cutting or harvest from the existing plants for seed collection. Ms. Barbour replied there would be no detrimental effect and explained the grass areas are densely populated and healthy. She stated it is a very easy process. Ms. Klughers asked Mr. Courtney if the Trustees should require an insurance waiver from Cornell Cooperative Extension. He said he felt they should provide one. Ms. Barbour said CCE will name the Trustees as additionally insured. She would note CCE would like Trustee permission to do this as soon as possible as it is a time sensitive issue. A motion was made by Ms. Klughers approve the proposed salt marsh cordgrass seed collection in Accabonac Harbor, Northwest Creek and Three Mile Harbor by Cornell Cooperative Extension's Habitat Program. This motion was seconded by Mr. McCaffrey and unanimously approved. The Clerk asked for documentation specific to each location and the method of accessing as well as naming Trustees as additionally insured on a Certificate of Insurance.

Susan Knobel was present regarding an application for emergency placement of sand bags on Lots 53 & 54N at Lazy Point. The Clerk explained she sent an email to the Trustees prior to the last storm on behalf of Ms. Knobel with a request for emergency placement of sand bags along the property. She noted the Trustees gave their approval for this and a letter was sent to Ms. Knobel to this effect. Mr. Byrnes said he inspected the site. Ms. Knobel indicated no bags were placed seaward of what already exists on the property. Mr. Byrnes pointed out he doesn't have a problem leaving the sand bags where they are for the season. Mr. Taylor said the town has a regulation that sand bags can be put down for six months and an extension can be requested. He said the Trustees should consider this. Mr. Byrnes agreed. In a discussion, a motion was made by the Clerk to allow the placement of sand bags on Lots 53N & 54N at Lazy Point for the remainder of the storm season as a modification of the previous application for shoreline restoration. This motion was seconded by Ms. Klughers and unanimously approved. Ms. Knobel told the Board she has received approval from the Suffolk County Department of Health and DEC for the proposed relocation of her house to Lots 45 & 46N. She indicated the DEC is requiring her to submit a plan of the lots the house is currently on indicating how and if the revetment will be removed. Ms. Knobel added at one time the Trustees weren't sure they wanted the revetment removed and she would like to know where they stand now so she can reply to the DEC. The Clerk told Ms. Knobel she would like the Trustees to review the information received to date and make a decision based on that. Mr. Taylor added he felt the Trustees should review this matter very carefully and quickly as it will have an impact on the property.

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A motion was made by the Clerk to approve payment of the following bills: a) Optimum- \$144.80; b) East Hampton Star- \$285.00 & \$83.08 = \$368.08; c) D. Eagan & Associates- Clemente- \$500.00 & \$45.00 = \$545.00; Zweig- \$4,875.00 & \$65.00 = \$4,940.00; & Miscellaneous legal research & mailing costs- \$135.17; d) Staples- \$58.06 & \$11.48 = \$69.54; e) North Fork Water Supply- \$29.97; f) A. Tohill- Seaview- \$1,826.25 & White Sands- \$306.25; g) Skidmore's Sports & Styles- \$3, 113.85 (T-shirts for clam contest); h) Star Island Yacht Club- \$230.77; i) Peconic Abstract- \$120.00 (Deed Search- E. Frankel) This motion was seconded by Mr. Bock and unanimously approved. Mr. Byrnes asked if Mr. Eagan could attend the next Trustees meeting and give the Board an update on the Zweig lawsuit. Mr. Courtney will contact Mr. Eagan.

A motion was made by Mr. McCaffrey to approve the Trustee financial report ending September 30, 2015. This motion was seconded by Ms. Klughers and unanimously approved.

A motion was made by Mr. Lester to approve the minutes of August 25, 2015. This motion was seconded Mr. Bock and unanimously approved.

A motion was made by the Clerk to approve renewal of a Certificate of Deposit maturity on October 28, 2015. This motion was seconded by Ms. Klughers and unanimously approved.

The Clerk reported an application was received from Daniel Neuwirth for revegetation of Lot 21N at Lazy Point. She asked the Lazy Point Committee to review the application. Mr. Byrnes added he will inspect the area of the proposed revegetation and report back to the Trustees at the meeting of October 27th.

Concerning the application of David Wagner for shoreline restoration, the Clerk asked the Hog Creek Committee to inspect and confirm the cement blocks that were previously installed, have been removed.

An application for phragmite control was received from Bruce Horwith, as agent for Priscilla and Christopher Whittle at 90 Briar Patch Road along Georgica Pond. She asked the Georgica Pond Committee to review the application.

Concerning a request for repair of a portion of Crooked Highway, which was utilized as a common driveway during construction in the past; the Clerk advised the property owners an access easement must be submitted for access over the road. She also advised them the Board does not have the resources to maintain Trustee roads; that is the responsibility of those who use it for access.

The Clerk reported the permit for excavation/dredging of Fresh Pond has been renewed and a request was received from Kim Shaw, Director of Natural Resources for Trustee approval

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of the excavation. Carol Bennett reported Superintendent of Highways, Stephen Lynch suggested re-routing the direction of the current channel, as it is pushing up against the jetty on the south side of the parking lot and is very unstable. The Clerk will contact Ms. Shaw to determine what the current permit will allow.

In response to a request from the Department of Environmental Conservation for a recommendation of an area to be evaluated for the conditional shellfish harvesting program, the Board agreed Accabonac Harbor is the first choice for consideration. A letter will be sent to the DEC to this effect.

The Clerk reported Georgica Pond was opened on Wednesday, October 7th following the last storm. She noted Mr. McCaffrey has been monitoring it and it is running well. She added results of water testing for salinity, algae, etc... before and after the opening will be forthcoming.

Concerning the proposed Shellfish Enhancement Education Directive (SEED) program, the Clerk noted she has concerns regarding a private use of public waterways. She pointed out the Aquaculture Facility is looking to use a portion of Three Mile Harbor for the program. She asked the Board to continue consideration of this request.

In a discussion regarding re-scheduling of the Largest Clam Contest, it was suggested it be held either at the end of October or early November. The Clerk noted it will be held at the Amagansett American Legion, so the cool weather will not be a factor. She asked the Board to continue to acquire prizes. The Clerk pointed out five clams were submitted to the participating seafood shops prior to cancelling the contest scheduled for October 4th. She noted she kept a record of those who submitted the clams as well as the weight, measurements and photographs of the five, only one was complete, the others have been notified additional information is needed. She added the clams were returned to the water.

Clerk reported she attended a meeting with Pio Lombardo regarding the Hook Pond Remediation projects. She noted Mr. Lombardo discussed the grant applications received or pending for the wastewater treatment at the head of Hook Pond by James Lane; the reactive barrier along Egypt Lane and the Nature Trail, and the rain gardens on the Town greens. She pointed out there was representation from Hook Pond, the Nature Conservancy, the Trails Preservation Society and LVIS (Ladies Village Improvement Society).

Clerk reported a title search and investigation has commenced in regard to a walkway being constructed at the end of Two Mile Hollow. She added this matter will be discussed in executive session as it may be potential litigation.

The Clerk reported a permit was drafted for the H. Fred Krimendahl phragmite control project at Georgica Pond and the Letters of Testamentary requested, have been received.

The Clerk told the Board an application was received from agents on behalf of Calicchio for phragmite removal last spring. She said a letter was sent requesting additional information.

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Additional information was received, but it did not include an updated survey; but . instead a site plan based on a survey was submitted. The Clerk added a call was made to the attorney advising him of this, but no new information has been received. Therefore, a motion was made by the Clerk to deny the application of Calicchio for phragmite control as submitted. This motion was seconded by Mr. Lester and unanimously approved.

Concerning the application of Devon Yacht Club for dredging, the Clerk reported she sent a letter requesting an updated survey to complete both the conditions of the prior permit for bulkhead and jetty repair and this new application.

Mr. Byrnes reported the construction of the Northwest Creek ramp is not complete but the old ramp has been removed. He submitted photographs of the project's progress.

Mr. McCaffrey inspected the Strauss dune restoration project. He noted an updated survey and photographs have been submitted and reviewed. He added there is a dock on the neighboring property which he will inspect.

Mr. Eldi reported the construction of the ramp at Lazy Point is progressing well.

The Clerk reported Becky Molinaro, Village Administrator forwarded the results of a New York State Audit concerning trash. She noted studies were done on the success of removal of trash cans in particular areas on litter. She will forward it to the Trustees for their review. A monthly variance report through the first of October was received from Budget Officer, Len Bernard. The Clerk noted it includes an increase for Trustee salaries. She added the Trustees are now indicated as part-time employees. She will request the Board members be acknowledged as Elected Officials.

A Coastal Resiliency Project Advisory Committee meeting is scheduled for October 15, 2015 at 12:30 p.m. The Clerk noted she will be out of Town, but will ask for written documentation.

The Clerk reported Showtime was given consent to utilize the ocean beach on two separate days for filming but there was some conflict between their crew and commercial fishermen. She noted the film crew also took the road end emergency ID sign (which is at the beach road end) down during filming. She added the Board shouldn't give them permission to utilize the beach next year.

The Clerk acknowledged receipt of Correspondence received. Copies are available in the Trustees office for review.

Donald Vanderveer told the Board he removed Don Tisdall's moorings from the water; but his barge still remains on the bottomland. He said according to the Sheriff's office, Mr. Tisdall is still alive. He said the barge is anchored on Trustee bottomland and the Trustees

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Attorney should work on trying to find out where Mr. Tidall is. Mr. Courtney told Mr. Vanderveer he has to get his own attorney to pursue removal of the barge. In a discussion, it was agreed Mr. Courtney will contact the Town Attorney it is a derelict vessel to see what can be done. It was suggested also contacting the Coast Guard through Harbormaster Ed Michels.

The meeting was adjourned at 8:00 p.m. by the Clerk.

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