

**MEETING OF APRIL 14, 2015**  
**OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY**  
**OF THE TOWN OF EAST HAMPTON, NY**

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| Present:      | Diane McNally, Trustee Clerk<br>Timothy Bock<br>Deborah Klughers<br>Sean McCaffrey<br>Bill Taylor   |
| Not Present:  | Stephanie Forsberg, Assistant Clerk<br>Brian Byrnes<br>Stephen Lester<br>Nathaniel Miller   |
| Also Present: | John Courtney, Trustee Attorney<br>Lori Miller-Carr, Trustee Secretary<br>Christopher Walsh, Star Reporter<br>Ira Barocas<br>Erni French<br>Rona Klopman<br>Mark Mendelman<br>Approximately 20 Lazy Point Tenants |

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

Kim Shaw, Environmental Protection Director was present to request Trustee approval to install a reactive barrier adjacent to the bulkhead at the Head of Three Mile Harbor along Three Mile Harbor Road (in the grassy area near the parking lot). She explained groundwater would be forced through the barrier to reduce nitrogen and would require minimum excavation. Mrs. Shaw pointed out this will be a joint pilot project with Cornell Cooperative Extension (who have patented the barrier) and a grant proposal will be submitted to the Suffolk County Legislature for \$125,000 with a \$125,000 match. She needs Trustee permission to move forward with this proposal in order to present it to the Environment and Planning Commission of Suffolk County. The Trustees agreed to support this project and a letter will be forwarded to the Town Board to this effect. Mrs. Shaw will keep the Trustees updated on the progress of this matter.

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Mrs. Shaw reported she submitted a proposal to the Suffolk County Department of Public Works (SCDPW) for dredging the shoal inside at Northwest Creek. She said she received word there were six (6) submissions to the screening committee and only East Hampton's was done correctly. She added she isn't sure when the dredging will take place as the others proposals will have to be re-submitted in order for a determination to be made by SCDPW.

Concerning the Department of Environmental Conservation permit application for the dredging of Georgica Pond, the Clerk reported she and Mrs. Shaw have to work on the verbiage of the project description (removing the shoal vs. dredging to improve water quality). She noted the Board also has to consider if they will be contributing toward the cost of the application process. Mrs. Shaw added she has gotten a lot of inquiries regarding funding from the public which may lead to more outside funding sources..

Dan Riva submitted a proposal to start a fly boarding business in East Hampton. He explained he is proposing to launch a jet ski at Northwest Landing and the actual fly boarding would take place beyond 1500' of the shoreline at a minimum water depth of 15'. He went on to say their clients would utilize Mile Hill Road for parking. The Clerk said if Mr. Riva is just utilizing the parking lot and traversing the beach, he wouldn't be required to obtain permits from the Town; although his clients would be required to have parking permits. There was some concern expressed about the safety of fly boarding. Mr. Bock asked how big of an area they would need for fly boarding. Mr. Riva replied approximately 50'. Mr. Riva said he and his brother are certified instructors and they would be with their clients at all times. The Clerk suggested Mr. Riva contact the Town to find out if a Mass Assemblage permit would be required. Following upon comments by Mr. Riva, Mrs. Klughers asked what some of the objections raised by the Town of Riverhead were. Mr. Riva replied his jet skis were launching from a marina located near the Aquarium and it was felt this was environmentally damaging to the water bottom.

Chini Alarco interrupted the Board to ask if she could videotape the meeting. The Clerk said the meeting is being recorded by the secretary. When Ms. Alarco asked if it was a public meeting, Mr. Courtney replied it is, but he is not sure of the protocol of having someone film it. Ms. Alarco asked if she could film the next Trustee meeting. The Clerk told Ms. Alarco she will review the Open Meeting law and discuss this matter further with Mr. Courtney and the Board.

Erni French was present concerning a large amount of debris on the beach at Hedges Banks which he said resulted from bluff restoration projects. He submitted photographs, samples of a plastic netting products and jute netting (which he noted is not bio-degradable) and a rusted metal fence stake. He pointed out this is landscaping material that is being piled up or spread throughout the entire Hedges Banks area and is a danger to marine wildlife and waterfowl. He stated there are literally thousands of square feet of this debris laid up along the banks and beach. Mr. Taylor said the people who have permits will have to be notified that maintenance has to be done. Mr. French replied this is not a maintenance problem. He said wherever there are soft revetments, this is going to occur when they fail. The Clerk told Mr. French the Trustees have to find a balance as if people can't have a "soft" solution for erosion

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issues, they will ask for a hard revetment- and if they can't have a hard revetment, they will sue the Trustees. In addition to the debris, Mr. French said dirt fill (loam) has been brought in by a contractor (which is not native to the area) in order to plant. He stated he has been in contact the Natural Resources Department, Ordinance Enforcement, Marine Patrol and the DEC but has gotten the run-around. He pointed out this is an environmental disaster and encouraged the Trustees to inspect the area. The Clerk advised Mr. French the Trustees have not approved any permits using plastic netting or metal posts, but have approved jute netting as it was supposed to be bio-degradable. He again pointed out jute netting is not bio-degradable and he felt all of the debris needs to be removed. The Clerk replied the Trustees have certainly not been encouraging anything that is detrimental to the environment. She said they didn't realize jute netting is not bio-degradable but now that it has been brought to their attention, the Trustees will move forward with this information. Mr. Taylor stated one of the last actions the Trustees took was to place \$100,000 worth of sand on the beach at Hedges Banks. Mrs. Klughers suggested Mr. French send a letter to the East Hampton Star and perhaps start an environmental campaign to educate the public. She stated the Trustees can't just rip things out of people's private properties. The Clerk pointed out one thing the Trustees can do when the public comes in to renew a bluff restoration permit or apply for a new permit, is to advise them to clean up whatever is existing as debris is along the shore and only approve something more environmentally friendly.

There were approximately 20 Lazy Point tenants present. Mary Croghan read the minutes of a meeting held April 7<sup>th</sup> between a committee of Trustees and a few the Lazy Point tenants. She pointed out Chris Kohan has offered the D'Amico Institute of Art Museum and the Art Barge as places to hold events to incorporate research and educate the public; such as an eelgrass remediation workshop, water quality testing, etc.... There was a discussion regarding possible fund raising programs. Carol Bennett suggested an "adopt an eelgrass" program. The Clerk noted Rick Drew suggested involvement with the "Good Circle" not for profit. She added these suggestions can all be considered for fund raising but the Trustees have to make sure as an elected body, correct protocol is followed. The Clerk added she felt the meeting with the tenants was very beneficial. She went on to say following the first meeting with the tenants, she and those Trustees present, agreed to looking at Lazy Point in a broader sense, then narrow down the focus on what needs to be done now and how will it be pursued. She felt the Rules and Regulations are the safety net for the tenants as well as the Trustees as they can't be amended without the approval of both sides. The Clerk explained she typed a draft of a proposed addition to the Rules and Regulations in the event a house is demolished by a storm or fire which was given to the tenants at the 2<sup>nd</sup> sub-committee meeting. Unfortunately, the draft was distributed to some of the tenants and she apologized if they were upset by it. She stated it was for discussion purposes only. Carol Bennett pointed out there is always a potential for something catastrophic to occur to the homes at Lazy Point, but she felt the tenants shouldn't be over-regulated by rules. Mr. Ryan stated he was very upset about this even if it was a draft. He pointed out a resolution was made by the Trustees in 1935 indicating the tenants have a right to renew their lease as long as they have been continually occupying their house. He stated if something like this were part of the present leases, it would solve a lot of problems with the instability issues with tenants.

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The Clerk noted this was the reason why leases and their terms were brought up at the sub-committee meeting. In a lengthy discussion, several other tenants voiced their concerns and thanked the Board for giving them the opportunity to do so. It was agreed these issues will be discussed further at the next sub-committee meeting.

Concerning an existing shoreline fence installed on Lots 7N and p/o of 6N at Lazy Point, the Clerk noted the Board asked Ms. Croghan for additional information. Ms. Croghan said the fence is a total of 175 linear feet and approximately 100' is stapled to the bottom of the house to prevent debris from washing underneath it. The Clerk pointed out the portion of the fence which is in the sand (not attached to the house) should be in a zig-zag pattern. Ms. Croghan said the fence is temporary and will be removed in a few weeks. She added the fence on the bottom of the house will be replaced with wood. A motion was made by the Clerk to approve the application of Mary Croghan for a pre-existing shoreline fence on Lots 7N and p/o 6N with the condition that all metal stakes be removed. This motion was seconded by Mr. McCaffrey and unanimously approved.

A motion was made by the Clerk to approve the application of Eileen Raffo to allow the placement of a shoreline fence installed without a permit and not to the specifications of the Town Code. A properly erected fence, in a zig zag pattern will be allowed along 80' linear feet of the beachfront, seaward of the residence but no further than 20' from the deck located on Lot 13N and part of 14N at Lazy Point. Rosa Rugosa, Beach Plum and Beach Grass will be planted within the 20' distance between the deck and most seaward edge of the shoreline fence (all as delineated on the 4/15/15 plan submitted by the contractor, Mr. Greg Donahue) with the following standard 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 start of the project; c) a valid as-built survey of the permitted activities will be submitted to this Board upon completion of the project; d) if the beach is to be used as access to the project 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 for the public 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. In addition, the following conditions were approved: removal of any and all remaining metal posts or stakes on the beach or within the fence; and fence installed must meet all requirements set forth in Town Code Chapter 255-4-70. This motion was seconded by Mr. Bock and unanimously approved.

The Clerk reported Mark Mendelman submitted additional information to the Board concerning transient moorings. She noted a letter was sent to all the marina owners in Three Mile Harbor asking if they would be interested in developing a policy with the Trustees for transient moorings. She said a written response was received from Seacoast Enterprises Associates and she left a voice message but has not received a response back. The Clerk explained Seacoast Enterprises would seek a permit for four (4) transient moorings and based on

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usage, perhaps more. She noted they would be responsible for rentals, monitoring, enforcing and collection of fees. She pointed out the Trustee permit would be \$450.00 for each transient mooring. In a discussion, it was agreed a special application for the transient moorings would be drafted.

A motion was made by the Clerk to approve payment the following bills: a) North Fork Water Supply Corp- \$44.94; b) East Hampton Star- \$7.48; c) Intuit (renewal of QuickBooks Payroll)- \$270.48; d) A. Tohill- White Sands- \$306.25; e) Optimum- \$144.80 and f) Balcuns Service Station- \$150.00. This motion was seconded by Mrs. Klughers and unanimously approved.

A motion was made by Mrs. Klughers to table approval of the minutes of January 20, 2015 and February 10, 2015. This motion was seconded by Mr. Taylor and unanimously approved.

A motion was made by the Clerk to approve the February 2015 financial report. This motion was seconded by Mr. Bock and unanimously approved.

A motion was made by the Clerk to approve renewal of a Certificate of Deposit on April 28, 2015 at Suffolk County National Bank. This motion was seconded by Mr. McCaffrey and unanimously approved.

A motion was made by the Clerk to expend up to \$150.00 for marine hardware which will be utilized to repair the dingy dock at Three Mile Harbor. This motion was seconded by Mr. Bock and unanimously approved.

The Clerk reported she sent a response to Juliana Duryea concerning the Piping Plover Management Plan for 2015. She added she advised Ms. Duryea if the plan doesn't meet with the Trustees approval, all the fencing installed on beach access is contrary to the Town Code.

Concerning the Hook Pond Management Plan, the Clerk reported she received additional reports which Mr. Lombardi drafted. She noted the Village requested a copy of Dr. Gobler's report; and also asked that Dr. Gobler change his testing location to the middle of Hook Pond (near the bridge) and the Maidstone Club offered access over their property to get to that locale. The Clerk pointed out she received a memo from East Hampton Village following the meeting recommending she contact them immediately to put this change in place and also requested all the data collected be provided to the Maidstone Club and the Village within thirty (30) days. She responded the Trustees will decide where Dr. Gobler will test and how he will get there; and the data will be made available when it is completed, as in the past two years.

The Clerk reported Mr. Collum brought photographs to this office of garbage cans on Main Beach and other Village beaches. She said he brought this to the Trustees attention at the last meeting, as the Board was not aware of the Village practices. She has since spoken with the

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Village Highway Department and was told all garbage cans on and at the beach road ends are maintained daily, and perhaps twice daily, during the season. Mr. McCaffrey suggested the Trustees ask the Village to consider the “carry-in, carry-out” policy on one beach. Mrs. Klughers said she doesn’t think garbage cans should be on the beaches. She suggested getting more information such as if cans are left on the beach overnight and how many are put on the beaches. The Clerk will try to get this information.

A letter was received from Ross Perchik advising the Trustees the Parks Department will no longer be co-sponsoring the SandCastle Contest, but will still assist with delivery and removal of trash cans and other equipment. This matter being clarified, the Clerk added a permit can be drafted for the SandCastle Contest.

A proposal was received from Dr. Gobler for continuing the Water Quality Assessment in Trustee waters for 2015. The Clerk added she will forward a copy of the proposal to the Trustees for their review.

Concerning an abandoned boat at the terminus of a dirt road off Napeague Harbor Road, Mrs. Klughers said she and Mr. Miller feel the road should be claimed as a Trustee road in order to create another public access to Napeague Harbor. Carol Bennett stated the Clerk can contact Steven Lynch, Highway Superintendent (after the road is named) and request a sign post be installed. Mrs. Klughers added she will contact Mr. Lynch and ask if he can assist the Trustees in the removal of the abandoned boat.

The Clerk reported the Harbormaster, Ed Michels had advised the Board some time ago that based on Town Code the exact location of all pound traps in Gardiner’s Bay must be recorded for navigational purposes. She noted she and Mr. Miller have been discussing initiating a policy for the Trustees to inventory and document the pound traps on a map once a year.

The Clerk reported Irving Paler submitted photographs of the shoreline fence installed on the beach in front of his property. She asked the Beaches Committee to inspect the fence to ensure it is installed in accordance with the conditions of the Trustee permit issued.

A memo was received from the Building inspector requesting confirmation the Istel sand replacement project was completed to the satisfaction of the Trustees. The Clerk added she will review the file to determine if the project was completed in accordance with the permit issued and all conditions have been met.

The Clerk reported no new information regarding residency has been received from Mr. Walton concerning the transfer of the Anderson lease of Lot 8S at Lazy Point.

The Clerk said she would like to table any discussion of storage on vacant lots at Lazy Point.

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Concerning the Weingast residence on Lot 54N in Lazy Point, the Clerk pointed out upon inspection, it has been determined sand bags which were previously installed, have not been removed. She added she will send a letter to Ms. Weingast reminding her the sand bags were to be installed temporarily and must be removed.

An application was received from John Calicchio for phragmite removal at 306 Georgica Road. The Clerk asked the Georgica Pond Committee to review the application and inspect the area of the proposed project.

Mr. Courtney reported he forwarded information to Elizabeth Vail, Town Attorney regarding a utility easement for National Grid to install a gas main along Town Line Road. He noted Ms. Vail will review the information and contact him. He said in the meantime, he received a phone call from the attorney for National Grid asking if the Trustees could grant an access easement to them. Mr. Courtney informed the attorney the Trustees want the Town to obtain a grant of or a utility easement. The Clerk will contact Ms. Vail concerning this matter.

The Clerk reported she drafted a permit for the Lerner dock reconstruction and bio-log installation at 10 Oyster Shores Road. She added she will forward the permit to the Three Mile Harbor Committee for their review.

Notification of the commencement of the Walsh bulkhead project at 209 Three Mile Harbor Road was received. The Clerk asked the Three Mile Harbor Committee to inspect the area.

The Clerk reported as-built surveys and photographs were received concerning the Feeney and PND Hamptons dock replacement projects at 8 and 10 Three Mile Harbor Drive. She asked the Three Mile Harbor Committee to inspect the area and determine if the projects were completed according to the Trustee permits issued.

In the Report of the Clerk, it was noted Mass Assemblage meetings will be held every Thursday at the Town Hall. She wanted to know if the Trustees would allow her to agree with the Mass Assemblage applications submitted to the Town, as long as the proper Trustee Consent Form is (signed and notarized) and an insurance certificate naming the Trustees as additionally insured is provided. The Board agreed. The Clerk told the Board one of the caterers who hosts parties on local beaches, asked if he can give the Trustees one insurance certificate for the summer season instead of separate certificates for each event. Mr. Courtney said it should be fine as long as the certificate is up-to-date. The Trustee Consent Form will remain specific for each event.

An estimate was received from Ocean Graphics in the amount of \$2,525.00 for a Trustee office sign which will be placed on the office grounds. The Clerk noted on the sample of the sign "Commonalty" was spelled incorrectly and she would like to see a different type of font. It was agreed the Clerk will also contact Sign Language to request an estimate.

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A Department Head's meeting was held in March. The Clerk advised the Board there is information available in the office if anyone is interested.

Dr. Gobler will give a presentation at the Annual State of the Bays Seminar which will be held on April 17<sup>th</sup> at 7:00 p.m. at Stony Brook/Southampton campus. The Clerk pointed out that upon inspection of Northwest Creek, it was determined one mooring was left in all winter. She added she will send a letter advising the mooring holder he has lost his privilege to renew the mooring.

The Clerk reported an email was received today from Environmental Facilities Corporation in regard to the Clean Vessel Assistance Program advising the Trustees to submit their next letter of intent for operation and maintenance cost reimbursement. She added she will work on an application for a new boat, for which the Trustees may be reimbursed up to \$60,000 this year.

The meeting was adjourned at approximately 9:15 p.m. by the Clerk.

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