

**MEETING OF AUGUST 12, 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  
Stephen Lester  
Sean McCaffrey  
Nathaniel Miller  
Bill Taylor

Not Present: Stephanie Forsberg, Assistant Clerk

Also Present: John Courtney, Trustee Attorney  
Lori Miller-Carr, Trustee Secretary  
Chris Walsh, Star Reporter  
Ira Barocas  
Jeffrey Goelet  
Anne and John Hall  
Rona Klopman  
Faith Popcorn  
Vincent Priore  
Priscilla Rattazzi Whittle  
Diana Walker

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

Vincent Priore said he would like the Trustees to consider putting the minutes on the website. The Clerk advised Mr. Priore this could be done. Mrs. Klughers agreed and said she would also put the Trustee agendas on the website. Mr. Priore asked if it would be possible to have a copy of the most recent meeting minutes prior to the next Trustee meeting. The Clerk replied it would depend upon how busy office is. She further explained Mrs. Miller-Carr completes the minutes, and then they are reviewed for amendments by the Clerk and Board. Following which they are available to the public.

Diana Walker asked if the Trustees might consider selling some of their properties (i.e. some roads) to the Community Preservation Fund as it might give them more financial security. The Clerk advised Ms. Walker if the Trustees felt it was warranted, they would consider it. Mrs. Klughers said she felt there are a lot of restrictions involved with the CPF. The Clerk added not being familiar with the particulars of the CPF; she would like to have more information on this matter.

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Rona Klopman was present concerning access to the property of Temple Adams Israel from Six Pole Highway. The Clerk said no response has been received in regard to a letter sent to Mr. Wolf requesting removal of a gate and vegetation placed within the right of way of Six Pole Highway. Ms. Klopman noted Mr. Wolf contacted Howard Chaw sky, chairman of the Cemetery Committee and asked if something could be worked out between them. Mr. Chaw sky told Mr. Wolf the Trustees own the road. The Board agreed to send a second letter to Mr. Wolf giving him a time limit to remove the gate and vegetation.

Ann and John Hall, members of the Georgica Association, were present concerning the recent closing of Georgica Pond to crabbing. The Clerk explained the Trustees decided to close the Pond on July 24<sup>th</sup> due to the results of water quality tests which revealed toxic blue-green algae. She noted the Town Board has been completely supportive of the Trustees decision. She pointed out Dr. Gobbler recommended the Pond stay closed until further testing is completed. She went on to say testing is being done on a regular basis and if it is revealed the algal bloom has gone away, the Trustees can re-open the Pond. The Clerk added a meeting is scheduled for Thursday, August 14<sup>th</sup> with Supervisor Cantwell, Mayor Rickenbach, Kim Shaw, Director of Natural Resources, the Trustees and Dr. Gobler. Mr. Byrnes asked if the algal bloom got really bad, would it be possible to open the Pond to flush it out. The Clerk replied it has not been recommended but at the meeting of August 14<sup>th</sup> a discussion on perhaps removing the non-toxic completely harmless, just unattractive algae from the surface of the Pond. Mr. Miller said if the Pond was opened, the algae left around it will rot, smell terrible and create more hydrogen in the water. The Clerk said the closing of the Pond has been felt town-wide from commercial baymen to recreational users to restaurants, to retail businesses, etc... Mrs. Hall told the Board her dog died from ingestion of blue-green algae two years ago and it was confirmed by the DEC. She noted she lives on Georgica Pond and the algal bloom has become a big issue with all the homeowners. The Clerk stated blue-green algae is a fresh water algae and it is more likely to be found in fresh water, than in brackish water like Georgica Pond. Now it must be determined how and why it occurred. Mrs. Hall said some people are still crabbing despite the closure and felt there should be additional signs to make the public aware. Mr. McCaffrey told Mrs. Hall more signs will be put up. The Clerk pointed out there is no actual data that crabs consumed, which were taken from waters containing blue-green algae, are going to make someone sick; but there is no proof they won't either. She added it is precautionary at this point. Mr. Miller said perhaps if the Trustees have Georgica Pond dredged this winter, and try to remove the flat, it would improve the water flow and flushing. Mrs. Hall asked if the Trustees have a plan in place to dredge. The Clerk replied this will be discussed at the meeting of August 14<sup>th</sup>. Ms. Rattazzi Whittle asked about the cost of dredging. The Clerk explained if a permit were in place, the Trustees would bid the project to hire a contractor. In exchange for the job, he takes the sand for \$7.50 per cubic yard. She noted the contractor can then utilize the sand for his clients for shoreline stabilization projects. Ms. Rattazzi Whittle told the Clerk if there is anything the homeowners can do (i.e. raise funds) to expedite the dredging, to let them know. The Clerk thanked Ms. Rattazzi-Whittle. Jeffrey Goelet expressed concern regarding the use of fertilizer around Georgica Pond. The Clerk replied there are laws restricting the use of toxic chemicals near waterways. She said there are alternatives available but education is an important factor. Mrs. Klughers suggested Georgica Pond homeowners write letters to their neighbors advising

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them of the detrimental effects of fertilizer use. Faith Popcorn asked the Trustees if Georgica Pond is in danger of dying. The Clerk explained the Trustees have been monitoring the Pond for two years now and will do everything in their power to see that it doesn't die. Ms. Popcorn said she felt the Trustees need to have advocates to help the homeowners become more aware of the detrimental effects of fertilizer use. In a discussion, Mrs. Klughers also suggested putting pressure on the Suffolk County Health Department for improved septic systems. She noted the Town is in the process of doing a de-nitrification study with Mr. Lombardi. Ms. Popcorn said she would like to continue to meet with the Trustees and perhaps form a Georgica Pond Advisory Committee. The Board agreed. Ms. Popcorn added she felt the Trustees are doing a great job and thanked them for all they do. A motion was made by the Clerk to close Georgica Pond to shellfishing and crabbing until further notice. This motion was seconded by Mrs. Klughers and unanimously approved. It was agreed to give the Clerk permission to open Georgica Pond if the results of water quality tests indicate there is no longer a need to keep the Pond closed. The Clerk will forward a notice to the Town Clerk, as well as the EH Star and LTV. She added more signs will be placed around Georgica Pond.

A motion by the Clerk to approve payment of the following bills: a) Star Island Yacht Club- \$527.62; b) Seacoast Enterprises Associates, Inc.- \$287.89 c) North Fork Water Supply Corp.- \$30.94; d) Hamptons Online- \$35.00; e) Staples- \$31.99 & \$57.98; f) Optimum- \$144.80; g) East Hampton Star- \$32.96. This motion as seconded by Mr. Lester and unanimously approved.

The Clerk reported a Budget Meeting is scheduled with the Town Board on Wednesday, August 13th at 8:30 a.m. The Board discussed and reviewed the proposals which will be submitted to the Town Board. The Clerk noted the Trustees will be requesting \$87,000.00 more than was approved in the 2014 Budget.

A motion was made by the Clerk to approve the Financial Reports- Previous Year Comparison thru June 30, 2014 and Profit & Loss from January thru June 2014. This motion was seconded by Mr. Miller and unanimously approved.

The Clerk gave an update on Mass Gathering Permit Applications. She noted an application was received for a party scheduled on September 11<sup>th</sup> and 12<sup>th</sup> at 90 Shore Road. She added she will determine where the property is by the tax map number.

Notification was received from the Town Board indicating all new employees will be required to have a background check.

A request was received for permission to pave 22 Ancient Highway. The Clerk asked Mr. Courtney to review the Trustee file to determine if a prior property owner obtained an access easement from the Board. She said if there is an existing access easement, the homeowner should be advised they may improve the road way to private lane specifications.

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The 24<sup>th</sup> Annual Clam Contest will be held on Sunday, October 5<sup>th</sup>. The Clerk said she will assign various jobs to the Trustees in preparation of the event. She asked all the Board members to assist in obtaining prizes from local merchants. A list of previous sponsors will be forwarded to the Trustees and a letter for potential sponsors will be drafted. The Clerk noted she will apply to the Town for the Mass Gathering Permit. She added she will contact Fred Overton and ask if he is available to make the clam chowder, and will also ask Barley Dunne if he would like to set up a display on behalf of the Hatchery. Mrs. Klughers will contact Marine Meadows to possibly do eelgrass weaving.

The Clerk reported the Town Board will schedule a second hearing on Mass Assemblies. She noted the Trustee amendments are included in the new draft. She added she will notify the Trustees of the exact date and time of hearing.

The Clerk reported notification was received from Juliana Duryea that all plover fencing has been removed except for two areas where there are nesting terns. Mr. Taylor pointed out it is string fencing and doesn't interfere with access to the beach.

Concerning the Napeague vs. Gardiner's Bay delineation line, the Clerk said she is reviewing Trustee files for a map which Norman Edwards drafted in regard to this matter.

A copy of a letter to Supervisor Cantwell from Gilbert Anderson of the Suffolk County Department of Public Works was received concerning the Fall 2014/Winter 2015 Dredging Schedule. The Clerk noted a Town dredge priority list was requested. She noted she met with Mrs. Shaw, Director of Natural Resources and Harbormaster Michels a few weeks ago to discuss this. She added Mrs. Shaw recently sent a response to Mr. Anderson.

The Clerk noted letters were received from Mr. Voorhis of Nelson, Pope & Voorhis, LLC concerning the applications of Clemente, Mullen, Lynch and Wilder in response to the Trustees draft proposal which was given to Mr. Mullen two weeks ago. She noted Mr. Mullen met with her at the office and he is really trying to understand the Trustees point of view. She asked the Trustees to review the letters from Mr. Voorhis.

The Clerk reminded the Board that Susan Knobel asked if the Board would consider allowing her to relocate her house which is presently located on Lots 52N & 53N to Lots 45N & 46N (former Giambelli) at Lazy Point. She said she would like to table any discussion regarding this matter until all the Lazy Point Committee members are present.

Concerning the applications of Kevin Abernathy and 31 Waters, LLC for dune restoration, the Clerk noted Passing Way Easements were received for both parcels. She asked Mr. Courtney to review the easements for accuracy; and if they are acceptable, this will be voted on at the meeting of August 26<sup>th</sup>.

An as-built survey and photographs were received upon completion of the Lang bulkhead project at 99 Waters Edge. Upon inspection by the Accabonac Harbor Committee, it was determined the project was completed according to the Trustee permit issued.

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Mr. McCaffrey reported he met with Mr. Johnson concerning the Mako Lane Association walkway. He noted Mr. Johnson agreed to remove 4 posts which are located on Trustee property. He added he informed Mr. Johnson a new application would be required for the removal.

Concerning the Lange shoreline fence at 23 Marine Boulevard, the Clerk noted an updated survey was received depicting the current location of the fence. She asked Mr. Courtney to review the survey.

An endangered species pamphlet was received from Girl Scout Troop 419 as part of their Bronze Award project. It was agreed the pamphlet will be placed on the Trustees website. The Clerk noted perhaps the Girl Scout Troop would be interested in attending the Largest Clam Contest to hand out their pamphlet and perhaps for community service school requirements.

The Clerk reported there was an error in the Mark stairway permit as (1) 4' x 4' platform landing was inadvertently left out. She noted the permit will be corrected and she will contact the agent, Mr. Walker regarding this matter.

Mrs. Klughers said she inspected the Springmark (Zbar) bulkhead and all seems to be in order. The Clerk asked Mr. Byrnes to also inspect the project and report back to the Board.

The Clerk reported a letter requesting more information on the Iskander application and how the barge will remove and replace the bulkhead was sent. She said the Passing Way Easement forms were included but a response has not yet been received.

Mrs. Klughers reported she inspected the Neville bulkhead repair project and determined it was completed according to the Trustee permit. The Clerk asked Mr. Byrnes to also inspect the project.

Concerning the request from Sondra Anderson to add her nephew to her lease of Lot 8S in Lazy Point, the Clerk said proof of residency is required. She asked Mr. Courtney to contact Mr. Ryan to see if he is still Ms. Anderson's attorney.

The Clerk reported Mr. Seeler's re-vegetation plan was approved by the Natural Resource Department. She pointed out a Trustee permit can be issued to Mr. Seeler and his lease can be sent out.

Mr. Taylor reported the end of Folkstone is in disrepair due to Suffolk County Water Authority flushing the hydrants and flooding it. He said he felt a bill should be sent to SCWA for repair of the road end. A motion was made by Mrs. Klughers to approve purchase of 5 yards of material in the amount of \$270.00 from Patrick Bistran, Jr. to repair the end of Folkstone. This motion was seconded by Mr. McCaffrey and approved. Mr. Lester abstained from the motion. The Clerk will contact the Highway Department, who has offered to pick up and then place the material at Folkstone. Mrs. Klughers added perhaps in a letter to SCWA, it could be noted the Trustees are concerned about fresh water from hydrants going into their harbors.

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The Trustees received a copy of a letter sent to the Town Justice Court regarding beach parking signs at Beach Lane. It was agreed this is a Town matter.

Mr. Byrnes told the Board the sign placed at Indian Wells by the Town concerning the prohibition of alcohol is not accurate. He noted the sign should indicate the prohibition is in effect Saturday, Sundays and Federal holidays until September 15<sup>th</sup>. The Clerk will contact the Supervisor regarding this matter.

Mr. McCaffrey reported he inspected the Osborne and Schenck bulkhead repair projects in Three Mile Harbor and they have been completed in accordance with the Trustee permit. He added the Landey project is still in progress.

The Clerk reported a card of appreciation was received from John Courtney for the edible fruit flowers sent to him while he was recovering from his hospital stay. She added a card was also received from the Amagansett Fire Department expressing appreciation to the Trustees for their participation in the 100<sup>th</sup> Anniversary parade.

The Clerk told the Board there are monies left in the Trustees Town budget which she would like to utilize before the end of the year. She noted she would like to expend monies for a new computer for the office. She pointed out there is \$1,000.00 remaining in the Trustee Vehicle line which she would like to use to purchase a tool/storage box for the truck and also replace the decal on the passenger side for \$85.00. The Board also agreed to purchase a free-standing air conditioner for the office.

A notice was received from Amaden Gay for renewal of the Trustee pump-out boats and trailer liability insurance.

The Clerk reported she sent a memo to the Zoning Board of Appeals regarding the proposed Ryan rock revetment. She noted although the project is in Montauk, and not within Trustee jurisdiction, the long term impact to the shoreline is of concern to the Board. As the hearing was held open for comments, it was agreed another memo will be sent indicating allowing this revetment will have long term detrimental effects to the beaches and will set a precedent.

Mrs. Klughers told the Board she wanted to retract the statement she made in reference to LTV charging \$50,000.00 for installation of equipment and filming the Trustee meetings. She added as per the Town contract the Trustees will not be charged for having someone from LTV videotape the meetings, but to do so in a professional way would require additional funding.

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

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