

MEETING OF AUGUST 25, 2015
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
Stephen Lester
Sean McCaffrey
Bill Taylor

Not Present: Nathaniel Miller

Also Present: John Courtney, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Christopher Walsh, Star Reporter
Tyler Armstrong
Carol Bennett
Albert DiCostanzo
Barley Dunne
George Eldi
George Eldi, Jr.
Bruce Horwith
Rona Klopman
Scarlett Magna
Vincent Priore

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

Bruce Horwith was present concerning Georgica Pond restoration and efforts to remove phragmites in the northeast section near Cove Hollow Road and where the Cove opens up to the rest of the Pond. He spoke with the Clerk about bringing in equipment to remove phragmites, rather than just hand cutting. He has also met with a contracting company who has worked on the East End in the past. Mr. Horwith added he will receive a quote from this contractor and presented photographs of the equipment for the Trustees review. Mr. Byrnes expressed concern regarding the skid steer and asked if there are any safeguards in the event the

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hydraulic hose breaks. He pointed out it could be a hazard to the environment if fluid gets into the water. In a brief discussion, the Trustees agreed Mr. Horwith should submit additional specifications on the equipment which will be utilized as well as how potential environmental issues will be mitigated.

Scarlett Magna, a member of Cornell Cooperative Extension, was present on behalf of the Shellfish Enhancement Education Directive (SEED) Program, seeking approval for an oyster garden project. She asked the Trustees to support a pilot project working in conjunction with Barley Dunne, Director of the Shellfish Hatchery. Mr. Dunne explained he will hold workshops throughout the winter at the Shellfish Hatchery by Fort Pond in Montauk and would move the oysters for the program to Three Mile Harbor in the spring of 2016. He noted half of the seed grown would be returned to local harbors. The focus would be on education and how important shellfish are to the eco-system. Dr. Forsberg stated she is in support of the concept of the program, but there are a lot of specifics that must be considered i.e. participation by residents vs. non-residents and a specific location for any closure of the harbor must be determined... Ms. Klughers asked who would profit from the program. Mr. Dunne replied there is no monetary profit, only the environmental benefits. In a discussion, the Board agreed although they are in support of the general concept of the proposal, they would like more specific details.

Tyler Armstrong was present regarding the depletion of the horseshoe crab population in local waters. The Clerk reported she spoke with Arnold Leo of the East Hampton Town Baymen's Association and he advised her the Atlantic Marine Fisheries had done a survey and also noted a decline in horseshoe crabs. Some Northeast States have since been harvesting males only. Mr. Armstrong noted New York State passed legislation on August 13th prohibiting the taking of female horseshoe crabs, too. He pointed out he felt harvesting of horseshoe crabs should be limited to day time only. He said he would like to see more information regarding horseshoe crabs in the shellfish code. The Clerk told Mr. Armstrong the Trustees could propose an amendment to the Town Code for this matter. She asked Mr. Armstrong to submit proposed wording for the taking of horseshoe crabs to the Trustees for review.

In response to a request from Joseph Mulee to add his wife, Maureen to his lease of Lot 13S at Lazy Point, the Clerk will send a letter asking Mr. Mulee to clarify the percentage of ownership interest Mrs. Mulee has in the house.

Concerning the application of Marilyn Badkin for a temporary shoreline fence on Lot 19N at Lazy Point, the Clerk will contact Mrs. Badkin for clarification of the linear footage and area the fence will be placed.

The Clerk reported she is continuing to work on amendments to the Lazy Point Rules and Regulations. She noted the next Lazy Point Homeowners Association meeting is scheduled for Tuesday, September 1st at 6:00 p.m. She said the Trustees were made aware that someone was injured at the Lazy Point ramp, so the Town made the decision to close it. A fence has been installed around the ramp. Mr. McCaffrey pointed out, as has been discussed previously, the ramp is in the wrong location. The Clerk added it is hoped the ramp will either be relocated or repaired before the scallop season.

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A motion was made by Dr. Forsberg to approve payment of the following bills: a) Seacoast Enterprises Associates- \$622.68; b) David Eagan & Associates, PLLC- 1) Young- \$150.00; 2) Clemente- \$3,900.00; 3) Zweig- \$1,200.00 and 4) Mailing & Legal Research- \$410.70. This motion was seconded by Ms. Klughers and unanimously approved.

The Clerk reported she and Mr. Byrnes were present at the 2016 Budget meeting with the Town. She noted among other requests, they asked for funding for a part time secretary and for a 2% increase in the Trustees salary for 2016; as well as the 2% the Board members inadvertently were not given in the past.

As there were amendments to a letter the Clerk drafted to the auditors, it will be sent. The Clerk added a concern she had was that the auditors indicated Trustee funds are not adequately secured by FDIC. She pointed out the Trustees actually signed an agreement with Suffolk County National Bank in 2013 which they recognize the Trustees as a municipality; meaning all the Trustee accounts are 100% secured.

An invitation to Green Infrastructure Information Session on September 17th at Guild Hall was received. The Clerk noted it is sponsored by the Town in partnership with NOAA, and added town employees are invited.

Dr. Forsberg reported all the water monitoring sites look good except Hose in Georgica Pond.; where there is still blue-green algae. She pointed out in 2014 there was rust tide in Accabonac and Three Mile Harbor, but none has been found this year. She added blue-green algae is a threat to the drinking water but not a recreational threat; however, to be on the side of caution, Dr. Forsberg recommended closing Georgica Pond to shellfishing. A motion was made by Dr. Forsberg to prohibit the taking of shellfish from Georgica Pond due to high levels of blue-green algae from August 25, 2015 to September 8, 2015. This motion was seconded by Mr. McCaffrey and unanimously approved.

The Clerk reported preparations are underway for the 25th Largest Clam Contest. She noted posters will be ready within the next few weeks and the plaques have been ordered. She added the Trustees will be looking for vendors to participate and sponsors. The contest is scheduled for Sunday, October 4th at the Amagansett American Legion.

A meeting was held with Village Board members, Barbara Borsack and Richard Lawler on Monday, August 24th to discuss garbage cans on the beaches. The Clerk as well as Ms. Klughers and Mr. Bock attended. The Clerk noted the Village agreed to an earlier pick-up (5:00 a.m.) and have ordered decals which will be affixed to each can requesting that garbage not be left if the can is full. It was also agreed late evening beach goers are the contributors of debris left on the beaches overnight. Ms. Klughers pointed out the Village is also willing to work on a recycling program, discussed increasing litter fees and will consider banning balloons. The Clerk added it was a very productive meeting.

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The Clerk reported photographs of the completed Newhampton Hach sand replenishment project were received as requested. She pointed out the applicant can't provide an as-built survey as the sand washed away before one could be completed. She asked if the Board would allow this permit to be closed out. It was agreed a letter will be sent advising the applicant an updated survey will be required the next time an application is made to the Trustees.

The Clerk reported she advised the Village ZBA the Trustees are reviewing the Krimendahl application for phragmite control and asked for a copy of their application. A hearing is scheduled for Friday, August 28th.

Concerning the application of Calicchio for upland landscape and native plant establishment, the Clerk advised Mr. Calicchio's attorney a survey is required by the Trustees; not a site plan based on a survey.

Notification of the start of the Lagana dock repair has been received. Ms. Klughers will inspect the site of the project.

The Clerk reported the Trustees have been advised Mr. Wagner has applied for a Natural Resources Special Permit for sand placement. She notified Mr. Frank at the Planning Department that a Trustee permit would also be required. She noted she will ask the Town to hold off on making a determination until the Trustees receive an application from Mr. Wagner and the cement blocks are removed from the beach.

The Clerk reported she attended a Hook Pond Remediation meeting at Village Hall. She noted their agent, Mr. Lombardo, is moving forward with water quality samples from Town Pond and Hook Pond. Mr. Byrnes said he felt the Trustees need to establish ownership of Town Pond, but Mr. Courtney advised the Board the Trustees already own Town Pond. Mr. Byrnes stated he felt involvement in cleaning up the Pond is important and it's a responsibility of the Board to contribute funding toward it. Mr. Courtney felt the Village should simply acknowledge ownership by Trustees.

A letter was sent to Devon Yacht Club advising an application must be submitted to the Trustees for any future dredging. The Clerk noted color photographs have been received of the previously completed bulkhead repair project; a survey will follow.

Mr. Byrnes presented a photo of the end of Mulford Lane. He recommend the Trustees remove the plastic sand bags as they do not deteriorate. He also pointed out there is a sign on the beach indicating it is a private road as well as permanent chairs. The Clerk added she will contact Napeague Homeowners Association concerning these matters.

The Clerk reported Girl Scout Troop 419 is working with the Nature Preserve Committee to develop a noise pollution sign for Pussy's Pond and the Town has agreed to install it. She added the Troop appeared at the Town Board's at the last meeting.

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An application was received from East Hampton Marina for piling replacement. The Clerk reported a memo was also received from the Building Inspector asking if the Trustees have any concerns regarding issuing a Certificate of Occupancy following a 2004 project. She pointed out the Trustees did not receive the as-built survey upon completion of the project as was required. The Clerk advised the Building Inspector the Trustees will ask for an updated survey for both the prior project and to accompany the new application. She added she will request more detailed information as to the number of pilings to be replaced and confirmation the work will be done in place, in kind.

The Clerk asked the Three Mile Harbor Committee to inspect the Lackawanna property located at 22 Hedges Banks. She added this is the former Kahn property which was issued a violation from Ordinance Enforcement.

Mr. Byrnes presented a photo of Gann Road dock and noted caps are missing from twelve (12) pilings. The Clerk recommended contacting Marine Patrol/Harbormasters regarding this matter.

The Clerk reported the public hearing for South Flora is finally closed and the Trustees recommendations for amendments are part of the record. She noted the budget modification for purchase of a file cabinet has been done. An email was received from US Fish and Wildlife Service asking for help in removal of the plover fence on Atlantic Avenue Beach. Mr. Taylor said the fence is still there as of 5:00 p.m. today. The Clerk said an email was received from Mr. Matthews indicating the ramp at Northwest Creek will be repaired beginning on September 14th. She added letter will be sent to the mooring holders notifying them of the repair.

Notification was received from the Peconic Estuary Program concerning upcoming events.

Ms. Klughers reported the Town agreed to purchase the former Olsen property on Squaw Road fronting Three Mile Harbor.

The meeting was adjourned at approximately 7:35 p.m. by the Clerk.

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