

MEETING OF JULY 14, 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
Nathaniel Miller
Bill Taylor

Also Present: John Courtney, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Christopher Walsh, Star Reporter
Mary Croghan
Albert DiCostanzo
Rick Drew
George Eldi
David Elze
Scott Fithian
Rona Klopman
Ed McDonald
Becky Molinaro
Vincent Priore
Paul Virgadamo
Peggy Virgadamo
Mark Webb

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

Rick Drew presented information on Back to the Bays Community Forum which is scheduled for Wednesday, August 19th at the Art Barge from 6:00 to 8:00 p.m. Ms. Klughers pointed out there has been bit of misinformation for the forum. She told Mr. Drew the information he's presenting is an internal document and not "press ready". The Clerk explained there was a meeting last week with members of Lazy Point Homeowners Association at the Art Barge. The Barge was reserved for the 19th. She noted the information (poster) was a follow-up on that meeting. Mr. Byrnes said whatever details have to be worked out, they will be; but so far it seems like this will be a good event. Ms. Klughers pointed out the entire program format changed after the meeting at the Art Barge and she feels the Trustees should make the final

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decisions, not the Association members. Mr. Drew stated the poster is just a draft and not the final. Concerning proposed amendments to the Lazy Point Rules and Regulations, the Clerk said she has been reviewing the regulations and trying to decide how the 1935 resolution (which proposed renewal of continuous leases) can be incorporated into them; as well as using (CPI) Consumer Price Index as a means of establishing increases to the lease going forward. She noted this will be drafted as a proposal for everyone to review. Mr. Drew also introduced the idea of Good Circle Fundraising; but the Clerk said she isn't sure how the Trustees can interact with a non-for-profit. Mr. Courtney replied if the monies collected by the non-for-profit were not given directly to the Trustees, but i.e. to Dr. Gobler/Stony Brook University or the Lazy Point leaseholders/homeowners association, it may be ok. When questioned by Mr. Webb if the Trustees have a time line as to when these proposed changes will be finalized, the Clerk stated the Board will research everything very thoroughly and try to have the changes in place before the end of the year.

A representative from Accabonac Protection Committee presented a letter which was sent to the Town Board and the DEC in support of the prohibition on the use of methoprene in aerial spraying by Vector Control.

A motion was made by Dr. Forsberg to approve payment of the following bills: a) Staples- \$57.36; b) Optimum- \$144.80; c) D. Eagan & Associates- Clemente: \$513.30 & Zweig: \$6,699.83; d) Start Island Yacht Club- \$383.04; e) East Hampton Star- \$35.43; f) North Fork Water Supply Corp.- \$71.94 and g) Seacoast Enterprises Associates- \$48.46. This motion was seconded by Mr. McCaffrey and unanimously approved. Mr. Byrnes questioned the status of the Zweig lawsuit. In a brief discussion, it was agreed Mr. Byrnes will meet with Mr. Courtney and Mr. Eagan concerning this matter.

A motion was made by Dr. Forsberg to approve the July 30, 2015 renewal of a Certificate of Deposit at Suffolk County National Bank. This motion was seconded by Mr. Bock and unanimously approved.

A motion was made by Dr. Forsberg to approve the minutes of May 26, 2015. This motion was seconded by Mr. McCaffrey and unanimously approved.

The Clerk asked the Board to review the Financial Report as of June 30, 2015.

Concerning Plover Management, the Clerk reported the Trustees were advised the birds seaward of the South Flora Nature Preserve have fledged and the fence has been removed. She noted the fence in the Napeague State Park area has been relocated to the east. Mr. Taylor noted most of the fencing in the Georgica Pond area will be removed within the next few weeks.

The Clerk reported recommendations were sent to Kim Shaw for the verbiage of the dredge/excavation application for Georgica Pond and added she recently spoke briefly with the Supervisor regarding the excavation.

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The Trustees were advised that CCOM (Concerned Citizens of Montauk) had water samples taken in Fort Pond Bay after word was received that two dogs which swam in the Pond contracted gastrointestinal symptoms.

In a water monitoring update, Dr. Forsberg reported all of the tests were normal with the exception of Georgica Pond. She noted the seaweed (micro-algae) bloom is worse than in 2014. She discussed the possibility removing it with Dr. Gobler, but there is a chance it might spread and besides that, a DEC permit will be required. She added the Trustees will continue dialog with Dr. Gobler regarding this issue and will determine how best to move forward.

A motion was made by the Clerk to support the proposed amendment of Section 141-19, paragraph A, with the addition of #11 requiring all beach fires be contained within metal containers. This motion was seconded by Mr. Byrnes and unanimously approved. A memo will be sent to the Supervisor.

Concerning the issue of garbage cans on Village beaches, the Clerk advised the Board she has been in dialog with Village Administrator, Becky Molinaro. She noted the Village is more than willing to sit down and discuss this issue with those Trustees who are in opposition to the cans. Ms. Klughers stated she asked a lot of people their opinion and she hasn't come across anyone who is in favor of the garbage cans on the beaches. Mr. Taylor said he felt the Village does a good job of keeping the beaches clean. Dr. Forsberg stated she felt the Village's as well as the Town and Trustees end goal is not to have garbage on the beaches. She said she felt everyone is doing their best and should move forward with a way to work together regarding this issue. The Clerk agreed and pointed out this matter is not a turf war. Ms. Molinaro as well as Mr. McDonald and Mr. Fithian were present. Ms. Molinaro said the Village is not receiving complaints about garbage cans on the beaches. She stated the Village works extremely hard to keep the beaches clean. Mr. McDonald told the Trustees he has vested so much of his time on the Village Beaches and has not heard anyone complain about the beaches being unclean. He stated there is a cleaning crew on the beaches morning and evening during the season. He added he would like the Trustees to re-evaluate this issue and have clearer facts. Mr. Fithian stated the Village tries very hard, spending thousands of dollars, each season to keep the beaches clean and it isn't fair to imply they aren't doing their job. In summary, the Village and Trustees agreed, moving forward, to work together on understanding regarding cans on the beaches.

Information was received from Zachary Cohen re: a revised CPF law which F. Thiele has proposed. The Clerk stated some of the funding might be able to be used toward water quality improvement. She asked the Board to review the information.

A motion was made by the Clerk to approve a request from the East Hampton Fire Department to use Main Beach on Saturday, August 29th for the annual East Hampton Fire Department Fireworks Display. This motion was seconded by Mr. Lester and unanimously approved. The Fire Department must provide the details of the beach area to be temporarily closed and the time frame for publishing a notice in the paper.

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The Clerk asked the Georgica Pond Committee to review the new phragmite removal applications for Sam Quelle Farm at 110 & 116 Apaquogue Road and Krimendahl at 40 West End Road.

Concerning a report of dock repair in Accabonac Harbor without the benefit of a Trustee permit, the Clerk asked the Committee to inspect the area and report back to the Board.

An as-built survey was received from Irving Paler following installation of shoreline fencing on the beach at Georgica (Beach Lane).

A video of a Mass Assemblage on the beach was received from David Rattray. The Clerk said it isn't clear where the party was held but there was a band. The Trustees did not issue a permit for a band. She will take this matter to the Mass Assembly Committee. Dr. Forsberg pointed out a video is not documentation of a violation and in order for a summons to be issued, it is necessary to contact the Police Department.

Girl Scout Troop 419 is working with the Nature Preserve Committee to develop a sign for noise control at Pussy's Pond. The Clerk added is outside of Trustee jurisdiction. The sign will be installed in the Nature Preserve area.

The following phragmite control applications are under review by the Georgica Pond Committee: Yass, Hall, OGP, LLC, Chae and Calicchio. The Clerk noted Chae (Mast One, LLC) and OGP, LLC are renewals. She added she would like to clarify the Yass and Hall applications have consistent project descriptions on all entities applications.

The Clerk reported a letter was sent to Mr. Reiss following replacement of a bulkhead at 18 Driftwood Lane requesting submission of an as-built survey which includes the seaward deed line. She also asked for the dimensions and elevation of the bulkhead as well as removal of the large boulders on the project site. She added no response has been received to date.

The Silver bulkhead repair is to be inspected by the Hog Creek Committee.

A motion was made by the Clerk to approve the application of U.S. Information Systems to repair, in place, portions of an existing dock via a small barge in Hog Creek; specifically, the 9'6" x 2' fixed catwalk with 4, 6" x 6" piles and the 3'7" x 10'3" floating dock with 4, 4" x 4" piles. All components will be non-treated lumber and galvanized fasteners. The following conditions shall apply: 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 and upon completion; 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 will be left in the same condition upon completion as at the start; e) no equipment shall be left on the beach or in the waterway overnight; f) access along the beach or in the waterway for the public shall not be impeded; g) submission of color photographs at the start and upon completion of project;

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h) no treated material. Additional conditions include: i) name, contact information and East Hampton Town Contractor's License # of contractor before start of project; and j) estimated cost and time frame to complete. This motion was seconded by Mr. Bock and unanimously approved.

The Clerk reported Ordinance Enforcement discovered a shoreline fence installed at the Cangro residence in Hog Creek. She added they will issue a violation to the owner.

The Clerk reported an updated survey was received from William Dessofoy who is the new owner of property at 176 Waterhole Road which was formerly owned by Melvin Tublin. She added she will advise Mr. Dessofoy the survey must include the seaward deed line; and request him to submit an application to the Trustees if he intends to repair the structure in Hog Creek.

Mrs. Klughers reported Bonac Buy and Sell is scheduled to remove the derelict boat on the Trustee road located off Napeague Harbor Road on Thursday, July 16th.

The Clerk submitted comments regarding the Generic Management Plans at the Nature Preserve Committee meeting which was held last Thursday, July 9th.

Concerning the Hedges Banks properties which were issued violations, the Clerk asked the Committee to inspect the Kahn fence. She noted additional information was requested from Strauss, Reid and Sawitsky.

A letter was received from Land Planning Services, the agent for Front Row Properties, indicating the bulkhead repair project will be done from the upland side of the property, as opposed to a barge as there is not sufficient water depth.

The Clerk asked the Three Mile Harbor Committee to determine if the deed line was included on an as-built survey submitted following the dock repair project of Robert Coe.

The Clerk reported a Space Needs Assessment form was received from the Town. She added it has been completed and returned.

A Town Budget meeting is scheduled for Wednesday, August 12, 2015 at 11:15 a.m. at Town Hall.

The Clerk acknowledged receipt of general correspondence received which does not require any action by the Trustees, and is for informational purposes only.

The meeting was adjourned at approximately 7:40 p.m. by the Clerk.

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