

MEETING OF MARCH 14, 2016
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON, NY

Present: Francis Bock, Trustee Clerk
Pat Mansir, Deputy Clerk
Bill Taylor, Deputy Clerk
Tyler Armstrong
Timothy Bock
Brian Byrnes
Rick Drew
James Grimes
Diane McNally

Also Present: Richard Whalen, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Christopher Walsh, Star Reporter
Charles Bowman
Kevin McAllister
Mark Mendelman
Peter Mendelman
John Parker
John Shaka
Donald Vanderveer
James Walker
Michael Wright, EH Press

The meeting was opened at approximately 6:30 p.m. by the Clerk.

James Walker of Inter-Science was present concerning Devon Yacht Club. He told the Board the application has been amended to indicate that the dredge material disposal site has been changed and the material will be placed back in the littoral drift. Ms. McNally asked for an updated plan/survey that shows the dredge material will be placed the adjacent property.

Mr. Walker told the Board he will submit additional information on the phragmite removal applications of 11Chauncey Close and MMR Real Estate Holdings, LLC at 81 Briar Patch Road.

Concerning the application of Clearwater Beach Property Owners Association for the dredging of the Hog Creek inlet, Mr. Walker noted the Army Corp of Engineers is

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recommending the project be completed between June 1st to June 15th. He said he is waiting for receipt of permits from the ZBA, DEC and Army Corp of Engineers. Ms. McNally advised Mr. Walker to be aware there may be Piping Plovers nesting in the area at that time. Mr. Walker replied he is talking with regulatory agencies about this.

Donald Vanderveer was present regarding a sunken barge owned by Don Tisdall adjacent to his marina (Three Mile Marina). He stated he has attempted to contact Mr. Tisdall numerous times without success. He expressed concern that the barge could become a navigational hazard; besides the fact it is in violation of the law. He suggested the Trustees contact the Coast Guard to declare it derelict. In a discussion, Mr. Whalen asked where the barge is in relation to Mr. Vanderveer's marina. Ms. McNally recommended that Mr. Whalen research this before a decision is made. Mr. Taylor pointed out the Town Code specifically mentions the harbormasters are to be notified in a situation like this. Mr. Grimes agreed and said the harbormaster should contact the Coast Guard.

Mark Mendelman, owner of Three Mile Harbor Marina, told the Board the Trustees gave him permission to manage the transient moorings last season. He explained the Trustees issued him a pilot transient mooring permit for which is valid until 2019. He submitted an application for this season along with a payment for four (4) transient moorings.

Robert Grau was present on behalf of East Hampton Point Marina and Shagwong Marina to request the Board consider allowing other marinas to manage transient moorings. Ms. McNally stated if the Board does decide to go along with Mr. Grau's request, she recommended the Trustees files be reviewed to insure both marinas are up to date as far as their annual dock fees. It was agreed the Trustees will look at the Large Boat mooring and ski area to make sure there is room for more transients.

Peter Mendelman gave a brief update on Halsey's maintenance dredging project. He explained they received a permit in 2015 for dredging and Keith Grimes, the contractor, removed 140 yards of dredge material. He said the permit was for removal of 300 yards and is asking that the permit be held open until next February. Mr. Mendelman pointed out Mr. Grimes did a nice clean job and everything went smoothly. He added a check was submitted to the Trustees for the dredge spoil fee.

Charles Bowman of Land Use was present on behalf of One Association Road (My Wife Really Likes It) for phragmite management. He said he met with Mr. Drew and Mr. Grimes on site and went over plans and planting specifications. Mr. Grimes recommended Mr. Bowman obtain information on the specific size and exact species of plantings; and install a 50' buffer; although it is not located in the area of Trustees jurisdiction. Ms. McNally stated a "Letter of Intent" should be sent to the applicant.

Billy Mack of First Coastal Corporation was present concerning the application of the Georgica Association (Beach Club) for dune restoration. He stated timing is critical as they do

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not have the availability to acquire sand from the Georgica inlet as in the past, and have to acquire it from another source which is only available until next Wednesday (March 21st). He said they would like to begin by placing 3,000 cubic yards of sand to build up the dune; and may have to bring in more. Ms. McNally suggested giving the beach a few months to go back to its natural state. Mr. Grimes replied the septic system is exposed and he feels this needs to be addressed on an emergency basis. He noted on a long term basis, remediation of the bath house needs to be explored. Mr. Mack said the DEC and Town permits are in place. A motion was made by Mr. Grimes to approve the application of the Georgica Association for dune restoration 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 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) 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 project; and j) no treated material. This motion was seconded by Mr. Drew. Ms. McNally was opposed to this motion.

A motion was made by Ms. Mansir to approve payment of the following bills: a) Staples- \$27.58; b) Flynn Stenography & Transcription (Zweig)- \$252.75; c) Optimum- \$155.65; and d) North Fork Water Supply- \$46.97. This motion was seconded by Mr. Grimes and unanimously approved.

Ms. Mansir said she would like to make a motion to approve the minutes of January 11, 2016, January 25, 2016 as originally submitted by Trustee Secretary, Lori Miller-Carr with no alterations. Ms. McNally stated she wouldn't refer to her corrections as altered but amended. She pointed out there are clerical errors as well as changes of content of a discussion. She said she reviewed the video tape and she is certain there was no motion on the table with regard to alcohol on the beach; and doesn't believe it should be reflected in the minutes. Ms. Mansir pointed out Ms. McNally submitted 294 changes to the minutes of January 11th and she knows what she said and would call those altered. Ms. McNally stated if she is not allowed to make any amendments to the minutes, she won't vote to approve any minutes for the term she is Trustee. She said she forwarded the minutes to her co-committee members and asked if they had any comments. Mr. Drew replied in the case where there are clerical errors or if the content has been changed which does not reflect what was discussed, he would like to see it amended. In a discussion, Mr. Taylor pointed out the minutes are not transcripts and there is a video tape and recording; so the minutes should be a short version of what occurred during the meeting. Mr. Grimes agreed with Mr. Taylor and felt the Board should not spend so much time on approval of the minutes. Ms. McNally stated the minutes have to reflect what actually took place at the meeting. It was agreed the Records Committee will meet to discuss the method for approval of the minutes of January 11, 2015; January 25, 2015; March 7, 2016 as well as future minutes.

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A motion was made by Mr. Byrnes to approve the Trustee Financial Report as of February 29, 2016. This motion was seconded by Mr. Taylor and unanimously approved.

A motion was made by Ms. Mansir to approve renewal of a Certificate of Deposit at Suffolk County National Bank. This motion was seconded by Mr. Drew and unanimously approved.

A ZBA Notice of Hearing was received concerning the application of Carter Burwell to construct an addition, a detached accessory structure and upgrade the sanitary system at 39 Marine Boulevard. Mr. Whalen excused himself (and left the room) as he is the agent for the applicant. Mr. Grimes will review the application further and draft a memo to the ZBA requesting the hearing be held open for two weeks. Concerning the application of 260BC, LLC to allow two (2) concrete retaining walls to remain in place, it was pointed out this was already heard by the ZBA on March 1, 2016.

A request was received from Britton Bistran to close out the Ketcham permit issued for piling installation at 101 Gerard Drive. The Accabonac/Hog Creek Committee will inspect the site to determine if the project was completed according to the Trustee permit.

Concerning the application of Bray/Rosecan for bluff restoration at 313 Kings Point Road, the Accabonac/Hog Creek Committee will review the application and inspect the site of the proposed project. A letter will be sent to the agent, Drew Bennett requested an updated survey.

The Accabonac/Hog Creek Committee will inspect the dune restoration projects of Kevin Abernathy located at 31 & 35 Water's Edge to determine if they were completed according to the Trustee permit issued. If so, a memo will be sent to the Building Inspector.

A motion was made by the Clerk to approve a shellfish permit waiver to Project Most for a clamming trip with John (Barley) Dunne on behalf of the Shellfish Hatchery. This motion was seconded by Ms. McNally and unanimously approved.

Notification was received from Julianna Duryea concerning installation of pre-fencing of the Piping Plover and Least Tern nesting areas. Copies of maps which indicate where the fences will be located were also received. Ms. McNally stated Natural Resources will install pre-fencing whether there are nesting birds or not; and it is done based on the history of the area. She added it is her opinion, the Management Plan was not implemented consistently last year at different beach areas in Town.

The Clerk reported an application for phragmite control was received from The Creeks adjacent to Georgica Pond. Mr. Drew stated he reviewed the application and the proposed project encompasses the entire peninsula. Mr. Drew added he and Mr. Grimes will continue to review the application and inspect the site.

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A copy of the Natural Resource Special Permit application for dock repair on two separate parcels owned by Faith Popcorn adjacent to Georgica Pond was received. It was noted two checks were received from David Eagan Associates last year, but no applications were submitted; although Mr. Eagan's office was contacted several times requesting the applications. It was agreed a letter will be sent to Mr. Eagan to this effect.

Concerning the application of Nicholas Grecco for sand replacement at 117 Bayview Avenue, Ms. Mansir reported she inspected the site and sand is needed. Mr. Grimes pointed out there was no mention of revegetation. He stated he felt the application submitted should be consistent with what the Town is requesting. He added he would like more time to review this. It was agreed the Napeague/Lazy Point Committee will continue review of the application and report back to the Board at the meeting of March 28th.

Concerning the application of Susan Stadler for shed replacement on Lot 29S at Lazy Point, Mr. Drew said he would like to excuse himself from the discussion. Ms. Mansir said this is for in-place, in-kind replacement of a shed. A motion was made by Mr. Grimes to approve in-kind, in-place replacement of a shed on Lot 29S at Lazy Point. This motion was seconded by Ms. Mansir and approved. Mr. Drew abstained from this motion.

A request was received from Marian McMahon to rent her house located on Lot 16S at Lazy Point. It was noted the house has been rented to the same individuals every year. A motion was made by Ms. Mansir to approve a request from Marian McMahon to rent her house located on Lot 16S to Mr. and Mrs. M. Feyh. This motion was seconded by Mr. Grimes and unanimously approved. A letter will be sent to Ms. McMahon to this effect.

A motion was made by Mr. Grimes to approve the transfer of the lease of Lot 13N and p/o 14N from Eileen Raffo to John and Josephine Eastman. This motion was seconded by Mr. Grimes. Ms. McNally was opposed.

A letter was received from Stephen Lynch, Highway Superintendent indicating he cannot take Midland Highway into the Town highway system. Ms. Mansir said she met with Councilman Van Scoyoc and Kim Shaw of Natural Resources concerning this matter. She noted Councilman Van Scoyoc was going to set up a meeting with the Town Engineer to find out what it would cost to get all three roads (Noelle's Lane, Bayview and Midland Highway) into the highway system. Ms. Mansir pointed out it would probably be less expensive if the homeowners get together and pay to have the road plowed. Mr. Whalen said an alternative would be to form a road improvement district. Mr. Grimes pointed out an access easement was issued to the developer in the past, which described the maintenance as being the responsibility of the applicant. He suggested the Trustees step back from this and let the homeowners contact the Town Board. He added he didn't feel the Trustees should pursue this any longer.

Mr. Byrnes reported a local fisherman complained that the area between the launching ramp and the inlet in Accabonac Harbor is very shoaled. He pointed out Suffolk County Department of Public Works, at one time, did not feel there was sufficient activity in this area to

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warrant dredging. Ms. McNally stated the last time the Trustees put in a request to the County it also included a leg toward Landing and Shipyard Lanes, and toward the culvert area. She added the Trustees could not show the County there was sufficient activity in those areas to warrant the dredging. Mr. Byrnes asked if perhaps the Trustees can ask the County to reconsider. Ms. McNally pointed out Accabonac Harbor is on the County's dredge priority list. Ms. Mansir is meeting with the County dredge committee to talk about repair of the Lazy Point ramp and will also discuss the possibility of dredging Accabonac Harbor.

The Clerk reported the Annual Water Quality Report was received from Dr. Gobler. Ms. McNally recommended holding an educational event the same as last year and include John Barley Dunne, Director of the Shellfish Hatchery. It was agreed invitations will be sent out to the Town Board and others who would be interested. A motion was made by Mr. Drew for the continuation of the assessment of water quality in East Hampton Town Trustee waters by Dr. Christopher Gobler at a cost of \$39,978.00 for 2016. This motion was seconded by Mr. Taylor and unanimously approved.

Mr. Byrnes stated he would like to encourage the public not to over-fertilize their lawns this spring and remind them lawn fertilizers contain nitrogen and phosphorous, which is the leading cause of pollution in our creeks, bays and harbors. He pointed out soil can be tested by Cornell Cooperative Extension by calling 631-727-4126, Monday thru Friday between 9:00 a.m. and 12:00 noon and they will explain the process.

John Parker and John Shaka were present concerning pending legislation for expansion to Sag Harbor jurisdictional boundaries. Mr. Parker reported a joint committee consisting of the attorneys for the Town of East Hampton and the Village of Sag Harbor, representatives from the Harbormasters and Harbor Advisory Committee, Mr. Drew and Mr. Grimes met on February 29th. Mr. Whalen presented the proposed recommendations which were passed at a meeting of the Village of Sag Harbor on March 8th. In a discussion, Ms. McNally asked Mr. Parker for a map of the area of the proposed expansion. Mr. Whalen will draft an amendment to Section 2 and email it to the Trustees for their review. If the Board is in agreement, said amendment can be passed at the meeting of March 28th.

The Clerk reported no new information has been received concerning the Lebowitz dock in Hog Creek. He added he has been corresponding with the agent and a survey is forth coming.

Mr. Byrnes reported Mark Edwards removed the concrete materials which were remaining from the former boat ramp at the end of Alewife Brook Road. He distributed photographs of before and after removal of the ramp. He inspected the ramp reconstruction at Northwest Creek and it still has not been completed. He suggested contacting the County to determine the status of the project.

Ms. Mansir reported there is an existing permit to dredge Fresh Pond. She contacted Kim Shaw's office to obtain more information on the job specifications, and was told Ms. Shaw has

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been on vacation. She will meet with her when she returns to discuss Fresh Pond. Mr. Grimes recommended Ms. Mansir also inquire about the status of dredging Georgica Pond. Mr. Taylor said Ms. Shaw is meeting with the DEC concerning Georgica Pond and should know the status by the end of the month.

Concerning the Nature Preserve Committee, Mr. Armstrong reported an application was received for construction of a fitness park between the area of 114 and Stephen Hands Path. He added it might involve a Trustee owned portion of Buckskill Road.

Mr. Taylor reported he inspected the Reid dune restoration project at Hedges Banks and determined it was completed according to the conditions of the Trustee permit. A memo will be sent to the Building Inspector to this effect.

Ms. McNally reported the total amount of waste removed from Three Mile Harbor and Lake Montauk by the Trustees pump-out boats from 2010 to 2015 was 463,060. She said Suffolk County Department of Public Works requested this data. She told the Board the pump-out boat operators will be preparing the boats in May for the summer season.

The Board agreed they would not participate in the Friends of Erin Parade this year.

Mr. Armstrong reported he would like to submit a comment to the ZBA regarding the application of Barbara Hair to demolish an existing house, replace it with a swimming pool and construct a new house. Mr. Grimes pointed out the house is now 40' from the bluff and he felt constructing another house and installing a new septic system further back is a wise decision. In a discussion, it was agreed Mr. Armstrong will make a recommendation to the ZBA that the pool be installed further back on the upland than proposed.

The Clerk asked the Board if they had any interest in replacing the ramp which was removed at the end of Alewife Brook Road. It was agreed the Board will consider this.

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

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