

MEETING OF NOVEMBER 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
Sean McCaffrey
Bill Taylor

Not Present: Stephanie Forsberg, Assistant Clerk
Stephen Lester
Nathaniel Miller

Also Present: John Courtney, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Ani Antreasyan
Lynda Edwards
Billy Hajek
James Harris
Rona Klopman
Susan Knobel
Christopher Kohan
Pat Mansir
Diana Walker

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

Lynda Edwards, the widow of former Trustee Norman Edwards, was present to speak with the Board about the purchase of a dredge and also the winter flounder stock enhancement program. She distributed copies of google earth pictures of Napeague Harbor taken during a ten year period; and copies of a report by Mr. Edwards when he was a Trustee. Mrs. Edwards pointed out Mr. Edwards was interviewed in December of 2008 for the Dredging and Waterways Management Plan which was supposed to be initiated but wasn't. She stated Mr. Edwards advocated, after much research, the purchase by the Trustees of a dredge; but it didn't happen. She went on to say there is hardly any deep water left in Napeague Harbor and in other harbors in the Town. Mrs. Edwards noted she understands the Town didn't have enough money to keep the barge (necessary to support many projects), so the dredge as well as the winter flounder program is at a standstill. She pointed out nothing proactive is happening and the \$18,000+ which was donated in Mr. Edwards memory, sits in the Trustees accounts. She doesn't understand why the State has so much control. She stated there is a proposal to return the money donated if something is not done. Mrs. Edwards said the money is not enough to buy a dredge

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but she is proposing a campaign to have Assemblyman Fred Thiele change the Community Preservation Fund Law, She is asking for a vote of the people to allot a certain percentage of the CPF towards these projects. Mrs. Klughers told Mrs. Edwards that since she has been a Trustee, there have been at least three eelgrass transplant projects in Napeague Harbor. She explained she spoke with one of the donors, Mr. Marzo, at length as he requested his donation be returned if the Trustees can't continue the winter flounder stock enhancement program. She said she told Mr. Marzo perhaps the Trustees can put the funds toward their eelgrass program which would help to restore the habitat of the winter flounder. Mrs. Klughers pointed out the Trustees not only have an eelgrass restoration project in Napeague Harbor, but in Hog Creek as well as Northwest Creek. The Clerk advised Mrs. Edwards that for two years in a row, the dredge grant application was completed in full; all it needed was the Town to approve it. She said she worked with Larry Penny and Mrs. Shaw to get it completed. She explained that as it was a reimbursement grant, Town had to pay \$675,000 up front to purchase the dredge. and that was when all the financial problems in the Town began. The Clerk added since that time, the resources which would assist in the operation of the dredge (manpower, the barge, etc...) are gone. She said the Trustees would have to start all over again with the dredge program. However, the Board has talked about the possibly of renting a dredge and other alternatives. She pointed out in the meantime, the County dredged Accabonac Harbor and then Three Mile Harbor last year; and also part of Northwest Creek.

James Harris was present regarding the application of Arleen and Robert Rifkind which was approved at the meeting of October 28th for installation of one row of coir logs. Mr. Harris said the Rifkinds would like to install an additional row of coir logs. A motion was made by Mr. McCaffrey to approve a request from Arleen and Robert Rifkind to amend the Trustee Permit to allow for installation of an additional row of coir logs 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 and continuous communication between the contractor and Trustee office of the projects progress until 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 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 project; and j) no treated material. This motion was seconded by Mrs. Klughers and unanimously approved.

Chuck Bowman and Ray Harden were present concerning the application of Mary Meeker for bulkhead repair on Louse Point Road. Mr. Bowman said he submitted a copy of the Natural Resources Special Permit to the Trustees; and the applicant has obtained permits from the DEC and Army Corp of Engineers. He noted a copy of an engineering report was forwarded to the Trustees which supported reconstruction of the bulkhead in place, in kind. Mr. Bowman pointed out at the last Trustee meeting, it was agreed there would be an inspection of the site by the committee. The Clerk stated she was at the site yesterday. Mr. Bowman felt the regulations and

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policies of the Board allow for reconstruction of the bulkhead; and all the other agencies believe it is appropriate as the house is only 30' from the bluff. He noted not reconstructing it would have a severe effect on the house. He went on to say if there were no bulkheads in the area, he would be the first one to say there shouldn't be any, but that is not the case. Mr. Bowman pointed out in the areas that haven't been bulkheaded, there is a significant recession of the bluff. The Clerk said she couldn't see how reconstructing the bulkhead is going to do anything to prevent the bank from falling down or to protect the house. Mr. Bowman replied the normal process of the bluff is to erode and provide sand to nourish the beach. He said once the shoreline is hardened- the sand is prevented from coming down onto the beach. He went on to say if the house was setback 100' or 200'; the Trustees would have a good case against the reconstruction. He noted if the bulkhead was left to deteriorate, the equilibrium of the shoreline (as the adjacent shoreline is not bulkhead and is 100' further landward) would be detrimental to his client's house. The Clerk said she felt the damage to the bluff from ripping out the bulkhead is going to be more detrimental and suggested replacing the boards which are broken for now. Mr. Bowman replied from an engineering or practical standpoint it's not appropriate and cannot be done. He pointed out the owners have a right to replace what is there and the Trustees policies allow it to be replaced. He requested the Board have a vote on whether or not to approve the application. The Clerk asked the Board if they are ready to make a decision or have any questions. Mr. Byrnes asked Mr. Bowman if he can look at the site tomorrow. It was agreed Mr. Byrnes will set up a meeting at the site with some of the Board members and Mr. Bowman.

Billy Hajek was present regarding the application of Slipper Shell Studio, LLC for bluff restoration at 23 Waters Edge Road. Mr. Byrnes asked if the platform would be retractable. Mr. Hajek replied they did not propose it in the application. Mr. Byrnes said the Trustees have required it in the past. The Clerk pointed out this has only applied to bulkhead repair projects with stairs. A motion was made by the Clerk to approve the application of Slipper Shell Studio, LLC for bluff restoration with the standard conditions and notification to the Highway Superintendent for use of the road end and no staging of equipment or materials. This motion was seconded by Mrs. Klughers and unanimously approved.

Rona Klopman was present regarding the access easement for use of Six Pole Highway by Temple Adas Israel. She noted the survey obtained is for the entire road (to Merchants Path) and asked if this was necessary. Mr. Courtney said because there has been some confusion, he spoke with Mr. Connelly, attorney for Temple Adas Israel, and told him the survey only has to include the area up to where the Trustees deeded to the Town; which would be the southern end of Six Pole Highway. In a discussion, Mr. Courtney told Mrs. Klopman a quit claim deed would also be needed. Mrs. Klopman said this is the first time anyone has mentioned a quit claim deed and she has been attending Trustee meetings since May. She said she didn't understand why it has taken so long to get this issue addressed. Mr. Courtney asked Ms. Klopman to have the surveyor contact him. The Clerk added she has received several updates from Mr. Wolf on removal of the gate and trees encroaching onto Six Pole Highway.

Ani Antreasyan was present concerning the application of Frederic Seegal for phragmite removal on 3 Association Road. The Clerk noted the Seegal property is adjacent to Faith

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Popcorn. Mr. McCaffrey asked if there was any consideration of excavating the phragmites instead of cutting them. Ms. Antreasyan replied she didn't think the DEC would allow

excavation. She said she would like to do continuous cuttings. A motion was made by the Clerk to approve the application of Frederic Seegal for phragmite removal by hand cutting on the shoreline adjacent to 3 Association Road with the standard conditions; and that the permit be comparable to the other phragmite permits issued for Georgica Pond. This motion was seconded by Mr. McCaffrey and unanimously approved.

Susan Knobel was present concerning an application to relocate her house from Lots 52N & 53N to 45N & 46N at Lazy Point. The Clerk told the Board the lots were flagged by Brian Frank of the Planning Department; and the information must be transferred to a survey. In a discussion regarding the survey, Mrs. Klughers pointed out the Board also needs to know where the building envelope is on the lots. The Clerk pointed out one of her concerns is what the move of the house will do to the beach. She noted a lot of damage was already done when the harbor was dredged. Mrs. Knobel told the Clerk she will do everything in her power to minimize the damage and will re-plant it after the house is moved. In a discussion concerning the possible move to a location on the south side, Mrs. Knobel pointed out those areas are all marsh lands and will flood. The Clerk stated once the Board allows Mrs. Knobel to move, they will have to consider the requests of other lease holders. She said she wants to be fair to everyone going forward. Mr. Taylor pointed out Mrs. Knobel's house is the one in the most peril at the present time. He said the Board would be moving the house out of danger; and removing a fairly old cesspool system and replacing it with an upgraded one. He added he felt the Trustees should allow Mrs. Knobel to move her house to Lots 45N and 46N. Mrs. Klughers said she felt Mr. Courtney could draft a lease agreement indicating this move would not be precedent setting as it is an extenuating circumstance. She pointed out Mrs. Knobel has tried alternatives that didn't work. She added she felt the house should be moved before it falls into the water. A motion was made by Mr. Byrnes to approve the surveying of Lots 45N & 46N at Lazy Point with the understanding this does not guarantee approval of relocating the Knobel house to said lots. This motion was seconded by Mr. McCaffrey and unanimously approved. The Napeague/Lazy Point Committee agreed to meet at Lots 45N & 46N to inspect the area.

Donald Vanderveer, owner of Three Mile Marina, informed the Board he is in the process of removing privately owned moorings left in by Don Tisdall, who had installed moorings for many years. He noted Mr. Tisdall is very ill. He also pointed out there was a significant amount of shoaling at his marina and during Hurricane Sandy. He added eventually he would like to apply to dredge the area.

A motion was made by Mr. Byrnes to approve payment of the following bills with the exception of Herzog & Little, CPAs: a) A. Tohill- Seaview- \$428.75 and White Sands- \$61.25; b) Star Island Yacht Club- \$165.92; c) Hamptons Online- \$7.50; d) Staples- \$50.95; e) Optimum- \$144.80; f) Seacoast Enterprises Associates, Inc.- \$223.55; g) The Seafood Shop- \$400.00 (clams for raw bar-contest); and h) North Fork Water Supply- \$43.97. This motion was seconded by Mr. Taylor and unanimously approved.

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A motion was made by Mr. Bock to table approval of the minutes of September 29, 2014. This motion was seconded by Mr. McCaffrey and unanimously approved.

A motion was made by Mr. Lester to approve the financial reports of August and September. This motion was seconded by Mrs. Klughers and unanimously approved.

Concerning the application of James Flynn for stairway repair at 117 Marine Boulevard, the Clerk noted there was a question as to whether there was a pre-existing shoreline fence. Mr. McCaffrey said he and Mr. Miller went to the site and couldn't find a fence. He suggested the area be staked.

The Clerk reported an application was received from Arthur Beckenstein for dock repair on Oyster Shores Road. She noted the Trustees issued a permit to Mr. Beckenstein in 2013 to repair his dock and it expired before he could get the work done. The Clerk added this application is basically for renewal of the 2013 permit. She asked the Three Mile Harbor Committee to review the application and inspect the area of the proposed project.

Concerning the application of Auguste Bannard for phragmite removal and bio-log maintenance, the Clerk noted the applicant is proposing to remove the phragmites by hand cutting. She asked the Georgica Pond Committee to review the application and inspect the site.

The Clerk reported two applications have been received from Robin Weingast; one for sand replenishment and a second for emergency sand bag placement. She asked the Napeague/Lazy Point Committee to review the application and inspect the site.

Concerning the prohibition of alcohol at Indian Wells Beach in the future, the Clerk noted there was a request from the Supervisor to meet to discuss this matter further. Mr. Byrnes pointed out the signage was not what the Trustees agreed to. Mr. McCaffrey said the Trustees worked hard to come up with an agreement and the Town Board disregarded it. As far as the booth installed at the entrance to the parking lot on Indian Wells Road, Mr. Byrnes said he didn't understand how the Town got away with disturbing the wetlands. He added according to the Chief of Police, there were six citations or violations, and three tickets written for alcohol use at Indian Wells last summer.

The Clerk reported no new data has been received from Dr. Gobler concerning the water quality monitoring program. Mr. McCaffrey reported Georgica Pond seems to have improved since it was let out. The Board agreed the crab/shellfish closure should be lifted for the season.

Mrs. Klughers reported she inspected the Tick Tock bulkhead. She said she felt the property owner should be required to submit a Passing Way Easement. Mr. Courtney pointed out the Trustee construction application would have to be amended to require submission of a Passing Way Easement from all those who apply for work at waterfront properties. The Clerk added she will send a letter to the applicant requesting submission of a Passing Way Easement.

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The Clerk reported there have been complaints about the scallop shell pile on Boat Yard Road which is part of the Trustees shell recycling program. In a discussion, the Trustees agreed the shells could be relocated to another site. It was agreed the Clerk will contact the Highway Superintendent to ask if he could possibly relocate the shells to Napeague to the right hand side of the Lazy Point launching ramp.

Mr. Byrnes told the Trustees Mrs. Shaw indicated she would be amenable to the opening of the Accabonac Harbor Culvert. He suggested the Clerk follow up with Mrs. Shaw concerning this matter.

A motion was made by Mrs. Klughers to approve submission of a purchase order from the Aquaculture Department in the amount of \$2,126.69 (funds to be taken from the Trustees Mariculture Budget Line) for a pressure washer and generator. This motion was seconded by Mr. Taylor and unanimously approved.

Concerning the application of Mako Lane Association for a beach access walkway, the Clerk reported a survey was requested, but not received to date.

The Clerk reported there has been no response from a letter requesting that the Lange survey be updated to show the current conditions of the shoreline. In a discussion, it was agreed Mr. McCaffrey will determine if the Lange and Flynn properties are one and the same.

Concerning the application of David Sonenberg for installation of a shoreline fence on 2 Shore Road, the Clerk asked the Beaches Committee to inspect the area.

Mrs. Klughers reported a “private property” sign has been placed at the road adjacent to the trailer park on Crassen Boulevard. She noted this is public property and the sign should be removed. The Board agreed the sign should be tagged.

The Clerk reported Mrs. Shaw would like to set up a meeting with the Trustees and the Supervisor regarding verbiage of the Georgica Pond dredging application. She noted the Supervisor told her financial support was offered from property owners along Georgica Pond. She added she told him the Town has to be very careful with the public and private cooperation as far as donations.

Concerning the application of Dale Burch for dock replacement in Hook Pond, the Clerk reminded the Ponds Committee to determine if the dock is pre-existing 1984.

The Clerk reported no new information has been received concerning the proposed Iskander bulkhead at Hog Creek.

The Clerk reported as-built surveys still have not been received concerning the Abrahams and Roche bulkhead projects in Hog Creek. She pointed out Mr. Weinberg has submitted a survey and photographs of the completed project. She added all three applicants are located adjacent to one another.

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Concerning the Springmark (Zbar) fence, Mrs. Klughers reported the fence still has metal posts. It was agreed the Clerk will contact Natural Resources regarding this matter.

The Clerk reported no response has been received from Sondra Anderson concerning an addition to the lease of Lot 8S at Lazy Point.

The Clerk reported she has been notified that Mr. Schlitt is in the process of having Lot 36S surveyed as part of an application to repair a deck.

A Nature Preserve Committee meeting is scheduled for November 13th at which time Chatfield's Hole Road will be discussed.

A motion was made by Mr. McCaffrey to approve the application of Thomas Walsh for bulkhead replacement with the standard conditions. This motion was seconded by Mr. Byrnes and unanimously approved.

The Clerk reported Tom Preiato has left his position as the Town Building Inspector and Scott Rodriguez has retired from his position as Ordinance Enforcement Officer.

The Clerk advised the Pump-out Boat Committee that one of the boats has not been completely shrink wrapped and needs to be finished. She added the area where the mooring equipment has been stored at the Lamb Building needs to be cleaned up. The Trustees agreed perhaps some of the equipment can be sold to Gershaw or thrown out.

The Northwest Creek Coordinating Committee is scheduled to meet on November 14th at the Town Hall.

The Clerk reported she has put in a purchase request for a toolbox for the back of the Trustee truck.

Mr. Byrnes said he would inspect Louse Point for any kayaks that have been left on the racks.

The Clerk reported the 500 unprinted scallop bags are in the process of being stenciled and more will be ordered. The printed bags are expected to be delivered in approximately 6 to 7 weeks.

The meeting was adjourned at approximately 8:50 p.m. by the Clerk.

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