

MEETING OF OCTOBER 14, 2014
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
Deborah Klughers
Stephen Lester
Sean McCaffrey
Bill Taylor

Not Present: Brian Byrnes
Nathaniel Miller

Also Present: John Courtney, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Christopher Walsh, Star Reporter
Mary Croghan
Albert DiCostanzo
George Eldi
Mrs. Hall
Ray Harden
Jim Harris
Rona Klopman
Susan Knobel
Vincent Priore
Maureen Veprek
Diana Walker
Ted Wolf

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

Mr. Harris was present concerning the application of Green Acres, LLC, a.k.a. Arleen and Robert Rifkind for shoreline stabilization at 3 Eel Cove Road. The Clerk said upon review of the application she would like a better description of the linear length of the coir logs. She asked Mr. Harris what a coir log “sill” is. Mr. Harris replied it is one coir log, 16” in diameter in 12’ sections. He noted he will need a little over 14 sections (14 sections plus 4’). The Clerk also requested a letter from Mrs. Rifkind indicating she is the managing member of Green Acres, LLC. A motion was made by Mr. McCaffrey to approve the application of Arleen and Robert Rifkind for shoreline stabilization pending receipt of a more detailed description of the project and a letter from Mrs. Rifkind indicating she is the managing member of Green Acres, LLC with

10/14/14

the following standard conditions: a) copies of applications and permits from other agencies are to be submitted to the Trustees; b) written notification 48 hours prior to the start of the project and continuous communication between the contractor and Trustee office of the project's 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 the project; and j) no treated material. This motion was seconded by Mr. Lester and unanimously approved.

Mr. Eldi and Mr. Priore inquired about the status of the dredging of Napeague Harbor's west channel. The Clerk said the Army Corp of Engineers approved a modification to the permit to allow for placement of approximately 200 cubic yards of sand above MHW east of the original spoil site. She noted following the last meeting, she sent out four requests for estimates on the cost of relocating the dredged material. She said she received a response from one contractor, who met her at the site and told her he would get back to her with an estimate. Mrs. Klughers stated, for the record, she would like to dispel a rumor that she stood in front of a tractor to stop the dredging project. Mrs. Knobel said she would like to know who would request that the dredged material be placed on the beach past the MHW mark. The Clerk stated the permit held by the Town expired in 2012; and the current permit is held by SCDPW. She pointed out the County would have to request the modification. Mr. Priore questioned if there is a significant amount of dredged spoil left (in front of Mr. Eldi's house) would the Trustees be willing to move it to where it would be more useful. The Clerk replied she felt that had been the concept; that the Trustees could relocate it. The Clerk stated the Lazy Point residents on the north side should remove all items from the beach by November 1st. Mrs. Knobel expressed appreciation to those Trustees who met at the dredge site during the process.

Mr. Wolf was present concerning the Trustees request that he remove a gate and vegetation which is encroaching into the right of way of Six Pole Highway and prohibiting access to property owned by Temple Adas Israel. He told the Board he installed a gate and vegetation for protection as the public has been trespassing on his property and leaving debris behind. He said he would pay the Trustees an annual fee in order to keep the gate up to protect his property; and would remove it whenever the Trustees ask him to. Mr. Courtney told Mr. Wolf the Trustees can't allow anyone to placed items on property that belongs to the public. Dr. Forsberg stated this is precedent the Trustees can't start. She added it is the Trustees job to keep the road open for the public. The Clerk pointed out Temple Adas Israel purchased this parcel to be utilized as part of the cemetery several months ago and if people are passing away, they will need to access the parcel as soon as possible. Mrs. Klughers pointed out Temple Adas Israel has been very patient and she feels the items should be removed as soon as possible. In a discussion, Mr. Wolf agreed to have the gate and vegetation removed as soon as possible; and will contact PSE&G about moving the transformer. He said he will update the Clerk on a regular basis as to the status of this matter.

10/14/14

Mrs. Walker thanked the Board for all the work they put into the Largest Clam Contest and commended Mrs. Klughers for her efforts to recycle not only the garbage but the clam shells as well. The Clerk also expressed appreciation to the Trustees and all those who were instrumental in helping to make the contest a success. She added next year will be the 25th Annual Largest Clam Contest.

Mr. Harden was present regarding the application of Mary Meeker for bulkhead repair on Louse Point Road. The Clerk said Ben Krupinski was present on behalf of the applicant at the last Trustee meeting. She noted she advised him further information was needed. Mr. Harden pointed out the original verification forms were forwarded to the Trustees. He told the Clerk the project is exactly the same as what was proposed in the past. Mrs. Klughers asked if the applicant would consider a soft approach. Mr. Harden didn't believe this would be feasible as the house is 38' from the bluff. He pointed out if there was another major storm, the house would be dangerously close to the edge of the bluff. It was agreed the Accabonac Harbor Committee will continue review of the application and inspect the property.

Dr. Forsberg reported Dr. Gobler is on the process of doing a more comprehensive study of Georgica Pond before and after the opening. She noted the Trustees have contributed \$37,400 toward water quality and algae testing and Dr. Gobler may obtain additional funding through grants. She went on to say the data received from the study will assist the Town and Trustees in convincing the DEC of the need to excavate the Pond. A motion was made by Mr. Lester to authorize the Clerk and the Georgica Pond Committee to make arrangements with the contractor to open the Pond as soon as possible. This motion was seconded by Dr. Forsberg and unanimously approved. Mrs. Hall asked the Board what is the longest time period they would consider keeping the Pond opened. Dr. Forsberg told Mrs. Hall the Trustees are limited financially to how many times they can open the Pond, and indicated that is one of the reasons the Board would like to have it excavated. She explained the excavation permit is held by the Natural Resources Department and carried out in conjunction with the Trustees. She noted the permit has expired and has to be re-applied for. Dr. Forsberg told Mrs. Hall one of the things the Georgica Pond homeowners can do is write to the DEC and tell them they support excavation of the Pond as it increases water flow and leads to improved water quality. Mr. Walsh asked what the state of Georgica Pond is at the present time. Dr. Forsberg pointed out the blue green algae levels have recently spiked and is possibly due to the warm temperatures. A motion as made by the Clerk to reiterate the closure of Georgica Pond to crabbing and harvesting of other marine species for 21 days from October 14, 2014; allowing the Clerk to lift that ban at her discretion based on test results. This motion was seconded by Dr. Forsberg and unanimously approved.

Susan Knobel inquired as to the status of her previous request to relocate her house to Lots 45N and 46N at Lazy Point. The Clerk told Mrs. Knobel there is concern regarding the placement of a septic system and variances which will be required from the Planning Department. Mrs. Knobel told the Board the dredging has caused her home to be in even more danger as it has widened the channel increasing the water flow. She asked if the Trustees would consider allowing Brian Frank of the Planning Department to flag the wetlands on Lots 45N and 46N and have a survey done in order to determine if relocation is feasible. The Clerk said she

10/14/14

will advise Mr. Frank the Trustees agreed to the flagging of Lots 45N and 46N at Lazy Point.

A motion was made by Dr. Forsberg to approve payment of the following bills: a) North Fork Water Supply- \$59.47; b) Staples- \$114.00; c) Seacoast Enterprises Associates, Inc.- \$205.20; d) Star Island Yacht Club- \$337.19; e) Optimum- \$144.80; f) East Hampton Star- \$285.00 and g) Anthony Tohill- Seaview- \$1,075.63 and White Sands- \$1,381.88. This motion was seconded by Mrs. Klughers and unanimously approved.

A motion was made by Dr. Forsberg to approve the minutes of August 12, 2014 and September 9, 2014. This motion was seconded by Mrs. Klughers and unanimously approved.

The Clerk asked the Board to review the financial statements of August and September.

A motion as made by the Clerk to approve a transfer of \$10,000 from a Trustee Certificate of Deposit account to the checking account at SCNB. This motion was seconded by Dr. Forsberg and unanimously approved.

The Clerk reported inquiries were received requesting the Trustees consider allowing jet skis to be launched from one ramp in Three Mile Harbor and another in Montauk. In a discussion, the Board agreed the Clerk should advise Harbormaster Michels if the Town Attorney drafts an amendment to the Town Code regarding the launching of jet skis, the Trustees will consider it.

The Clerk reported Technical Analysis Memos were received from the Planning Department concerning 39 Waters Edge, LLC and 97 Mulford Lane for Natural Resources Special Permits. The Clerk noted the Trustees were notified as adjacent property owners. She asked the appropriate committees to review the memos for possible Trustee concerns.

The Clerk reported a Notice of Hearing was received from the Zoning Board of Appeals for construction of a pool at 11 Breeze Hill Road requiring variances from side yard setbacks and tidal wetlands. It was agreed a memo should be sent to the ZBA indicating drywells should be in place.

Concerning a request from Anita Wright on behalf of Project Most to plant beach grass at Georgica Beach, Mrs. Klughers said she advised Ms. Wright to consider alternate sites and Trustee approval would require submission of a hold harmless agreement. The Clerk said no response has been received from Ms. Wright to date.

The Clerk reported the Town Board will hold a hearing on October 16th concerning parking on Dolphin Drive. In a discussion, it was agreed a memo will be sent to the Town Board indicating the Trustees support parking along the shoulder of the east side of Dolphin Drive to allow for public access to the South Flora Nature Preserve.

10/14/14

The Clerk reported letters of denial were sent concerning the revetment applications of Clemente, Lynch, Wilder and Mullen on Louse Point Road. She noted a letter supporting the Trustees decision was received from the Nature Conservancy.

Concerning the Tick Tock bulkhead, the Clerk reported a memo was received from the Building Inspector asking if the project has been completed according to the permit issued. She requested the Accabonac Harbor Committee inspect the project. She added a letter will be sent to the applicant requesting submission of an as-built survey and notice of completion of the project.

The Clerk reported no new information has been received concerning the application of Slipper Shell Studio, LLC for bluff restoration.

The Clerk reported that Gregory Donohue has advised the Trustees he will be completing the Hach sand replenishment project as it was delayed due to the piping plover window.

Mrs. Klughers asked the Board to support a shell recycling project. She explained different types of shells are taken out of the water and usually not returned; but are placed in driveways and landfills. She pointed out shells are mineral rich, a natural resource and should not be thrown in the trash. She said this would help local businesses by reducing the cost of their waste disposal. Mrs. Klughers noted shells could be used in Aquaculture projects such as oyster bed replanting, reef building, etc... In a discussion, the Trustees agreed to start a pilot project of recycling scallop shells from local legal opening shops and drying them out at the Atlantic Avenue parking lot. Mrs. Klughers will draft a press release.

The Clerk reported Barley Dunne is considering selling shellfish seed to other facilities and would like the Trustees input. She noted Mr. Dunne indicated this might be a way to bring extra revenue to his department. She explained Mr. Dunne advised her there are some east end growers who have a difficult time finding seed for their farms and selling seed to them might help alleviate that problem. Mrs. Klughers said she would support this idea as she doesn't feel shellfish seed should be brought in from out of town. In a discussion, Dr. Forsberg asked if Mr. Dunne has determined what the cost would be to create more seed and would it put more strain on the Hatchery. It was agreed the Clerk will contact Mr. Dunne regarding this matter.

The Clerk reported an application has not been received from the Mako Lane Association for the beach access walkway built without a permit. The Board agreed the Clerk should contact Code Enforcement again.

Concerning the Lange shoreline fence, the Clerk said a letter was sent requesting an updated survey which shows the current conditions of the shore.

A motion was made by the Clerk to approve the application of East Hampton 2013 Trust (Liebman) for planting beach grass and installation of one row of shoreline fencing in a zig-zag pattern with the standard conditions (with the exception of #7) pending receipt of a covenant to

10/14/14

the deed which will not make an ownership claim to the planted area and staking the location of the toe of the dune prior to start. This motion was seconded by Mr. McCaffrey and unanimously approved.

The Clerk reported notification was received concerning the start of the Philips dune restoration project at 15 West Dune Lane.

Concerning the Iskander bulkhead construction application, Mr. Courtney reported Mr. Whalen said he will talk with his client regarding submission of a passing way easement to the Trustees.

The Clerk asked the Hog Creek Committee to inspect the Abrahams, Roche and Weinberg bulkhead projects. She noted a memo was received from the Building Inspector asking if he could issue a Certificate of Occupancy to the property owners.

Concerning the Wagner retaining wall in Hog Creek which was denied by the Trustees, the Clerk noted Mr. Wagner still hasn't removed the sections of cement wall from the beach. She added a violation will probably be re-issued.

The Clerk reported no new information has been received from Sondra Anderson concerning her request for an addition to the lease of Lot 8S at Lazy Point. Mr. Courtney will contact Mrs. Anderson's neighbor, Gordon Ryan regarding this matter.

Concerning the construction of a deck at the Schlitt residence located on Lot 36S at Lazy Point, the Clerk said an application was given to Mr. Schlitt but has not been returned to date. She will send a letter to Mr. Schlitt.

The Clerk reported Andy Gaites from Land Acquisition contacted her regarding the proposed Sammy's Beach Vegetation Restoration and Management Plan. She noted Mr. Gaites indicated he would like to install string fencing to discourage beach driving and encourage the recent new vegetation's growth. In a discussion, it was agreed a memo will be sent to Mr. Gaites advising him the Trustees are not in favor of string fencing and feels nature should take its course in the area.

In response to an email from Mr. Liberatore concerning over-clearing and widening of Old Northwest Road to Sag Harbor Turnpike, the Clerk reported the Roads Committee has inspected the area and finds no issue with the roadway.

Concerning proposed improvements to 8 Five Rod Highway, it was agreed the Clerk will send a memo to the attorney for the property owner indicating the Trustees require submission of an access easement.

The Clerk reported there has been no response to a letter sent to Thomas Walsh requesting a new survey and project clarification for a bulkhead replacement application in Three Mile Harbor.

10/14/14

The Clerk reported a hunter has asked if the Trustees will contact the Parks Department to request the gate at Fresh Pond be unlocked. It was agreed Mr. Miller and Mr. McCaffrey will inspect the area to determine where the gate is located.

A memo will be sent to John Rooney, Director of Recreation, advising him the Trustees have been contacted regarding placement of equipment (a large trailer) at Fresh Pond by the Town Sailing Program and request a meeting to discuss this matter prior to the start of the 2015 season.

The Town Clerk's office advised that an updated Real Property Tax Map album will be forwarded to the Trustees upon return of the 2014 album.

Mrs. Klughers said she responded to a call from Nick Finazzo who questioned if he was required to obtain a Trustee duck blind permit to hunt on state land in Accabonac and Napeague Harbors. In a discussion, the Board agreed if Mr. Finazzo anchors a blind in Trustee bottomland, he must obtain a permit.

The Clerk reported she received a call regarding disrepair of the Alewife ramp. She said she advised Councilman Van Scoyoc of this matter.

The Board agreed funds should be transferred from the Town subcontract budget line to the outside professional line to ensure sufficient funds are available for payment of the Herzog & Little 2014 quarterly payroll review as well as the 2012/13 financial review.

The Clerk reported the 2015 Tentative Town Budget was received and the Trustees were not given any of the funding requested. She will send a memo to the Supervisor expressing the Board's disappointment and advising the part-time funds allocated to the Trustees are not "stipends" as indicated.

A tentative meeting is scheduled for Wednesday, October 15th with the Harbor Management Committee and the Harbormaster to discuss registry for fish traps and enforcement during scallop season.

The meeting was adjourned at approximately 9:00 p.m. by the Clerk.

10/14/14