

**MEETING OF JANUARY 22, 2018**  
**OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY**  
**OF THE TOWN OF EAST HAMPTON**

Present: Francis Bock, Trustee Clerk  
Rick Drew, Deputy Trustee Clerk  
Bill Taylor, Deputy Trustee Clerk  
John Aldred  
Brian Byrnes  
Dell Cullum  
Jim Grimes  
Susan McGraw Keber  
Susan Vorpahl

Also Present: Richard Whalen, Trustee Attorney  
Lori Miller-Carr, Trustee Secretary  
Arlene Tesar, Trustee Secretary  
Christopher Walsh, Star Reporter  
Gary Cobb  
Sean Webb

The meeting was opened at approximately 6:30 p.m. with the Pledge of Allegiance.

Sean Webb of FORM Architecture + Interiors was present regarding the application of Heidi Ho for renovations to her home, at 212 Shore Road on Lots 22N and 23N at Lazy Point. Mr. Webb submitted an additional survey showing the location of the septic systems, as requested by the Napeague Committee. Mr. Grimes and Mr. Byrnes reviewed the application and determined the renovations are being done in the existing footprint of the home. A motion was made by Mr. Grimes to approve the application of Heidi Ho for renovations in the existing footprint of her residence located on Lots 22N and 23N, subject to receipt of a Building Permit from the Town of East Hampton. This motion was seconded by Mr. Byrnes and unanimously approved.

The Clerk then turned the floor over to Mr. Cullum. Mr. Cullum had previously told the Clerk that he would like to address the Board regarding the discussion of Trustee business by electronic mail. He stated that when he is discussing Trustee business with his fellow Trustees, he would like it to be done while they are all sitting together, at a table, so that there is eye to eye contact. He expressed that he also wanted all Trustee business to be discussed in a public forum, not via electronic mail.

The Clerk responded that last week he had forwarded a letter, for Trustee comment regarding a litigation issue. He pointed out that Trustee litigation cannot be discussed in a public

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forum. He went on to say, the content of the letter was the result of a vote taken during the executive session of January 8, 2018.

Mr. Drew stated that under the Open Meeting Law, the passive distribution of new information is highly appropriate. This gives the Trustees time to review new or ongoing business, and to do committee work during the two (2) week period between meetings. These matters are then discussed before the public at the next Trustee meeting. Regarding the use of electronic mail to discuss ongoing Trustee business, Mr. Drew suggested that they ask their attorney to come up with certain protocols the Trustees can use concerning what can and what shouldn't be discussed via electronic emails. Mr. Whalen reminded everyone that there will be occasions when important, time sensitive matters arise and in those cases, electronic mail would be the best method of communication between Trustees.

An application has been received from Kelly Risotto of Land Use, on behalf of One Association Road in Wainscott. Mr. Grimes informed the new Trustees that this project came before the Board last year, and was denied. The reason the Trustees denied the previous application was because the landowner has a highly maintained lawn that goes directly down to the water without a natural vegetative buffer to protect Georgica Pond. This new application does contain a thirty (30) foot buffer. Mr. Grimes discussed this project with Brian Frank of the Planning Department, today. Mr. Grimes and Mr. Byrnes have both agreed that they would like to see a stronger buffer. The recommendation is that the Trustees put this application on hold and have the homeowner apply to the Town for their Natural Resource Special Permit. Mr. Grimes is hoping to use the Trustees influence as adjacent property owners to encourage the Town to implement stronger wetland buffer revegetation requirements to phragmite cutting projects.

A letter was received from Russell Schlitt requesting that his son Brian Schlitt be added to his lease of Lot 36S, located at 161 Shore Road in Lazy Point. Brian Schlitt came before the Board and explained that his father is in poor health. Brian Schlitt has been a resident of Lazy Point since 1989 and has an Affidavit of Domicile on file. A motion was made by Mr. Brynes to approve the addition of Brian Schlitt to the lease of Lot 36s at Lazy Point. The motion was seconded by Mr. Grimes and unanimously approved.

The Clerk reported that a ten-year maintenance permit has been received from the DEC regarding the dredging of the south inlet of Georgica Pond. The Trustees are presently waiting for the permit from the Army Corp of Engineers. A letter was received stating that the Army Corp of Engineers has posted our project for public notice.

Concerning the excavation of the bottleneck in Georgica Cove, the Clerk reported the DEC has approved the dredging of a thirty (30) foot wide channel. The DEC is still holding the permit to investigate a violation by an adjacent homeowner.

The Clerk invited Gary Cobb to the podium to discuss his Stakeholders Position Statement regarding DeepWater Wind, South Fork LLC. Mr. Cobb delivered the Stakeholders

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Position Statement with a cover letter to the Trustees on January 17, 2018. Copies of this document will be made available on the Trustees website and through the Trustees office.

Mr. Drew reported that the Harbor Management Committee held another public meeting on January 19, 2018 with the representatives from DeepWater Wind regarding their proposed South Fork Wind Farm project. Mr. Drew stated that the Trustees still had questions they would like answered.

Notification was received from the engineer, Drew Bennett regarding the commencement of the Weil phragmite removal project located at 92 Georgica Close Road. Copies of the Village determination, the DEC permit and the USACE were received. Mr. Bennett also submitted photographs of the project area pre-construction. The cutting is being done by the homeowner's gardener. Bistran Materials, Inc. is the contractor for the excavation.

Regarding other Harbor Management business, a letter was received from Tom deVries concerning protecting horseshoe crabs during their breeding season, in particular, the Northwest beach area located off Mile Hill Road. He pointed out that there appeared to be more horseshoe crabs in areas that didn't allow beach driving than on the adjacent beach that does allow beach driving. Mr. Grimes said that when Mr. deVries contacted the Trustees last year, he reached out to someone at Cornell University who is studying horseshoe crabs. The studies that Cornell University conducts include identifying breeding sites and understanding how it impacts our local beaches. In order for Cornell to carry out their study they will have to come to East Hampton and make a presentation to recruit volunteers. The Trustees would like to consult with the local baymen, the recreational fishermen and CfAR in order to have stakeholder engagement.

A motion was made by Mr. Byrnes to pay the following bills: a) North Fork Water Supply Corp-\$21.47; b) A. Tohill-Seaview-\$10,657.50; c) Cook Maran & Associates, Inc.- \$1,750.00 (bonds-F. Bock & W. Taylor). d) Allstate Sign and Plaque Corp.- \$230.56. This motion was seconded by Mr. Cullum and unanimously approved.

A motion was made by Mr. Drew to approve the minutes of November 27, 2017 and December 11, 2017 with amendments. The motion was seconded by Mr. Grimes and unanimously approved.

A motion was made by Mr. Drew to approve the minutes of January 8, 2018 with amendment. The motion was seconded by Mr. Grimes and unanimously approved.

A motion was made by Mr. Grimes to renew the Certificate of Deposit for the account ending in #5679. The motion was seconded by Bill Taylor and unanimously approved.

Mr. Byrnes asked if anyone has given thought for a way to increase the monies in the Rysam Fund. Mr. Drew said that he has given this matter some thought. He would like to speak

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to the non-Trustee members of the Harbor Management Committee to see if they would consider donating their stipends to the Rysam Fund.

Mr. Byrnes made a motion to approve the financial report for the month ended in December 2017. The motion was seconded by Mr. Grimes and unanimously approved.

The Clerk brought up the matter of the outstanding Annual Resolutions of 2018 and asked if the board was ready to vote on Resolution # 4 – Employ Attorney. The Clerk thanked all the incoming Trustees for all their work regarding the hiring of a new attorney. The incoming Trustees were not ready to vote on this matter prior to discussing their opinions in executive session. Mr. Whalen said that executive session is the proper forum for that kind of discussion. The Clerk said the Trustees would also need to table Resolution # 11 – Salary Schedule (Attorney’s portion). He then asked if the members were willing to finish the rest of the meeting and then break for the executive session.

A motion was made by Mr. Byrnes to approve Resolution # 15 – **Special Meeting**; with the following changes - delete “If two (2) Board of Trustees members” and add “If three (3) Board of Trustees members” delete “as long as all the Board of Trustees members and add “as long a quorum of the Board of Trustees”. The motion was seconded by Susan McGraw Keber and unanimously approved.

A motion was made by Mr. Grimes to approve Resolution #17 – **Open and Close of Georgica Pond**; with the following change – delete “traditional bait fish” and add “traditional marine species”. The motion was seconded by Mr. Taylor and approved 7 to 2.

In the Report of the Clerk, Mr. Bock stated that he will have the committee assignments finalized for the executive session meeting on Wednesday, January 24th. The Clerk also noted that business cards are being ordered for the 2018 Trustees.

A motion was made by Mr. Grimes at 8:50 pm to go into Executive Session to discuss the selection of the new Trustee Attorney. The motion was seconded by Susan Keber McGraw and unanimously approved.

A motion was made by Jim Grimes to come to come out of executive session at 9:35pm. The motion was seconded by Rick Drew and approved.

A motion was made by Mr. Cullum to nominate Carl A. Irace, Esq. for Trustee Attorney for the year 2018. The motion was seconded by Ms. McGraw Keber.

A motion was made by Mr. Grimes to nominate Christopher A. Carillo, Esq. for Trustee Attorney for the year 2018. The motion was seconded by Mr. Drew.

A motion was made by Mr. Grimes to close the nominations for Trustee Attorney for 2018 and seconded by Mr. Cullum. The motion was approved.

The Clerk went around the table and each Trustee voted. Carl A. Irace, Esq. received three (3) votes and Christopher A. Carillo, Esq. received six (6) votes.

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A motion was made by Mr. Drew to approve Resolution #4 – **Employ Attorney** Christopher A. Carillo effective February 1, 2018. The motion was seconded by Mr. Taylor and approved 7 to 2.

A motion was made by Mr. Aldred to table Resolution #11 – **Salary Schedule** (Attorney portion). The motion was seconded by Mr. Grimes and unanimously approved.

A motion was made by Mr. Drew to close the meeting at 9:41 pm. The motion was seconded by Mr. Grimes and unanimously approved.

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