

MEETING OF FEBRUARY 12, 2018
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON

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

Also Present: Christopher Carillo, Trustee Attorney
Lori Miller-Carr, Trustee Secretary
Arlene Tesar, Trustee Secretary
Anthony Tohill, Special Counsel
Christopher Walsh, Star Reporter
Kim Barbour, Cornell Cooperative
Colleen Henn, Surfrider Foundation
Gary Cobb, Fisheries Representative
George Eldi

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

Ms. Henn from the Surfrider Foundation gave some background information on the organization. She said the Surfrider Foundation is a non-profit, worldwide organization that is dedicated to the protection and enjoyment of ocean waves and beaches. She is a member of the Eastern Long Island Chapter. The Foundation is currently very involved in many projects including trying to solve the problems of plastic pollution including plastic straws and balloons. They are also very active in beach cleanup efforts. They recently had 85 individuals do a beach cleanup in Greenport. They collected over 1000 pounds of trash. They have an initiative called Ocean Friendly Gardens, whose goal is to reduce road and chemical run-off. Their Blue Water Task Force was formed to empower and train citizen scientists to learn how to test water quality. Her chapter tests 50 sites locally, from East Quogue to Montauk. They test on a monthly basis, year-round. Surfrider uses the same methodologies as the EPA. Surfrider Foundation also does educational programs in the schools. Ms. Henn offered to do a water sampling demonstration for the Trustees. Regarding their water testing program, they post the results online and you can sign up to receive water quality email alerts. In East Hampton they are currently testing at Fresh Pond (the bay and the creek), Georgica Pond (in 4 areas), Town Pond, Three Mile Harbor (head of the harbor, Folkstone Drive and Settlers' Landing), Napeague Harbor (east and west) and Havens Beach.

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Ms. Barbour, a Marine Program manager from the Cornell Cooperative Extension, was present to speak about the Long Island Shellfish Restoration Project. Governor Cuomo has made 10.4 million dollars available for water quality improvement, to help the shellfish populations and to bolster resiliency. They are working on a new, state of the art, Shellfish Hatchery in Southold at CCE's Marine Center. They hope to be completed in the spring 2018. They are also working with the Shinnecock Nation tribal members to meet oyster production goals. CCE has large expansion plans for their shellfish restoration project. The production of the spat is moving along well, but they still need to identify and manage approximately 70 new nursery sites. The establishing of new nursery sites is a major priority. Once these sites are selected, CCE Technicians will provide weekly maintenance and there will be volunteer opportunities available. They look forward to establishing partnerships in the area and are seeking permission to establish sites in East Hampton Town and East Hampton Town Trustee waters. Community service will be available to East Hampton High School students. Ms. Barbour is working with "Barley" John Dunne, Director of the East Hampton Town Shellfish Hatchery, to make sure there is no overlapping of sites. She is also working to produce a report on eelgrass restoration.

Mr. Drew spoke to the public regarding the proposed Deepwater Wind South Fork, LLC (DWW). The Trustees received a letter and a proposed Community Benefits Package from DWW on December 4, 2017. The Trustees responded with a letter and a counter-proposal laying out a Community Benefits Package the Trustees felt would be more appropriate. Mr. Drew asked Mr. Aldred to read the document to the public. Copies of the letter and counter-proposal were available for the public at the meeting. Copies can also be obtained at the Trustees office at 267 Bluff Road in Amagansett.

Mr. Aldred read the requested Community Benefits Package to the public.

Mr. Tohill, Special Counsel to the Trustees came to the podium and explained that Article VII was created as part of the public service law. It dealt with any transmission of power that goes under water. One of the stipulations of Article VII is that when a Community Benefits Package is offered, the local agency receiving the offer must respond and continue to engage in a meaningful dialog with the party making the offer.

Mr. Cobb was invited to the podium. He stated that he was unaware the Trustees has prepared a response to the Community Benefits proposal from DWW. He was upset that as a Stakeholder's Representative he hadn't be made aware that the board was planning to take an action like this. He wanted to know how this response was developed. Mr. Drew advised him that the Harbor Management Committee had put it together. Mr. Aldred noted that the response was developed over a period of time. Mr. Cobb asked why it had been delivered to DWW without public review. Mr. Grimes responded that the public will have time to review and make comment on this issue. He pointed out this is just a counter proposal and that they expect there will be plenty of future dialog before an agreement is reached. Regarding the Town Trustees website, Mr. Cobb objected to the one-sided representation regarding DWW which shows information provided by DWW and information provided by Renewable Energy, Long Island. Mr. Drew said that he is happy to post any additional information and is available to sit down with Mr. Cobb or any member of the Community that is interested in discussing the content of our website.

Concerning the application of Floken, LLC at 17 Association Rd, Mr. Grimes and Mr. Byrnes met with the agent on the property and inspected the existing bulkhead. They asked the applicant to have a professional plan prepared by a licensed engineer. They also recommended that the property owner not replace all of the bulkhead, and instead work on the establishment of a natural shoreline. The Committee

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is continuing to work with the applicant and had a meeting with the Planning Department regarding the shoreline. The applicant still needs their Trustee Permit, Natural Resource Special Permit and DEC Permit.

Mr. Saracco of 106 Shore Dr East at Lazy Point had a hearing before the ZBA regarding an existing revetment/seawall. Mr. Byrnes called the Building Department and they had no record of this matter. Mr. Grimes suggested that they check with the East Hampton Town Planning Department. Mr. Byrnes had inspected the property and said it looked like the homeowner may have also cut or removed phragmites from the beach.

The Clerk read the letter of resignation from Richard Whalen, former Trustee Attorney. The Board expressed their gratitude for his past service to the Town Trustees.

Mr. Drew presented a draft to the Board suggesting certain email protocols to follow and also a draft regarding web content delivery protocols with the hope of establishing guidelines for everyone to follow. Mr. Drew stated that he is very open to any recommendations or edits. The Records Committee will meet to finalize these protocols and will have Mr. Carillo review them.

The Annual Report from the Marine Patrol for 2017 was reviewed and discussed.

The Ponds Committee reported they are still waiting for the Army Corp of Engineers permit for the dredging of Georgica Pond. They are expecting it to be approved in the next week or so. The Trustees have to determine what to do with sand. The Town had been interested in stockpiling sand for Montauk. The Trustees think the town may have changed their minds about needing the sand. Mr. Grimes said the Ponds Committee should prepare to put the sand out to bid. A motion was made by Mr. Taylor to empower the Ponds Committee to prepare documentation for bidding on the sand dredged from Georgica Pond. This motion was seconded by Mr. Cullum and was approved.

Regarding the DEC permit to excavate the bottleneck at Georgica Pond, the Board asked Mr. Carillo to meet with Mr. Horwith to work on resolving any outstanding issues.

Mr. Cullum reported he had been reviewing the original Adopt-a-Beach Program paperwork and he has some suggestions he would like to put forth. He explained that he already has a great group of volunteers involved in regular clean ups, often on a weekly basis on the same beaches the Adopt-a-Beach Program covers. He felt posting signs at the beach entrances recognizing people who clean the beach every (2) two months seemed disrespectful to all the people who regularly clean the beach without recognition. The Board members acknowledged his points and agreed he should be the lead person on this initiative. They encouraged him to set up this program in a way he felt would be beneficial to the whole community.

Mr. Grimes reported One Association Road started out as a phragmite excavation project and the biggest issue was the lack of a meaningful buffer. The Ponds Committee felt it is more appropriate to cut, than to dig in this situation. The Committee has looked at the new proposal and is hoping to have the applicant put in woody dominant buffer. The applicant has not submitted their application for a Natural Resource Special Permit yet. The Committee recommends keeping this application on hold until the applicant receives their Natural Resource Special Permit.

Mr. Grimes spoke with the Cornell Cooperative Extension representative regarding the horseshoe

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crab survey and he would like to attend to a HMC meeting to discuss how they should proceed. Mr. Cullum asked to be included in the meeting. Mr. Grimes said that he was hoping that representatives from the baymen and CfAR would attend the meeting. He thinks that with CfAR's participation they might be able to protect the horseshoe crabs without banning beach driving in the area.

Mr. Drew brought up the matter of a homeowner of a property adjacent to the Trustee owned road Midland Highway, who installed deer fencing across the road. The fence is blocking access to the rest of the unopened road which has a hiking trail going through it. Mr. Drew asked Mr. Carillo if he could contact the property owner and Ordinance Enforcement. Mr. Carillo agreed and said he would take a drive to the property. Mr. Cullum said he will also go look at the property as he has a contact at Ordinance Enforcement. Mr. Drew also pointed out there is a part of Middle Highway which is accessed from Jonathan Drive which needs to be cleaned up and delineated.

Ms. Vorpahl said that Steve Boerner, Librarian and Archivist at the East Hampton Library is offering assistance regarding proving title to Trustee roads. He is available to speak to the Trustees.

A motion was made by the Clerk to approve a resolution to hire Anthony Tohill to represent the Trustees as special counsel regarding DWW. The motion was seconded by Mr. Byrnes and approved.

A motion was made by Mr. Grimes to pay the following bills. a).Gov domain (easthamptonny.gov)- \$400.00; b) Optimum- \$165.74; c) A. Tohill- \$3,001.25 (Deepwater Wind); and d) North Fork Water Supply-\$21.47. This motion was seconded by Mr. Taylor and unanimously approved.

A motion was made by Mr. Drew to approve the minutes of January 22, 2018 with some corrections. The motion was seconded by Mr. Grimes and approved.

Approval of the Financial Reports was tabled for the next meeting. Ms. Vorpahl asked if they could be emailed to the Trustees prior to the meeting so they could have time to review them.

Mr. Byrnes asked for suggestions to help keep the Rysam Fund solvent moving forward. Ms. Miller-Carr suggested using income from the Largest Clam Contest or utilizing a percent of the Lazy Point transfer fees. Mr. Grimes has experience with managing scholarship funds and agreed to work together with Mr. Byrnes on this matter.

A motion was made by the Clerk to approve Annual Resolution- #11 Salary Schedule, to reflect the (11) eleven month salary which will be paid to Trustee Attorney, Mr. Carillo. The motion was seconded by Mr. Grimes and approved.

In the Report of the Clerk, Mr. Bock said that in order to finalize Committee Assignments he would need to meet with Susan McGraw Keber and Susan Vorpahl.

John Shaka, a member of the Harbor Management Committee of Sag Harbor contacted Mr. Drew last year regarding Water Quality in the Western end of outer Northwest Harbor. Mr. Shaka came to a Trustee meeting last year and asked the East Hampton Town Trustees for recommendations in the matters regarding water quality, boat moorings and pumpout boat operations to help maintain a safe and healthy environment for the community. Mr. Drew said that he planned to have Mr. Shaka speak to the Board in the near future to continue this discussion.

The Clerk acknowledged the Correspondence portion of the agenda that didn't require any action on the part of the Trustees.

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A motion was made by Mr. Grimes to adjourn the meeting at 9:20 p.m. The motion was seconded by Mr. Cullum and approved.

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