

MEETING OF MARCH 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
Chris Walsh, EH Star Reporter
Michael Wright, EH Press Reporter
Leigh Teidemann
Mark Mendelman
James Walker
Billy Mack
John Shaka
Mary Ann Eddy
John Parker

A motion was made by Mr. Drew to open a special meeting of the Trustees at 5:30pm. The motion was seconded by Mr. Taylor and approved.

A motion was made by Mr. Drew at 5:31pm to go into executive session. The motion was seconded by Ms. McGraw Keber and approved.

The Zweig settlement offer was discussed.

A motion was made by Ms. McGraw Keber at approximately 6:15pm to adjourn the executive sessions. The motion was seconded by Mr. Drew and approved.

A motion was made at approximately 6:17pm to adjourn the special meeting by Mr. Drew. The motion was seconded by Ms. McGraw Keber and approved.

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

Leigh Tiedemann addressed the Board about her family's properties located at 19 and 23 Chauncey Close on Georgica Pond. Last August her tenants illegally and without her knowledge or permission; mowed the phragmites on their waterfront. She is upset about this and is applying for a Trustee permit to clean up and remove the debris from this event. Mr. Drew said that it is in the best

interest for the health of Georgica Pond that the Trustees issue her a regular phragmite removal permit so should she decide to cut additional phragmite in the future, she could. Mr. Grimes made a motion to approve the application of Tiedemann subject to obtaining appropriate permission from the DEC and providing the name of the contractor prior to the work being started. The motion was seconded by Ms. McGraw Keber and approved.

Mark Mendelman from Seacoast Enterprises Associates came before the Board to discuss the status of the various projects being done at their marinas. At Harbor Marina, Sedge Island, he updated the Board on the bulkhead projects and the dredging. At Halsey Marina, they put in an application for a 2 (two) year maintenance dredging permit. The Three Mile Harbor committee will meet with Mr. Mendelman at the site to review the project and they will report back to the Trustees at the next meeting. Regarding Three Mile Harbor Marina, Mr. Mendelman was proud to say, that they have installed the first non-municipal, commercial nitrogen reducing septic system. They are in the process of closing out their Town building permit. When that is done they will provide an as-built survey to the Trustees to close out permit # T-6-16. They plan to put in a new application for bulkhead repair and bulkhead replacement at Three Mile Harbor Marina in the next month or so. They will also be putting in an application to have a FLUPSY at Three Mile Harbor Marina. These are floating oyster nurseries. This project is part of the Cornell Cooperatives Shellfish Initiative. The FLUPSY needs 120 volts of power and minimum 3 (three) feet deep water. In closing, Mr. Mendelman said, that he would like to renew his 5 (five) Transient Moorings from the Trustees this season and that the Transient Moorings can be booked online now.

Jim Walker of Inter-Science Associates was present regarding the application of the Devon Yacht Club for dock repair. Mr. Grimes asked Mr. Walker what type of wood he was planning on using. They both agreed that tropical hardwoods or Douglas Fir would be the best alternatives. This would be an in-place and in-kind project that is necessary as the dock sustained serious storm damage. Mr. Grimes made a motion to approve the application of Devon Yacht Club with standard conditions. The motion was seconded by Mr. Byrnes and unanimously approved.

Jim Walker of Inter-Science Associates is also representing the Clearwater Beach Property Owners Association. Due to bad weather they were not able to dredge Hog Creek under the old permit. They have applied for a new permit. A motion was made by Mr. Grimes to approve the application of Clearwater Beach Property Owner's Association contingent on the receipt of all other applicable permits. The motion was seconded by Mr. Byrnes and approved.

Billy Mack of First Coastal, put in an application to renew the previously approved project of 101 LPL, LLC at 101 Lily Pond Lane. The application is for dune restoration, sand fencing and a stairway to the beach. The work has not yet begun and they are applying to extend their permit. Mr. Cullum showed the Board aerial photos of how far the bluff has receded in front of this property compared to the neighboring houses. The Beaches Committee has decided to meet with the agent at the property and report back at the next meeting.

J & W Realty applied for sand fencing at 15 West End Road. Mr. Cullum went to the property and took photographs which he shared with the Board. He remarked this property has lost a lot of beach compared to its neighbors. Mr. Grimes said that the goal of the sand fencing was to try to build up the dune. A motion was made by Mr. Cullum to approve the application of J&W Realty for installation of sand fencing with the standard conditions. The motion was seconded by Mr. Taylor and approved. Mr. Grimes abstained from the voting.

Dell Cullum reported that he saw a lot of sand fence debris on the beaches and he was very concerned about that. Discussion took place on the sand fence topic.

Concerning the Town ZBA hearing of Robert and Gail Stone at 32 Three Mile Drive, Mr. Aldred expressed that as guardians of Three Mile Harbor he was still concerned with smaller homes being demolished to make way for larger homes with pools and how that might affect the health of the Harbor. The Board felt being as no variances were applied for they would be satisfied with the property going through the Natural Resource Special Permit process.

Billy Mack of First Coastal came to the podium. He set up an appointment to meet with the Beaches Committee on March 14 at 10am at the property owned by 101LPL, LLC at 101 Lily Pond Lane.

Regarding the opening of Georgica Pond, the Trustees plan to open the gut as soon as the weather cooperates. Regarding the dredging of Georgica Pond, that will be done October 1, 2018. Regarding the excavation/dredging of the bottleneck at Georgica Pond, Mr. Grimes said that Mr. Horwith will need to engage a contractor.

Chris Carillo is reviewing the Trustees draft for the new shoreline fencing code. He will review the policies and procedures outlined, confer with the Beach Committee and work up a final draft. There was discussion on how to make sure that the fencing is maintained and when the fencing gets damaged the property owners repair or remove it in a timely fashion.

John Shaka a member of the Sag Harbor- Harbor Management Committee addressed the Board about their water quality initiative program. They have decided to follow the Trustees example, have contacted Dr. Gobler and received a proposal for 5 (five) water monitoring buoys in Sag Harbor. The cost would be \$30,000 dollars. The Committee has formed a partnership with the Sag Harbor Yacht Club to try to fund this initiative. They are still short \$7,000 dollars and they were hoping the East Hampton Town Trustees would consider donating to this worthwhile project. There will be 2(two) buoys on the East Hampton side of Sag Harbor.

Concerning Rosenwald at 100 Runnymede Drive, the property is scheduled for a Town ZBA Public Hearing on March 27 and Ms. McGraw Keber plans to attend. She has reviewed the file, inspected and photographed the property

A notice of completion was received from Due East Planning regarding the bulkhead project Connolly at 217 Kings Point Road. They are being represented by Due East Planning. Ms. McGraw Keber has inspected and photographed the property. Mr. Grimes said there are a number of violations on the landward property. Rick Drew suggested that they contact the agent and have her attend the next Trustee meeting.

Ms. McGraw Keber, Mr. Taylor and Mr. Aldred attended the Nature Conservancy meeting hosted by Kevin McDonald and Dr. Nicole Maher. Also present were County Legislator Bridget Fleming, Tom Iwanejko of Suffolk County Vector Control, and Jake Kommer of East Hampton Town Natural Resource Department. They are going to continue the weekly mosquito larvae/water sampling survey program from last year. The Trustees have been tasked with finding (6) six to (8) eight samplers to help with the mosquito larvae survey. The program will commence in mid-June and run for (10) ten weeks.

The Shellfish Hatchery 2017 Annual Report and 2018 Operating Plan was discussed. The Board Agreed to invite "Barley" John Dunne to give another presentation.

John Aldred prepared new resolutions for the Board for the 3 (three) oyster gardening sites. A motion was made by Mr. Aldred to accept the resolution for a new oyster Gardening site on Accabonac Harbor. The motion was seconded by Mr. Grimes and approved.

A motion was made by Ms. McGraw Keber to accept the resolution for moving the oyster garden site on Hog Creek further west and opening the old site to the public for oyster harvesting. The motion was seconded by Mr. Grimes and approved.

A motion was made by Rick Drew to approve the resolution regarding the expansion of the current Three Mile Harbor site. The motion was seconded by Ms. McGraw Keber and approved.

All resolutions were read into the record and all contained language limiting the authorization for the oyster gardens in all three locations to no more than five years. .

Mr. Aldred is working on doing an Oyster Transplant from Oyster Pond in Montauk to seasonally closed (uncertified waters) in East Hampton. He has applied to the DEC for permission to do an Oyster survey. He also spoke to Mr. Tom Dess to obtain a park use permit for the State Park lands. With the survey they will determine the Oyster population and then contact bay men to help gather and transfer.

Mr. Grimes said that the Georgica Pond Committee has received (3) three applications for phragmite control, (1) one at 1 Eel Cove, 1 (one) at 3 Eel Cove and (1) one from the Georgica Association. Mr. Brynes and Mr. Grimes will meet the agent at the properties and report back to the board at the next meeting.

Mr. Drew reported they have just received an “Environmental and Permitting Assessment” for the South Fork Wind Farm and South Fork Export Cable. It is the first time Mr. Drew has heard the cable referred to as the South Fork Export Cable. It is a 96 page document. The Trustees plan to review it prior to offering comment. Copies are available tonight at the meeting and at the Trustees office. Mr. Drew will post it to the website so that the public can review it and offer comments.

Mr. Grimes said he has been trying to set up a meeting with Matt Scalfani from the Cornell Cooperative Extension with the purpose of doing a horseshoe crab survey in East Hampton. There have been scheduling issues and he hopes it will happen soon.

Mr. Aldred asked to readdress the DWW, South Fork Wind Farm issue. He suggested that we make some sort of formal request to the Town Board to do a local environmental impact assessment of the proposed DWW project. Mr. Cullum went on the record to say that he was not in favor of the DWW project at all. Ms. Vorpahl said that listening to multiple groups it is clear that many members of the community are against this project and that requesting a local environmental review is something the Trustees need to do. Ms. McGraw Keber said she has been involved in all the Harbor Management meetings since the Trustees’ began holding them. She feels strongly that the Town should require DWW to obtain a Natural Resource Special Permit before granting them permission to make landfall at Beach Lane in Wainscott. Especially if there isn’t going to be a SEQRA review. Mr. Grimes made a motion to send a letter to the Town Board to request the Town to do a formal environmental review of the proposed DWW project. The motion was seconded by Ms. McGraw Keber and unanimously approved.

Regarding Saracco at 106 Shore Drive East, there will be an upcoming Town ZBA hearing. Mr. Grimes and Mr. Byrnes have inspected and photographed the property. The homeowner has a rebuilt bulkhead that he is trying to legalize. A Trustee will attend the meeting and a Trustee application will be forwarded to the homeowner.

Chris Carillo has reviewed Mr. Drew’s procedural guideline for email protocols for acceptable email use and web site content delivery. He thought it was prepared very well and all the Trustees would

be advised to refer to it often in order to comply with the open meeting law. A motion was made by Mr. Drew to accept the procedural guidelines for email protocols and website delivery content. The motion was seconded by Mr. Cullum and approved.

Mr. Drew said that the Trustees have received Mr. Boerner's resume and he is very well qualified. He felt that they might want to use his services in the future. The Trustees have a lot of groundwork to be done first, including bringing their files to the digital age and making site inspections. Mr. Carillio thought having current surveys done would be great idea and suggested setting up a budget, and possibly selecting three properties a year to have surveyed. The Roads Committee will review and consider. The Clerk would like to the Roads Committee to put a plan together.

The Roads Committee inspected part of Old Montauk Highway off Cranberry Hole Road. They said it appears a homeowner is encroaching on the Trustee Road. Mr. Grimes suggested that Mr. Cullum and Ms. Vorpahl go to the Town Planning Department to investigate. Ms. Vorpahl was planning to go to the Planning Department to look at the new as-built survey on file of the property in possible violation. A discussion took place regarding the ownership of Middle Highway, both the paved and the unpaved portion. Mr. Drew said the homeowner encroaching on Midland Highway has agreed to move his fence. Mr. Grimes suggested that the homeowner obtain a new as-built survey before moving the fence so that he doesn't end up having to move it twice.

Regarding the Gallagher property at 17 Outlook Avenue, Mr. Aldred attended and spoke at the ZBA meeting. He reported that no decision was made, but the ZBA has 60 (sixty) days to make a decision.

Mr. Byrnes reported that the Education Committee will be visiting the Amagansett School to familiarize the students with the East Hampton Town Trustees work. It is a fun day for all and he invited the other Board members to join him. It will be held on April 12, 2018 at 1pm. "Barley" John Dunne from the Shellfish Hatchery will be doing a presentation for the students.

A motion was made by Mr. Grimes to pay the following bills. a) Allstate Sign & Plaque – \$65.46; b) Optimum - \$165.74; c) FedEx - \$121.50 (Army Corp of Engineers – Georgica Pond); d) A. Tohill - \$2,450.00 (DWW); e) Northfork Water Supply Corp. - \$80.44. This motion was seconded by Mr. Taylor and unanimously approved.

A motion was made by Mr. Drew to approve the minutes of February 26, 2018 with amendments. The motion was seconded by Mr. Grimes and approved.

A motion was made by Mr. Byrnes to approve the financial report ending January 31, 2017. The motion was seconded by Mr. Grimes and approved. Approval of the February, 2018 financial reports was tabled for the next meeting.

A motion was made by Mr. Grimes to renew the certificate of deposit account ending in #1633. The motion was seconded by Mr. Taylor and approved.

In the Report of the Clerk, Mr. Bock said that the kayak racks at Settler's Landing and Louse Point need to be repaired. Mr. Grimes offered to repair the racks by the end of the month. Mr. Drew made a motion to construct 30 (thirty) kayak rack with the possibility of accommodating 36 (thirty-six) kayaks at Gerard Drive. The motion was seconded by Mr. Aldred and approved. Mr. Byrnes believes he has someone who can construct the new racks at Gerard Drive.

A resolution was offered by the Clerk to extend Richard Whalen's contract through the month of January 2018. Mr. Whalen will be paid the sum of \$2333.00 for that time period by the Town in addition to the amount paid to him by the Trustees. The motion was seconded by Ms. McGraw Keber and approved.

The Clerk acknowledged the Correspondence portion of the agenda that didn't require any action on the part of the Trustees. The Trustees received a detailed report from Si Kinsella regarding the proposed Deepwater South Fork Wind Farm. This report has been forwarded to the Town and many citizens groups and politicians. Copies are available on the Trustee website and at the Trustee office. The Clerk reported that he had also received a letter from the Wainscott Citizens Advisory Committee voicing their opposition to granting an easement to DWW from Beach Lane through the hamlet without them first obtaining a Natural Resource Special Permit and going through SEQRA review.

A motion was made by Mr. Drew to adjourn the meeting at 10:00 p.m. The motion was seconded by Mr. Byrnes and approved.