

**MEETING OF MARCH 26, 2018**  
**OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY**  
**OF THE TOWN OF EAST HAMPTON**

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

Not Present: Bill Taylor, Deputy Clerk

Also Present: Christopher Carillo, Trustee Attorney  
Lori Miller-Carr, Trustee Secretary  
Arlene Tesar, Trustee Secretary  
Christopher Walsh  
Scott Dobriner  
John Dunne  
Bruce Horwith  
Simon Kinsella  
Rona Klopman  
Kevin McAllister  
Mark Mendelman  
Peter Mendelman  
Kate Osiecki

The meeting was opened with the pledge of allegiance at approximately 6:30 p.m.

“Barley” John Dunne addressed the Board regarding the East Hampton Shellfish Hatchery’s 2017 Annual Report and 2018 Operating Plan. He gave a power point presentation to the Board. He said in the late 1800’s to the early 1900’s, Long Island was one of nation’s leaders in shellfish production. The East Hampton Town Shellfish Hatchery was established in late 1980’s. Prior to it being formed, there was a widespread brown tide which caused great harm to the shellfish and the baymen whose income relied on shellfishing. The number of dropped from 200 to 40 during this period. Fortunately, we are back up to 180 baymen in our area. The reason for forming the Shellfish Hatchery was to restore the environment that had been harmed and to bring this historic industry back to life. Shellfish benefit the environment by contributing to clean water through water filtration, creating underwater habitat and providing food. Growing shellfish is sustainable and contributes to the economic health and culture of our community. In 2017, the Shellfish Hatchery disseminated 40 million oysters, clams and scallops. The Shellfish Hatchery also raised \$60,000.00 in revenue from fundraising and donations. The 2017 oyster production began in February and 11.5 million oysters were seeded with a market value of \$585,000.00. In addition, 24.2 million clams were seeded with a market value of \$31,000.00. The Hatchery’s shellfish were overwintered in Northwest Creek and then moved to Three Mile Harbor for growing out. They planted

both notada and white clams. Scallops are much harder to grow, 2017 was not a good year for scallop production and the overwinter survival rate was low.

Scott Dobriner of Inter-Science Research Associates spoke to the Board regarding the application of LWJ, LLC (the Estate of Anthony Duke) for bluff restoration, bulkhead removal and bulkhead construction at 180 Springy Banks Road. The proposal entails completely removing 289 linear feet of failing bulkhead and adding an additional 25 linear feet of bulkhead (a return) to the existing bulkhead. It also includes adding 155 cubic feet of new sand to bring the area behind the existing bulkhead up to grade. The replenished sand area will then be replanted with beach grass. The applicant would like to cut down the woody vegetation to ground level, but not to remove it. They are asking for one tree to be cut down at grade and will leave it there to re-sprout. The tree is in a dangerous location on the cusp of an undermined bluff. Temporary irrigation might be installed from the top of the bluff going down, depending on the time of year the work is done. The Three Mile Harbor Committee will follow up on this application.

Bruce Horwith addressed the Board regarding the phragmite control applications of Rifkind, Schultz and the Georgica Association. Mr. Grimes said that after they met with Mr. Horwith and inspected the project he still has some concerns about the way the management plan was written and would like some modifications made. He asked to table this application until the next meeting. Mr. Horwith then asked the Board if they could issue a letter to the DEC in support of the project, including permission for the project to be done on Trusteed bottomland. A motion was made by Mr. Byrnes to send a letter to DEC in support of proposed project. The motion was seconded by Mr. Grimes and approved. Regarding the tabled Trustee permits, Mr. Grimes said that he would like to see additional vegetation for stabilization with the use of matting included in at least one of the proposals for phragmite control.

Mark Mendelman of Seacoast Enterprises Associates, Inc. addressed the Board regarding the application of Three Mile Harbor Marina for bulkhead repair and replacement; finger piers, dock and ramp maintenance; and maintenance dredging. They have a ten (10) year DEC maintenance permit which expires in 2023. Their previous Trustee permit was a three (3) year permit. (renewed yearly if a report was made annually to the Board and everything was compliant). Mark Mendelman asked for an extended permit (three (3) to five (5) years) as it is a general maintenance permit for work that is necessary to perform on an annual basis. Peter Mendelman added that the DEC issues a ten (10) year maintenance permit because they do not have the time to go through the same type of general maintenance application every year. He suggested that the Trustees consider doing the same. A motion was made by Mr. Grimes to renew the previous permit issued to Three Mile Harbor Marina as written. This motion was seconded by Mr. Byrne and was approved. Rick Drew recused himself from the vote. A second application was received from Mr. Mendelman for the installation of two (2) floating upweller systems (FLUPSY floats) containing clams to be placed in specified locations agreed to and indicated on the attached map of Three Mile Harbor Marina. Mr. Drew said that the clams would provide an environmental benefit. Mr. Aldred said that they would be a good filter for cleaning the water. Mr. Byrnes pointed out the educational benefits of the project. A motion was made Mr. Grimes to approve the application of Three Mile Harbor Marina for placement of two (2) FLUPSY floats in the locations indicated on the attached diagram and to waive the permit fee. The motion was seconded by Mr. Aldred and approved.

Peter Mendelman of Seacoast Enterprises Associates, Inc. addressed the Board regarding Halsey's Marina, LLC's application for maintenance dredging. The Trustee permit expired in 2017 after the first phase had been completed. Phase two (2) and three (3) of the plan are also included in the new application. A motion was made by Mr. Byrnes to approve the application for maintenance dredging at Halsey's Marina. The motion was seconded by Mr. Grimes and approved. A motion was made to close out permit T-#3-15 for Halsey's Marina by Mr. Aldred. The motion was seconded by Mr. Grimes and approved.

Simon Kinsella thanked the Trustees for their all their work with Deepwater Wind. He followed up on the previous communications he had sent to the Trustees. Mr. Kinsella said that all the data included in his presentation regarding DWW was obtained from either the LIPA website or the DWW website. Mr. Bock suggested that Mr. Kinsella makes sure to bring these issues up to the Town Board and to the New York State Public Service Commission, as those agencies are in a better position to stop or control the project than the Town Trustees are. Mr. Kinsella said that he has been in constant communication with the Town Board and that he will intervene at the state level when, and if, this project makes it to the New York State Public Service Commission's office. Mr. Kinsella also presented the Trustees with a booklet that he prepared regarding water contamination in Wainscott. This is a matter of great concern to the citizens of Wainscott and the Georgica area.

Kevin McAllister came before the Board to discuss big picture shoreline protection in our estuaries and beaches. He is seeing a lot of shoreline hardening structures and he is worried that with the current sea level rise projections, three (3) to four (4) inches in forty (40) years, public access to the shoreline will disappear. He feels there are already too many bulkheads and revetments and that the DEC has taken the position of armoring the shore instead of keeping the natural shoreline. Mr. McAllister fears it will be death by a thousand cuts, limiting access to the shoreline for members of the community who do not own waterfront property.

The Accabonac/Hog Creek Committee will be meeting with the agent, Mr. Horwith, to review and inspect the proposed phragmite control projects of Lion Head Beach Association, R. Shapiro and M. Geelan. They will report back at the next meeting.

Mr. Grimes and Mr. Cullum will have a phone conference with Chris Carillio, Trustee Attorney regarding the draft proposal the Trustees are working on to update the shoreline fencing code. Mr. Cullum would like to see stronger language regarding the maintenance of shoreline fencing and the cleaning up of shoreline fencing debris. Mr. Carillo spoke with John Jilnicki, the Town Attorney, regarding the amendments to the current code that the Trustees are drafting and Mr. Jilnicki will discuss the changes with the Town Supervisor once the final draft is submitted to him.

Dr. Gobler will give a presentation on the Town Trustees 2017 Water Quality Study at the Trustees meeting of April 23rd. He will bring a proposal for work to be done in the in 2018.

A motion was made by Mr. Byrnes to approve the request of Marian McMahon to sublet her lease to Matthew Feyh at Lot 16S in Lazy Point. The motion was seconded by Mr. Grimes and approved.

The Clerk reported the Georgica Pond cut was opened successfully. Ms. Vorpahl noted that she had not received notification of the opening. It was determined the secretary had unintentionally sent two (2) emails to Ms. McGraw Keber, instead of one to Ms. Vorpahl.

The ZBA Public Hearing on the application of Rosenwald at 100 Runnymede Drive has been rescheduled for May 1, 2018. Ms. McGraw Keber has been following up on it and will report back to the Board.

Katie Osiecki from Due East Planning spoke to the Board regarding Connolly at 217 Kings Point Road. The applicant would like to close out their bulkhead permit. The Accabonac/Hog Creek Committee met with the agent at the property last week. Although the bulkhead appears to be completed in compliance with the Trustee permit, Mr. Grimes said that he is aware of several town violations regarding the legal vegetation being torn up and illegal planting being done. He asked that this matter be tabled for further review.

Regarding the oyster transplant survey, Mr. Aldred is waiting for permission from the State Park's regional office. If the regional office approves the survey, the DEC will also approve the survey. Next they will need to obtain a permit for oyster transplant from the State Park and the DEC. After the oyster transplant survey is completed and permits are received, Mr. Aldred will coordinate with several baymen to dig up and transfer the oysters.

Mr. Grimes reported that the Harbor Management Committee is still trying to coordinate with the Matt Scalfani's from the Cornell Cooperative Extension who will be supervising a horseshoe crab survey in East Hampton Town.

Regarding the Accabonac Harbor Mosquito larvae survey, the Town Trustees are looking for people to help do sampling. Sampling will be done on Monday mornings for ten (10) weeks beginning in mid-June. Training will be upcoming. The deadline will be April 23 to sign up.

Regarding 101 LPL, LLC located at 101 Lily Pond Lane, no work has been done yet under the old permit. Mr. Grimes said that this project has already been reviewed and approved by the Trustees, so he has no problem with approving this application. A motion was made by Mr. Grimes to approve the application of 101 LPL, LLC for dune restoration and the rebuilding of the walkway. The motion was seconded by Mr. Cullum and approved.

The Education Committee will be rescheduling their date to visit the Amagansett School. Ms. McGraw Keber has spoken to the principal at John Marshall Elementary School to set up a date to visit that school. John "Barley" Dunne, Director of the Shellfish Hatchery has agreed to do a presentation at John Marshall Elementary School and Amagansett School. Mr. Byrnes remarked that fun is usually had by all and that Trustees are welcome to attend.

Regarding Saracco at 106 Shore Drive East, Mr. Grimes said that they are still before the East Hampton Town ZBA. Mr. Byrnes said that he would like to see Mr. Saracco put in an application to the Trustees to legalize his bulkhead.

Concerning the Trustees' website, Mr. Drew said the Trustees have uploaded most of the documents online, that have been received, regarding the Deepwater, South Fork Wind Farm. The Trustees have made the site more balanced, as the community requested, regarding DWW with information showing all sides of the discussion. Mr. Byrnes hopes the Trustees will be able to add the weather forecast and a tidal chart to the website, Mr. Drew said he has been looking into that. Mr. Byrnes and Ms. McGraw Keber would also like to see more group photos of the Trustees in the field engaged in various projects.

The Roads Committee has been out in the field inspecting the Trustee owned road, Crooked Highway. The inspection has raised some questions the Roads Committee wants to look into. They will report on their findings at the next Trustee meeting.

A motion was made by Mr. Grimes to pay the following bills. a) Staples - \$333.37; b) GEI Consultants (Georgica Pond survey) - \$343.20; c) QuickBooks Desktop Payroll (subscription renewal) - \$335.00. The motion was seconded by Mr. Cullum and approved.

The minutes of March 12, 2018 were tabled to the next meeting as Ms. Vorpahl needed extra time to review them.

A motion was made by Mr. Byrnes to accept the financial report for the month ending February 28, 2018. The motion was seconded by Mr. Grimes and approved.

The Clerk brought up the issue of repair of the kayak racks. Mr. Grimes offered to repair the kayak racks at Louse Point. Mr. Byrnes offered to hire someone to repair the racks at Settlers Landing. The Clerk is waiting for Zachary Cohen of the Nature Preserve Committee to ask permission from the Town Board to install Kayak racks at Gerard Drive on Town Trustee and Nature Preserve property. He hopes to hear back from Mr. Cohen soon.

A payment of \$10,000.00 was received from the Clean Vessel Assistance Plan through the New York State Environmental Facilities Corporation. This money is a grant towards the Trustees' pump-out boats for the annual cost of operation and maintenance.

A memo was sent to the Town Board stating the Trustees had voted to request that the Town utilize their internal resources to conduct a formal environmental review of the proposed Deepwater Wind project to land a cable at Beach Lane in Wainscott.

The Trustees permit from the DEC to dredge the Accabonac Harbor culvert expires on April 1, 2018. The work is usually done by Patrick Bistran, Jr. for approximately \$20,000.00. There are only five (5) days left to get the three (3) day job done. A motion was made by Mr. Grimes to authorize the Clerk to obtain an estimate from Patrick Bistran, Jr. and to further authorize the Clerk to hire Patrick Bistran Jr. to do the work. The motion was seconded by Ms. McGraw Keber and approved. The Clerk will email Mr. Bistran's estimate to the Trustees as soon as he receives it to keep all the Trustees informed. Patrick Bistran Jr. has a contract with the Town, so the cost for use of the different types of equipment and man hours is already set.

A motion was made by Mr. Drew to donate \$5000.00 to the Sag Harbor Water Quality Initiative Program. This motion was seconded by Ms. McGraw Keber and approved. The money will go toward a specific program being done by Dr. Gobler to monitor water quality throughout Sag Harbor waters, including the Haven's Beach area.

A letter was received from LTV EH reminding the Trustees that all the microphones are live while the meeting is being broadcasted.

The Clerk read aloud a letter received from the East Hampton Sportsman's Alliance. The EHSA wanted to convey their support the work of the East Hampton Shellfish Hatchery.

Ms. McGraw Keber reported the East Hampton Town Energy Sustainability Committee received the \$5000.00 grant the Trustees had written a letter of support for.

Chris Carillo advised the Board he has a call into the Town Zoning Board of Appeals to make sure that the Trustees are notified as adjacent property owners when a property adjoining Trustee owned land comes before the ZBA.

A motion was made by Mr. Drew to close the meeting at approximately 9:45 pm. The motion was seconded by Mr. Cullum and approved.