



MEETING OF JANUARY 28, 2019
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON

Present: Francis J. Bock, Trustee Clerk
William F. Taylor, Deputy Clerk
James Grimes, Deputy Clerk
Brian Byrnes
Dell Cullum
Rick Drew
Susan McGraw Keber
Susan Vorpahl

Absent: John Aldred

Also Present: Christopher Carillo, Trustee Attorney
Arlene Tesar, Trustee Secretary
John "Barley" Dunne
Chuck Bowman
Sara Davison
Eric Brown, Esq.
Richard E. Whalen, Esq.
Raymond Hartjen

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

A roll call was ordered by Francis Bock, all the Trustees were present except John Aldred.

John "Barley" Dunne director of the East Hampton Town's Shellfish Hatchery presented an overview of the history and success of the Oyster Gardening program. He asked the Trustees to allow him to open another Oyster Gardening site in Napeague Harbor at the end of Crassen Road. Rick Drew said he will prepare a resolution to be voted on to allow an Oyster Garden site to be situated on the bottomland in the area requested by Barley at the end of Crassen Road.

Chuck Bowman of Land Use Ecological Services asked the Board to approve an amendment to his Trustee Permit GP #7-18 for Phragmite management. Mr. Bowman would like the Trustees approval for the addition of Rhizome Barrier's along the edge of Skylight East LLC's property at 94 Aqapougue Rd. Mr. Bowman presented his updated DEC permit allowing

the Rhizome Barriers to be installed. A motion was made by Jim Grimes to approve the modification to allow Skylight East, LLC to include Rhizome Barriers in their phragmite management project permitted as GP #7-18. The motion was seconded by Brian Byrnes and unanimously approved.

Chuck Bowman of Land Use Ecological Services asked the Board to approve his applications for phragmite control at 3 Cove Hollow Farm Road and 7 Cove Hollow Farm Road located on Georgica Cove. Sara Davison, representing the Friends of Georgica, also weighed in on the application as it is adjacent to the staging site of the Georgica Cove bottleneck dredging. A motion was made by Jim Grimes to approve the applications of Chuck Bowman for phragmite control at 3 and 7 Cove Hollow Farm Road. The motion was seconded by Brian Byrnes and unanimously approved. Regarding the dredging of the north bottleneck at Georgica Cove, the discussion of possibly coordinating the removal of the dredge spoil over 3 and 7 Cove Hollow Road or removing the dredge spoil the way originally planned was tabled for further research.

Eric Brown, Esq. of Ackerman, O'Brien, Pachman & Brown, LLP addressed the Board regarding the application of Rayner, owner of 85 and 93 West End Road for dune restoration and stairway repair. The dune restoration is a maintenance project, as they are required to keep their stone revetment covered in sand. The stairway repair is in place, in kind. Susan McGraw Keber asked who would be the actual contractor on the project. The contractor hired was Keith Grimes, Inc. A motion was made by Jim Grimes to approve the application of 85 and 93 West End Road for dune restoration and stairway repair subject to Mr. Brown submitting an amendment to his application to add 2 (two) runs of sand fencing in the traditional Trustee pattern and to put in writing the name of the contractor who will be doing the work. The motion was seconded by Rick Drew and unanimously approved.

Rick Whalen, Esq addressed the Board as a private citizen. He said he felt the Trustees goal of clean waterways was being undermined by the town's planning department's recommendations to deny approval to applicants who wish to enlarge or reconstruct their homes located close to wetlands or water bodies. Mr. Whalen feels that when an applicant applies to the ZBA for a Natural Resources Special Permit, that the ZBA and planning department should take into account the benefit of the applicants removing old septic systems from low lying areas. New, nitrogen reducing septic systems would be installed further upland, thus improving the health of the waterways and wetlands if these projects were approved.

Rick Drew of the Roads Committee brought up the matter of the Town not recognizing a Trustee Road and as a result the Town is not issuing the homeowner a building permit as the Town claims the Trustee easement granted to the homeowner was wiped out by a foreclosure in 1992. The question is if the Trustees had ownership of the road prior to 1987 when the mortgage was placed on the property or only after the mortgagee gave the Trustees a quit claim deed. Rick Whalen, Esq is the attorney for Stephen Lloyd, the recipient of a recorded Trustee easement, now deemed invalid by the Town. Mr. Carillo suggested Mr. Whalen contact the landowner's Title Company for legal assistance. Rick Drew said he would look into the matter and get back to Mr. Whalen.

A letter was received from the owner of 39 Sammy's Beach Road requesting permission to put in a mooring for a 29 foot motorboat inside Three Mile Harbor in front of his property. The current size limit set by the Trustees is 25 feet for a motorboat and 20 feet for a sailboat. Larger Boats need to be moored in the Large Boat Mooring Grid. In addition to the size of the

boat, Rick Drew was concerned, as there are shellfish beds in that area of Three Mile Harbor and it is an active area for shellfishing. Susan McGraw Keber pointed out that most of the upland area is a nature preserve. Rick Drew offered to speak with the boat owner to see if he might consider mooring his boat on the Gardiner's Bay side. Bill Taylor said that there are some boats moored over in that area, not larger than 25 feet. Rick Drew said that the moorings in that area are down by Hands Creek.

Regarding the discussion of the Zweig permit being amended and the Zweig settlement agreement, Susan Vorpahl said that she was unaware of the executive session called for Monday January 14, 2019 at 6pm at the Trustee's office to discuss the Zweig settlement proposal with Counsel. She was not notified by email when everyone else was. This was a error on the part of the staff.

Regarding the Zweig matter, Francis Bock noted and Mr. Taylor agreed that the most important part of this permit is that it establishes the end of the grass line as the property line on the beach.

A motion was made by Jim Grimes to approve the settlement agreement with Mollie Zweig. The motion was seconded by Susan McGraw Keber. The Clerk requested each Trustee to say his vote for the record. Susan Vorpahl –aye; Rick Drew – aye; Jim Grimes – aye; Francis Bock – aye; Bill Taylor – aye; Brian Byrnes – aye; Susan McGraw Keber – aye; Dell Cullum – aye. John Aldred – absent.

A motion was made by Jim Grimes to approve the amended Trustee permit B #5-18 issued to Mollie Zweig. The motion was seconded by Susan McGraw Keber and unanimously approved.

Susan McGraw Keber reported that she spoke at the Town Board meeting in support of legislation banning the intentional release of balloons. She also gave her power point presentation to the Town Board and has worked hard to get letters of support to change this county law and add this to matter to our local town law. Ms. McGraw Keber, working together with the Surfrider Foundation has obtained upwards of 33 letters of support for this matter from local organizations, community groups and not for profits. She has also enlisted the help of Fred Thiele and Bridget Fleming. Ms. McGraw Keber gave each of the Town Board members a "Balloon Fish T-Shirt" and personally made a donation to the Captain Rysam Scholarship Fund for each of their shirts.

Susan McGraw Keber asked the Trustees to vote to send a letter to the Town Board supporting their recent decision to ban the use of Styrofoam in certain instances. A motion was made by Rick Drew to send a letter to the Town Supervisor supporting their decision to ban the use of Styrofoam in certain situations. The motion was seconded by Jim Grimes and unanimously approved.

Brian Byrnes and Susan McGraw Keber visited the East Hampton High School with Ashley Oliver from the East Hampton Town Shellfish Hatchery who Brian said, always does a terrific job engaging the community. Brian mentioned how exciting it is working with High School students who might one day work in one of the environmental fields. Mr. Byrnes also discussed the Captain Rysam Scholarship Fund which is granted to an East Hampton High School Student each year.

Susan McGraw Keber was invited by the Concerned Citizens of Montauk to help judge the Montauk School Science Fair. She brought along Southampton Town Trustee Ann Welker, the first woman ever elected by the Town of Southampton to serve as a Town Trustee. Ms. McGraw Keber got to interact with the young budding scientists from Montauk with a lively presentation; and a question and answer session with the students.

Jim Grimes said the application of Floken. Inc. at 17 Association Road in Wainscott for shoreline stabilization has been tabled until the DEC permit, including the coir log amendment, is received. Susan Vorpahl said she was looking for the file today in the office and was unable to locate it. She asked the Secretary who was also unable to find it. Susan Vorpahl and Jim Grimes will follow up. (Secretaries note: The file was locked in Docks, as the property has a dock.)

Susan Vorpahl said the Roads Committee is ready to begin making recommendations on surveys they feel need to be done. Dell Cullum added that it seems that every situation they have investigated is in need of a survey or further information. A motion was made by Rick Drew to identify priority properties, with the intention of obtaining estimates for the cost to have them surveyed. The motion was seconded by Dell Cullum and unanimously approved.

A motion was made by Jim Grimes to pay the following bills: a) Seacoast Enterprises Associates - \$1,251.20 (pump out boat); b) East Hampton Star - \$300.58; c) Ready Fresh - \$39.09; d) Optimum - \$167.80, e) Matthews, Kirst & Cooley, PLLC - \$687.50 (Zweig); f) Staples - \$63.85. The motion was seconded by Brian Byrnes and unanimously approved.

A motion was made by Rick Drew to approve the minutes of December 10, 2018 with corrections. The motion was seconded by Jim Grimes and unanimously approved.

A motion was made by Rick Drew to approve the minutes of the Organizational meeting of January 7, 2019 with corrections. The motion was seconded by Jim Grimes and unanimously approved.

A request was made by Brian Byrnes to table the financial report for the month ended December 31, 2018. He wanted to give the Trustees additional time to review the financials before voting to accept them.

Francis Bock was charged by the Board to look into a way to increase the amount of interest being paid on the Trustees certificates of deposit. Mr. Bock had paperwork placed in each Trustees folder with information from an institution that handles municipal certificates of deposit and pays a much higher rate of interest. He also presented the Trustees with a worksheet showing how much more they would have earned last year at the higher interest rate. Some funds from the Town and some of the local fire departments use this Company. Mr. Bock asked the Trustees to look over the information, and come back to the next meeting with any questions or suggestions.

Rick Drew said that in 2016, he and Jim Grimes met with the Sag Harbor Village Board and the Harbor Management Committee of Sag Harbor to discuss potential new mooring fields in the area of Haven's Beach to the tip of Barcelona Point. Fred Thiele worked with the Village of Sag Harbor to expand their jurisdictional boundary to 1500 square feet offshore in the area mentioned. According to a proposed waterways plan, East Hampton residents would be allowed to get moorings at the resident price rather than the non-resident price in these

fields. Jim Grimes explained that this would be a great benefit and savings to the residents of East Hampton. Mr. Drew said the expanded area of jurisdiction would include recreational areas, mooring areas and no anchoring zones. According to a letter from the Sag Harbor Village Mayor, the East Hampton Trustees would be consulted before any future changes were made to the plan. Mr. Drew thanked John Parker of the Harbor Management Committee of Sag Harbor for all his hard work on this plan.

Regarding the Sag Harbor Water Quality Initiative, Rick Drew said the work has been completed and he hoped that Dr. Gobler would present those findings to the Trustees when he comes to the Trustees to give his East Hampton Water Quality report. Mary Ann Eddy of the Harbor Management Committee of Sag Harbor has worked tirelessly putting together the funding for the Sag Harbor Water Quality Initiative.

Jim Grimes suggested getting a Plaque or something similar to commemorate Diane McNally, and honor her for the years she spent on the Board of Trustees. Francis Bock asked if a Trustee would be able to put together something to present at the next Trustee meeting. Brian Byrnes said that he would be happy to work on it. Susan McGraw Keber offered to help also.

A motion was made by Susan McGraw Keber to close the meeting at approximately 8:50pm. The motion was seconded by Dell Cullum and unanimously approved.