



MEETING OF NOVEMBER 23 , 2020
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON – HELD REMOTELY VIA ZOOM

Present: Francis J. Bock, Trustee Clerk
James C. Grimes, Deputy Clerk
William F. Taylor, Deputy Clerk
John Aldred
Ben Dollinger
Rick Drew
Tim Garneau
Susan McGraw-Keber
Mike Martinsen

Present: Christopher A. Carillo, Trustee Attorney
Arlene Tesar, Trustee Secretary
Alyson Follenius, Trustee Secretary
Michael Hansen
Steve Boerner
Richard Whalen, Esq.

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

The Clerk ordered a roll call. All trustees were present at Roll Call except Mike Martinsen. Martinsen arrived late at 6:40 p.m.

The Clerk transitioned to Public Comment:

Michael Hansen, Graphic and Website Designer, presented a mock website design to the Trustees. As a member of both the Records/Internet/Website and Education committees, Susan McGraw-Keber has been working with Hansen to create a modern, updated and user friendly website design. Mr. Hansen provided the Board members with a proposal for both the work he envisions as well as costs associated with the work. The Trustees will review the mock design. Susan McGraw-Keber asked the board members to submit any ideas of what they would like to see on a new website. Ideas discussed included: incorporating timely information about current events; activities the members are involved with;

linking an e-commerce portion to sell Balloon fish merchandise; adding fillable applications for various Trustee permits etc... Mr. Hansen's proposal was sent to all Board members to review in advance of the next meeting.

Steve Boerner and Rick Whalen presented an update on their Historic Research of Northwest area of East Hampton. The project aims to identify historic Trustee owned lands. Rick Drew took a moment to thank both Boerner and Whalen for their work on this project. The current COVID19 pandemic has provided a roadblock to access records from Suffolk County as offices are closed to the public. Boerner shared a brief description of the geographic breakdown of the project. Boerner and Whalen are researching historic ownership of land from Sag Harbor Village to Cedar Point. Boerner provided several bullet points of his findings. The Board offered clarification as to exactly what they would like to see out of this research. Richard Whalen, requested a refinement of the scope of the project given the Trustees land claims essentially revolve around bottom lands, roads and beaches. A lengthy conversation ensued. Given the Trustees are imbued with the responsibility to maintain these resources for the East Hampton community, the Board is looking to ensure they know exactly where they have rights to any land in this area . One example mentioned was the area to the west of Little Northwest Creek. There appear to be homeowners who are asserting ownership of this beach area. If ownership in fact belongs to the Trustees, that area would/should be available to the public. This historic research project will help ascertain the valid ownership of said area. Trustee Attorney Chris Carillo asked how Boerner and Whalen viewed the format of a "final product.' Carillo sees the project as a tool which could be used in the future should jurisdiction come into question, a means of cataloging ownership through deeds and titles. Boerner stated everything will be carefully sited with easy access to the documents so the Trustees may view everything for themselves.

The Clerk transitioned to the New Business portion of the meeting:

Concerning the Phragmite Maintenance Permit Renewal Program, the Board has received annual reports from some of the applicants in the program. Jim Grimes felt it necessary to spend time reviewing and compiling them before providing additional updates. It is Phragmite permit renewal season and the Accabonac and Georgica Committee will create time for property inspections. The conversation was then tabled to allow for time to review.

The Clerk transitioned to the Old Business portion of the meeting:

Bill Taylor provided an update around moving the dredge spoil from the recent dredging of the Accabonac East Channel. The Board is looking to move 3,500 cubic yards of sand at Louse Point to be used for beach nourishment in sand starved areas. Mr. Taylor explained the current permit only allows the sand to be moved so far south. He suggested having the Trustee engineer Drew Bennett, put a request to the DEC to expand the approved area where sand may be placed. The goal is to be able to move the sand south down the beach to the areas where it is needed most. Taylor said there is also work to be done with the Army Corps of Engineers for the culvert dredging, which Mr. Bennett would be helpful in completing. The board discussed having Bennett create a proposal for this work and whether a vote should wait until the proposal was received. The Board discussed setting a spending limit for the work Mr. Bennett would do as a way to allow the Board to move forward with the next steps. The limit discussed was \$5,000. Jim Grimes made a motion for the Board to approve up to \$5,000 in engineering fees for the project. Bill Taylor seconded the motion and it was unanimously approved.

John Aldred updated the Board with regard to kayaks and small boats accumulating on beaches. Mr. Aldred and Ben Dollinger took a recent trip around Three Mile Harbor with a concerned citizen. Mr. Aldred shared photos of this trip on the screen. The pictures depicted kayaks and rack-like structures on the beach around the harbor. Mr. Aldred noted it appears privately built structures are popping up. Mr. Aldred felt the issue needs to be addressed. Mr. Aldred also showed pictures of the Trustee kayak racks on the harbor. The picture showed at least 15 boats left on the racks. Mr. Aldred

suggested the Board consider changing the date in which applicants must remove their boats from the Trustee provided kayak racks from November 1st to December 1st. Additionally, it was offered the Board may want to consider how to monitor the beach/marsh areas surrounding the harbor for boats and structures that may be residing on Trustee lands/within Trustee jurisdiction. Susan McGraw-Keber brought up a discussion held at the recent Accabonac Protection Committee (APC) around kayak racks. In summary, the APC would like them removed and has suggested moving them to Landing Lane. The Board built additional racks because there was a notable increase in demand for the racks. Additional conversation ensued around the original Management plan for Louse point. Jim Grimes mentioned these documents were meant to be living documents which can change along with the needs of the community. The discussion continued around whether the Board needs to consider moving the racks, taking some of the racks away or moving racks off Trustee property. The conversation then transitioned to the historic use of the kayak racks and Bill Taylor was asked when the racks first appeared. Mr. Taylor offered the Kayak racks have been there for around 30 years as they were a project initiated when he was first hired by East Hampton Town as a Senior Harbor Master.

Concerning the fuel spill which occurred at the Town Dock at Gann Road, John Aldred attended a meeting last week to discuss the fuel spill and future actions. The meeting was attended by Trustee John Aldred, East Hampton Town Board Councilman David Lys, Ed Michaels, East Hampton Town Harbor Master, Tim Treadwell of East Hampton Town Marine Patrol, David Browne, East Hampton Town Fire Marshall and East Hampton Town Attorney John Jilnicki. Jilnicki is drafting a code change which will tighten up the regulations on Fueling Boats. Specifically as it pertains to fueling boats off a dock by way of a fuel truck. Mr. Aldred provided a brief summary of the meeting. Currently this process is allowed by all interested legal entities. There was question as to whether the Trustees may permit the action. Much of the meeting discussion pertained to fueling and spillage in general. It was noted the group discussed the current ban for fueling at the Long Wharf in Sag Harbor. The Harbor Masters did not feel this was making a significant impact on fueling from docks in Trustee waters. The proposed schedule for the legislative draft will follow as such: The draft will come to the Trustees for review and comments before Town Board opens it up for public comment. After which the Town Board will discuss during work session before putting the new legislation to a vote. The goal is to have a draft for review sometime in December 2020 and to hold East Hampton Town Board work sessions in January 2021.

The Clerk transitioned to Committee Reports:

Susan McGraw-Keber provided the Board with updates on the 2021 Accabonac Harbor Mosquito Larvae Program and the Accabonac Harbor salt marsh. Susan McGraw-Keber met with Dr. Nicole Maher virtually to review the Accabonac marsh through photographs and aerial images and maps. Susan McGraw-Keber provided a summary of the virtual review. Dr. Maher reached out to Elizabeth Hornstein, the DEC representative to the Peconic Estuary Partnership, to extend an invitation to the December 17th zoom meeting to plan for the 2021 Mosquito Larvae Survey. Dr. Maher believes the program should continue. John Aldred, also a participant in the monitoring program, offered he would like to see the program result in not only the quantitative data as to how many mosquito larvae are present at any given time, but to compile important qualitative data. i.e. where are the mosquitos breeding, when are they breeding and under what conditions? This information may be useful in rectifying conditions which may present opportunities for breeding to occur.

John Aldred, as liaison to the Peconic Estuary Committee, provided a report from last week's Technical Advisory Committee meeting. In summary, the meeting was mostly taken up by a presentation from Steve Tettelbach of the Cornell Cooperative Extension and Long Island University and Basamm Allam of Stony Brook University's Marine Animal Disease laboratory on the scallop die-off in recent years. The team has concluded 2019 and 2020 scallop die-offs are related to increased water temperature which resulted in hypoxic (low oxygen) conditions timed concurrently with the scallop spawning events. The team found positive correlation between scallop spawning events and the water temperature spikes. The scallops expend too much energy under these hypoxic conditions which also allows opportunistic parasites to attack. It was also noted Cow nose Rays, which feed on shellfish, have been spotted in local bays and harbors in recent years.

Jim Grimes provided an update around the Georgica Pond and the Georgica Pond Bid package. There have been several calls requesting the bid package for the dredging of Georgica Pond. The pond cut is still open as of two days ago. The bid opening is December 7, 2020 and the Board expects to award a contract to the successful bidder shortly thereafter. Additionally, Jim Grimes updated the Board he has been in conversation around the permits for the Algae harvester in Georgica Pond. He is hopeful the project will be on track for the upcoming season. There was discussion clarifying the addition of dredging Georgica Cove to this year's bid package. It was clarified the dredging of the lower cove is part of the pond's maintenance permit. It stipulates the approval of taking 900 yards of sand from the cove per dredging event. The Friends of Georgica Pond have requested the Trustees add the dredging of the lower Cove to the bid package for this year to allow the letting of the cove into the main pond.

Concerning the dredging of Fresh Pond, the bid opening is also December 7, 2020 and the Board is awaiting those bids to move forward with the project.

The Board held a discussion around the request from the applicant at 163 Atlantic Avenue to access their property off of the adjacent Trustee road. The Board was not fully ready to vote on the proposal as members had concerns the project is for the homeowners benefit and may not offer much in the way of public benefit. A conversation ensued. Member concerns were expressed which included whether approving this request would lend other homeowners whose properties abutt the Trustee road to request access in this manner as well. Jim Grimes reminded the Board the ZBA requires applicants to provide a construction protocol that outlines plans for the logistics and minimal use of public property and/or private neighbors' ability to access/utilize their property and that such agreements are made to define metes and bounds with which any of these may be utilized. He suggested the Trustees offer something similar should the Board decide to approve the request. Additional conversation continued around defining and determining if the road was created as an access across Trustee land to allow the homeowner at the road's end access to their property or is it an actual Trustee road. There were additional concerns around whether this Board would approve the easement for the homeowner at the end of the road in question should they be presented with that request today; Would approval mean a whittling away of Trustee lands and trust for the public in general for private benefit? Dialogue continued around the Trustees tradition of preventing land owners from land locking neighbors such that they may extort something from them. Additionally, comments were offered in which the Board could ask if this is a benign use, making requirements that all maintenance on the easement would be the responsibility of the two benefiting homeowners, the Board could define the limits to which the access could may be improved in the future. Chris Carillo will speak with the applicant's counsel to request a proposal from the applicants which will address the Board's concerns and outline specific actions the applicants are willing to take to address these concerns. The Board will then review and discuss further at the next meeting.

The Board circled back to their ongoing conversation about the status of Town Line Road and what, if any, actions the Board may take. Rick Drew opined the section of the road from Merchant's Path to Industrial Road may have to be temporarily gated as a means of controlling the illegal dumping and increasing pollution occurring on the site. Drew suggested drawing up a resolution to install two 14 foot wide gates at either end of the section with combination locks (the code for which will be given to first responders). The Board will contact the Fire Department to inquire about their thoughts on locks on the gates. In addition, Stephen Lynch, the Superintendent of Highways will be contacted and informed about the Board's concerns.

The Clerk transitioned to the Administrative portion of the meeting:

The following bills need to be paid: Optimum - \$136.76; East Hampton Marina - \$811.00 (Winterize the Three Mile Harbor Boat, power wash it and end of season maintenance); East Hampton Star - \$53.57 (Legal Notice for Scallop Season); West Insurity Bond- \$875.00 (Annual bond). Susan McGraw-Keber made a motion to pay the bills. Jim Grimes seconded the motion and it was unanimously approved.

The Board will issue Steve Boerner a check in the amount of \$1,250 as per the approved motion to pay Steve Boerner this portion for his historic research work from the last meeting.

The Minutes from the October 26, 2020 and October 31, 2020 Board meetings were submitted to the Board for review. Susan McGraw-Keber made a motion to approve both sets of minutes. Tim Garneau seconded the motion and it was unanimously approved.

The Board tabled the approval of the financial report for the month ending October 31, 2020.

The Clerk transitioned to the Report of the Clerk:

The Board revisited the discussion around staggering the election cycles for Trustees. Trustee Attorney Chris Carillo is in process of researching an expert in New York and Suffolk County Election law.

Additional Comments:

Susan McGraw-Keber addressed the request from Heidi Ho, 212 Shore Road, for a letter of support in their application to the building department to raise the property to meet FEMA flood compliance. The applicant has approval from both the Zoning Board of Appeals and the DEC. The determination letter will be sent to the entire Board for review. The Board will circle back to vote on writing a letter of support at the next meeting after review.

A motion was made by Susan McGraw-Keber to close the meeting at 8:35 pm. The motion was seconded by Jim Grimes and was unanimously approved.

The meeting closed at 9:05 p.m.