



MEETING MINUTES OF JULY 26, 2021
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON

Present: Bill Taylor, Deputy Clerk
Jim Grimes, Deputy Clerk
John Aldred
Rick Drew
Tim Garneau
Susan McGraw Keber

Absent: Francis Bock, Clerk
Ben Dollinger
Mike Martinsen

Present: Arlene Tesar, Trustee Secretary

Deputy Clerk Jim Grimes chaired the meeting in the absence of the Clerk, Francis Bock. The meeting was opened with the Pledge of Allegiance at approximately 6:30 p.m.

The Deputy Clerk asked for a roll call. Francis Bock, Ben Dollinger and Mike Martinsen were absent.

The Deputy Clerk transitioned to Public Comment:

Danny Lester approached the Board to answer any questions the Board may have regarding the powering of Soft Clams. Lester offered an explanation around the log books baymen are required to maintain of their catch. Lester asked if the Board wanted to see logs of the catch and explained the log is a loose-leaf notebook kept in his truck. In it he writes the date, location of the catch and what was caught. The board explained the Trustee requirement to log their catch stems from the Board wanting to understand what the baymen are catching, if there is an abundance of clams in a particular area and over all to aide in making the program better in the future. Lester provided the following feedback for the program: The permitted hours for which baymen may power for the clams is not conducive for harvesting as currently baymen are allowed to begin powering at 9 am but if high tide (where there is enough water depth to power) is at 6:00 am, they must wait the three hours and lose out on prime high-water time; the Baymen would like to see the program open year-round trial basis as there are areas where the Baymen cannot access at certain times of year or there are conditional areas. He has observed large soft clams which have just died sitting in the bottom sands, along with hundreds of immature clams leading him to believe the more the bottom is turned over, the greater the chances of a stable clam

population in that location. Lester pointed out the baymen in Mecox Bay in Southampton power for soft clams every year in the same spot. Each year the Southampton baymen find and harvest clams. Lester provided more details about the powering process. Further discussion had the Trustees asking Lester if the bayman could put together a map of where they would like to power and/or where they would expect to find the clams. Lester pointed out that the baymen do not solely rely on clamming for income, but they must be versatile in what they fish for. Ultimately, the baymen are asking for the flexibility to go clamming when needed and to expand the permitted hours for harvesting. Jim Grimes made a motion to change the permitted hours for harvesting to match the hours in the town code with the condition it does not conflict with any other code. Susan McGraw-Keber seconded the motion and it was unanimously approved.

After the vote there was a brief discussion about how the baymen are logging their catch. John Aldred noted the Board is interested in knowing where the clams were harvested and how many were in any particular location. Additionally, working with John 'Barley' Dunne of the East Hampton Town Shellfish Hatchery to communicate about where the baymen tend to find clams compared to where the town seeds clams and oysters will ultimately help both the baymen and the hatchery.

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

Napeague/Lazy Point:

The Board received a request to transfer the lease held by Adam and Amy King at 176 Shore Rd, Lot #32 N in Lazy Point, SCTM #300-085-1-14.1, to Margaret Ardsley Schlitt, a Town of East Hampton resident. Susan McGraw-Keber updated the board that all documents were ready however, the public notice needs to run for two more weeks. McGraw-Keber suggested the Board could vote on the matter contingent upon completion of the notice running in the paper. The Board chose to table the matter until next meeting to allow for the completion of required time for the notice to be posted in the public newspaper.

Roads:

The Board received a request from the Trustee of the Caroline Snow Trust to scrape and fill any large potholes with gravel on the section of the dirt Trustee Road leading to Ms. Snow's house on the tip of Barcelona Point. This matter is a request for routine maintenance by the easement holder over the Trustee Road to do some grading work. There was a letter provided from the contractor. Rick Drew and Jim Grimes did not see any issue with the request. Jim Grimes reviewed the file and noted the Easement is recorded/documented. The work will be completed by the homeowner. Tim Garneau made a motion to approve the request to fill and grade the road. Susan McGraw-Keber seconded the motion and it was unanimously approved. Further conversation discussed potential transfer of the property from the homeowner to the Town of East Hampton. The question raised was who would maintain the road if the easement is no longer to a private residence. Clarifications were provided by Trustee Attorney Chris Carillo, that the Easement transfers along with the property. The Trustees would maintain ownership of the road and the Town would then be responsible for maintaining the section of the road as described by/in the easement. Some discussion ensued around whether there would be a need for the road if the building was demolished. Others weighed in that with any of these property transfers to the Town, there is a process and public access is paramount. Some version of parking is also a part of the property's management plan. The conversation transitioned to a brief discussion about Trustee ownership in this area. There will be further discussion of this topic at the next meeting by Steve Boerner.

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

Susan McGraw-Keber provided an update as to the status of the signed New York State legislative bill which provides for staggered terms for the Trustees beginning in 2023. Governor Cuomo has the bill package and has until the end of the year to sign it into law.

The Deputy Clerk transitioned to Committee Reports:

Aquaculture:

John Aldred shared the Mosquito Larvae Survey team sampled in Accabonac Harbor. The team found larger larvae and pupae. As a result, Suffolk County Vector will be spraying the hot spots over the next several days. Susan McGraw-Keber acknowledged Aldred for the work he does in his polygon (the area of sampling) as it is very large. Both McGraw-Keber and Aldred clarified they spraying will be a combination of BTI and Methoprene (which are in the form of pellets and not an aerosol). The Methoprene is necessary only because it works to reduce/eliminate the larvae in the larger/older stages. There is a link to the Suffolk County tab on the Trustee website, www.

Education:

Susan McGraw-Keber continued the discussion around hosting a Captain William J. Rysam Scholarship fundraising fair where Trustee merchandise will be sold. The date of which will be August 14, 2021, the same day as the Sand Castle Contest taking place at Atlantic Ave Beach.

Additionally, McGraw-Keber initiated discussion around this year's Largest Clam Contest, stating the Board needed to begin planning. McGraw-Keber offered to chair the planning committee if none of the other members wished to do so. The Board discussed the contest would take place end of September or beginning of October. McGraw-Keber requested support around choosing a window for which participants would harvest their clam for entry. John Aldred agreed to look at the tide charts to choose when the tides would be favorable for day time harvesting and the date could then be chosen from there. An update will be provided at the next meeting.

Unrelated, Bill Taylor asked for a quick moment to discuss the possibility of cutting back the Russin Olive trees/bushes on the property where the Trustee office building is located. The trees are overgrown and have been getting in the way the Largest Clam Contest. The Board will reach out to

Georgica & Ponds:

Jim Grimes provided an update on the status of the DEC permit for the Aquatic Harvester in Georgica Pond. The public comment period ended a week ago (Thursday July 15, 2021). There were no public comments made. The Friends of Georgica Pond have been imploring the DEC to finish processing the application and send the permit. The Trustee Board sent a letter on Monday, July 19, 2021 to the regional director of the DEC supporting a permit on this. As of this meeting the permit has not yet been received. During a visit to the pond, Grimes noticed the Sago Pondweed has already died and is about 2 weeks from sinking. There is a large raft of Red Headed Grass, over by Burnt Point as well. The goal is to get into the pond to get the work done soon.

Additionally, the Southampton Town Trustees have reached out to have a conversation around exploring the idea of a joint permit request for collateral take in the event of an emergency. Currently, the Trustees are limited and can do a Spring let of the pond but there are times when a decision may need to be made regarding the sacrifice of a few Piping Plovers for the sake of the whole ecosystem. The Southampton Town Trustees finalizing the language in their management

permit under the advice of the DEC to amend the plan to include collateral take as part of the permit. It may in the best interest of the Board to modify the permits as well. This would be in the event of a harmful algae bloom and an emergency let of the pond was needed, this modification to the management plan would cover the need for the collateral take to occur. Coordinating with Southampton Town Trustees would be beneficial only in that it is difficult to get face to face time with the DEC. Working in conjunction with the Southampton Town Trustees would effectively provide a two for one scenario as both townships face similar issues. The discussion with the DEC could include how the Board could develop a path for how this could become part of the management plan for the pond.

Rick Drew requested the Board circle back to Roads for a moment to discuss an issue on Old Montauk Hwy, which runs from Cranberry Hold Rd to Napeague Meadow Rd. Suffolk County has installed a water main on the portion of the road which intersects with Cranberry Hold Rd. They had cut down vegetation on both sides of the road, graded and excavated the road and there seemed to be little regard for the fact the Trustees own that section of the road. Rick Drew had made an attempt to reach the county via a basic customer service level and was unsuccessful. Drew stated it may be worth checking into as they have installed substantial infrastructure without a permit. Which may have some value to it. The Board may need to send a letter to the county. If there is no easement, they are trespassing on public property. Rick Drew asked for back up and for the Board and from Trustee Attorney Chris Carillo. Rick Drew was unsure which department within the County government to send a letter, stating it was quite a bureaucracy. John Aldred suggested sending the concern to the County Legislator Bridget Fleming to get it on her radar.

Kayaks:

Susan McGraw-Keber addressed the matter of the kayak rack signs which need to be replaced due to cracking. The cracks have likely occurred from kayaks hitting them as they are being racked or removed from the racks. The board discussed way to mitigate the issue and ultimately decided to get new metal signs made up by the Town's highway department.

The Deputy Clerk transitioned to the administrative portion of the meeting:

Jim Grimes addressed the Board regarding the bill from Hodgson Russ totaling \$94,584.39 for legal advice. Grimes and Clerk, Francis Bock met with Dan Spitzer to review the legal bills from the firm. Some of hours billed should have been billed directly to Orsted. This was corrected and additionally, Hodgson Russ gave a 15% discount on the total amount due. The \$94,584.39 is the adjusted total.

The following bills also need to be paid: East Hampton Marina - \$814.25 and \$58.09 for servicing of the engine and purchasing a part; Montauk Anglers Club - \$257.08 for servicing the engine. Bill Taylor made a motion to pay the bills. Susan McGraw-Keber seconded the motion and it was unanimously approved.

The minutes from May 10, 2021 have been reviewed. Susan McGraw-Keber made a motion to approve the minutes. Tim Garneau seconded the motion and it was unanimously approved.

The financial report for the month ending June 2021 need to be approved. Rich Drew made a motion to accept the financials. Tim Garneau seconded the motion and it was unanimously approved.

The Deputy Clerk transitioned to the Report of the Deputy Clerk:

Jim Grimes updated the Board regarding the second pump out boat. The boat is complete but does not have a motor due to delays. The motor is expected in September and the boat will arrive around the end of September. Just in time to winterize it for next season.

Jim Grimes addressed the pump out boat operation and requested the Board discuss offering a raise to the boat captains. He suggested increasing their hourly rate from \$20 per hour to \$25 per hour. Additionally, he asked the Board to consider appointing a Lead Captain who can manage scheduling, boat maintenance etc... There was a brief discussion with the remaining members of the Board agreeing a raise is warranted and to revisit the lead captain question at a subsequent meeting. Jim Grimes made a motion to increase the hourly rate of pay for the Pump Out Boat captains from \$20 per hour to \$25 per hour. Bill Taylor seconded the motion and it was unanimously approved and carried.

Susan McGraw-Keber made a motion to close the meeting. Rick Drew seconded the motion and it was unanimously approved.

The meeting closed at 7:57 pm.