



MEETING OF MAY 10, 2021
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
Rick Drew
Tim Garneau
Mike Martinsen
Bill Taylor

Absent: Ben Dollinger
Susan McGraw-Keber

Present: Christopher A. Carillo, Trustee Attorney
Arlene Tesar, Trustee Secretary
Alyson Follenius, Trustee Secretary
Lori MacGarva, Promised Land Kelp Co.
John “Barley” Dunne

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

The Clerk requested roll call:

All Trustees were present at roll call except Ben Dollinger, Susan McGraw-Keber and Bill Taylor. Bill Taylor arrived to the meeting late at 6:

The Clerk transitioned to Public Comment:

Lori MacGarva, of the Promised Land Kelp Co. approached the Board to discuss her proposal for a permit to farm kelp in Trustee waters. MacGarva expressed the company is not requesting funding from the Trustees and reiterated this would be a for-profit venture. John “Barley” Dunne joined the meeting as a consultant to the Promised Land Kelp Co. MacGarva shared the time period they wish to be using the waters to cultivate the kelp would be November/December through April/first weeks of May. The maps provided in the proposal outlines the areas the company would like to grow the kelp. The Board asked for clarification as to whether the company is requesting permission to utilize all of these areas or one of

them. MacGarva clarified they would like to use all of them as this is first a pilot phase to test whether the kelp will grow in any of the areas indicated. Concerns were raised that some of the locations are historically productive shellfish beds and it may be worth gathering input from other “user groups.” The discussion continued with Dunne sharing the Shellfish Hatchery does seed in some of the highlighted areas but it may be mutually beneficial as the kelp may act as a sanctuary for the shellfish seeds 5-10 acres to make a commercially viable plot. This is contingent upon results of the pilot tests. Ultimately, the Board recognized there is no way to expect the company to have a hard and fast plan given the nature and novelty of the project. It was proposed the project go to the Aquaculture committee for review and to outline and define terms and present back to the Board. Rick Drew made a motion to send the proposal to the Aquaculture Committee for review and representation to the Board. Jim Grimes seconded the motion and it was unanimously approved.

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

Jim Grimes updated the Board on the 2021 Horseshoe Crab Monitoring Program. Public participation is low compared to that of two years ago. The first count occurred on Sunday, May 9, 2021. The New Moon on Tuesday May 11, will be the second count night, followed by Thursday May 13th for the final night of horseshoe crab counting. Four members of the Board are participating in the program this year including John Aldred, Jim Grimes, Tim Garneau and Susan McGraw-Keber.

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

Francis Bock updated the Board with regard to the staggering of Trustee Elections. New York State Assemblyman Fred Thiele has been working on this matter. Thiele presented it under what is known as “Home Rule” which requires approval by the Town Board. There is no anticipation of issues arising with the Town Board. When the number of Trustees was changed through the assembly, the Home Rule path is the way in which it was legislatively changed. Trustee Attorney, Chris Carillo, questioned whether Counsel, Dan Spitzer considered getting a letter of support from the Town Board rather than approval, as a means of not setting a precedent for the future when electoral changes are to be made.

The Clerk transitioned to Committee Reports:

Beaches:

Inter-Science requested Trustee Permits B#1-21, issued to 85 West End Rd/SCTM# 301-15-5-14.1 and B# 2-21, issued to 93 West End Road/SCTM#301-15-5-16.2, both for dune restoration be closed out. Jim Grimes had visited both sites and noted they are both in good order and provided supporting photographs. Jim Grimes made a motion to close out Trustee Permits B#1-21 and B#2-21. Rick Drew seconded the motion and it was unanimously approved.

Harbor Management:

Trustee Clerk, Francis Bock sent an email to the Board which included the original resolution passed by the 2001 Board of Trustees which created the Harbor Management Committee. The conversation began around whether the current committee is functioning as originally intended. The original committee had members of the public and an East Hampton Town Board Liaison in addition to the Trustee members. Rick Drew defended the current functions and projects of the committee and questioned whether the current needs of the committee are the same as they were twenty years ago. Additionally, Drew pointed out many issues/matters spanning across several harbors have recently been handled by the harbor management committee, such as overseeing dredging projects. The Clearwater Beach Property Owner’s Association is one such project, that they handled for the Accabonac/Hog Creek Committee. The Clerk clarified that the issue is being raised because the original intent was for Harbor Management to function as a citizen’s advisory committee and there currently are no citizens nor a Town Board Liaison on the committee. Bock pointed to the

benefit of having citizen input on the hot button issues, such as the ones the current Harbor Management committee had been overseeing over the past few years. The conversation continued to point out that the committee works with home owner associations and it may be a factor of evolving times. Bock asked the Board if they want to restructure the committee. Jim Grimes shared more about the evolution of the committee, beginning with the advent of the Deep Water Wind project (i.e. the wind farm). Over the last several years, the committee has worked with the Azurest and Ninevah community groups to help with the Little Northwest Creek dredging project and will be duplicating the process in Hog Creek. Grimes agreed a liaison from the Town Board should be a participant in these conversations as a way to link/loop in the Natural Resources department into the discussion. Grimes shared he and John Aldred are scheduled to meet with Natural Resources tomorrow, May 11, 2021 which will begin to address this need. The clerk questioned if the current Board should work against the original resolution or should the current Board resolve to eliminate the requirement of civilians, but continue to work with the property associations and home owner groups. Trustee attorney, Chris Carillo pointed out the language of the original 2001 resolution calls for a Water Management task force and it seemed it was devised to manage long term issues. Carillo posited there seems to be two facets of the committee's work. One being the long-term issues and the second being the every-day management of committee issues. Carillo questioned whether the day-to-day needs require a Town Board Member but the long-term projects may warrant such collaboration. Carillo agreed with the Clerk and stated procedurally the Board needs to clean up the language of the original resolution or craft a new resolution to suit the current needs and functions of the committee. John Aldred offered a potential solution in that many of the general trustee tasks which have been absorbed by the Harbor Management committee span various harbors. The issues specific to one harbor could be taken up by that harbor's committee and any issues which span across several harbors could be taken on by the larger Harbor Management committee. The discussion continued around ways to handle any new matters which arise. The Harbor Management committee will meet to hash out and discuss how the Board moves forward with the Harbor Management committee, including how it will take input from citizens. The committee will provide an update and report back at the next meeting.

In other matters of Harbor Management John Aldred brought up the matter of the number of mooring spots located at Babes Lane. When the map was created with the help of IT, 13 mooring spots were placed there by Bob Masin. There has been a clause in the mooring rules, devised by a previous Board, stating no more than 8 moorings can exist off Babes Lane. The committee decided it would be best to leave the mooring field at 13 spots. It can be revisited at a later date if any issues arise. There are no vacant pull moorings off Hand's Creek and there is no space for additional pull moorings there. John Aldred made a motion to eliminate the "only 8 moorings at Babes Lane" rule and to allow all 13 as depicted on the mooring map to be available. Jim Grimes seconded the motion and it was unanimously approved.

The next update from Harbor Management was around the shellfish powering season. There is an open public comment period in progress to close on May 20, 2021. There will be a public committee meeting held on May 20th at 5:00 pm via Zoom. The purpose of the meeting will be to define the powering season, define the locations and discuss seasonal take and reporting.

Jim Grimes provided an update on the Crain dock of 864 Springs Fireplace Rd. The Trustees received a letter from the town regarding the property. The property was issued a certificate of occupancy with a different size house structure than what is presently there. The applicant's attorney has attempted to claim the dock has always been its current size despite the Trustees having knowledge and documentation saying otherwise. Grimes suggested the Board invite the applicant's attorney to a future meeting to present their case. The Board will likely need to vote on the matter and come to a consensus as to the legality and legitimacy of the structure. The structure was replaced/redone less than a year ago with no permits. The Trustee permit issued originally was for a floating dock adjacent to the shoreline without any piers or pilings. Both of which currently exist as part of the structure. The matter is also in front of East Hampton Town Code Enforcement. The applicant is also requesting a mooring permit. Jim Grimes will reach out to the applicant's attorney along with Chris Carillo. Francis Bock noted it has come to his attention that there are other unpermitted docks in the same area and several in Hog Creek and questioned whether the Board should do another inventory. Grimes added the

administrative staff has been chipping away at creating a new catalog of existing docks and that an inventory of all docks on all the water bodies would be important. Grimes noted the Board just tabled an application for a dock in which the applicant followed all the necessary steps and the Board is not yet ready to issue a permit to that applicant. He cited if the Board allows illegal docks to remain, it will validate the idea of the illegal docks. John Aldred noted it will require delegating harbors to various board members in an effort to cover all harbors. The committee will continue to discuss the matter during the next committee meeting.

The final update from the Harbor Management committee addressed moorings left in the water over the winter or longer if a property has been transferred to a new owner. The committee opined they do not wish to reject permits but want to be sure the moorings are safe. The committee made the recommendation that moorings which have been in the water over the winter or longer, should have a marine contractor inspect the set up. The applicant may submit inspection documentation along with their permit application to show the mooring is safe for use.

With regard to future dock applications, the committee has been discussing ideas but have nothing to report to the Board yet. The committee will continue to discuss the matter and report back to the Board.

Lazy Point/ Napeague:

Louis E. Havel, 50% leaseholder of 160 Shore Rd., Lot 36N, SCTM # 300-85-1-17.01 in Lazy Point has requested to transfer his 50% ownership of the lease he shares with his daughter, Kimberly A. Colletti, to his son Edward R. Havel. Edward has submitted his paperwork verifying he is a resident of the Town of East Hampton. Attorney, Chris Carillo has reviewed the documentation and everything is in order. The public notice requirement is completed and the publication affidavit from the East Hampton Star has been received by the Trustee office. Jim Grimes made a motion to approve the Transfer of Louis E. Havel's 50% share of the lease of 160 Shore Rd, Lot 36N, SCTM # 300-85-1-17.01 in Lazy Point. Mike Martinsen seconded the motion and it was unanimously approved.

Website:

Michael Hansen, website designer, has submitted a proposal for the management and administration of the Trustees website. The Board discussed the benefit of having Hansen continue the management of the website. Hansen will provide support to the Trustee administrative staff and continue to work with the Trustees to keep the website relevant and up to date. Board members agreed continuing with Hansen's support will ultimately allow for the success of the site and allow for the administrative team to learn from him for the future. Additional comments include requiring data about the site traffic and metrics. It was confirmed that data collection is part of the current proposal. Rick Drew made a motion to approve the proposal submitted by Michael Hansen to continue with website management and administration. Tim Garneau seconded the motion and it was unanimously approved.

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

The following bills needed to be paid: Optimum- \$152.58; East Hampton Business Service- \$368.22 for printing of the Georgica Management Plan; Drew Bennett - \$907.13 for modification of the DEC permit for the Gerard Drive Culvert; Riverhead Building Supply - \$210.41 for materials to build kayak racks; Sea Coast Enterprises - \$6.79 – pump pout boat. Jim Grimes made a motion to pay the bills. Bill Taylor seconded the motion and it was unanimously approved.

The Financials for the month ending April 30, 2021 were reviewed by John Aldred. After reviewing them and getting answers from Arlene Tesar, Trustee Secretary, Aldred was satisfied with the financials for April. John Aldred made a motion to accept the financials for the month of April 2021. Tim Garneau seconded the motion and it was unanimously approved.

Report of the Clerk:

Trustee Clerk, Francis Bock, thanked the Board for their support and taking over while he was out on leave for the last few weeks. The Board offered “welcome back” statements.

Rick Drew made a motion to close the meeting. Tim Garneau seconded the motion and it was unanimously approved.

The meeting closed at 7:52 p.m.