



MEETING OF NOVEMBER 8, 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
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

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.

The Clerk transitioned to Public Comment:

Mark and Peter Mendelman approached the Board with a request on behalf of The Harbor Marina of East Hampton, Inc. for an application for a 10-year (long term) maintenance permit to fix pilings, replace floating docks, perform bulkhead repair, dock repair and reclamation dredging. Mendelman has applied to the DEC has declared piling replacements as “no permit necessary,” (NPN) and provides 10-year maintenance permits. The surveys will not change, all work will be maintenance. This upcoming off season, Mendelman plans to perform maintenance on the fuel dock where the fuel lines and dispensers will be replaced. The fuel lines will be replaced with double walled lines and the new dispensers will have sump pumps beneath them. There will be repairs needed to the travel lift piers. Many of the pilings have been degraded by age or worms. The long-term work will include bulkhead repair and CCA wood which will need replacing. Mendelman is requesting the Board approve the long-term permit so that the marina has the flexibility to perform he work as needed. Peter Mendelman stated there will always be a notice of commencement to the Trustees when work will begin and there will be annual reporting to inform the Board of the projects and future plans. John Aldred and Ben

Dollinger met with Mark and Peter Mendelman on site during the first week of November 2021. Aldred reiterated that a report will be delivered to the Board ahead of any off-season work which will describe the work planned for the upcoming year. Aldred will distribute the application to the rest of the Board members for review and consideration. This will allow the Board time to consider the logistics of how a long-term maintenance permit would function. Mendelman will be approaching the ZBA for an administrative long-term permit for the travel lift piers and pilings. The NRSP has a three-year window to perform work without a renewal. Mendelman shared the work on the Travel lift pier and the fuel dock have to begin as soon as possible. They have DEC permits for both projects. This work cannot begin until around December or January when the contractor's barge is brought into the harbor. The Board will review the applications and come back together to discuss at the next meeting.

Rich Brierley joined the meeting on behalf of the owners of 19 Chauncey Close, SCTM # 301-15-106 to provide an update on the Temporary Construction Dewatering Project Application and process. Brierley was joined by Kyle Allen, project manager of Chesterfield Associates who built the dewatering system along with Regina Bykoff and Paul Boyce, engineers from PW Grocer. The Board received a report from the project engineers detailing the variances in ground water levels throughout the year and when the Georgica Cut is open vs. when it is closed. The report also outlines the reasons why the applicants are requesting approval to dewater into Georgica Pond when groundwater levels are too high for the on-site dewatering system to function properly. Boyce and Bykoff provided a simplified synopsis of the report and explained the project would not need to dewatering into the pond all of the time. The applicant is seeking approval to be able to dewater into the pond when the diffusion wells are undergoing maintenance and when ground water levels exceed four feet (the level at which the diffusion wells can no longer operate as they are intended.). Rick Drew questioned the engineers about how much water would be pumped into the pond during the periods of use specifically because Dr. Christopher Goble's water quality testing showed levels of nitrogen and phosphorus at 25 times higher than normal surface levels in the water sample from the settling tank on site. Bykoff and Boyce clarified that three days per month, the diffusion wells will undergo maintenance and the system would pump 600 gallons/minute into the pond. During the periods when water needs to be pumped due to overflow in the system, 50-100 gallons/minute of effluent would be directed to the pond. Using groundwater level data collected, the engineers were able to create a predictive model which showed the diffusion wells will no longer operate when groundwater is above four feet. Historical groundwater data along with data from present day monitoring wells were used to create the model. Essentially, when the Georgica cut is open and tidal (water flowing in and out with the tides), the groundwater level is around two feet. However, once the cut closes, the groundwater level rises. With rain or anything which would cause an increase in groundwater levels, the project would need to divert effluent to the pond as the diffusion wells cannot handle the flow rate. Jim Grimes provided an update on the current status of Georgica Pond and that if the cut functions the way it has over the course of the last three years, the cut would remain open until or through January. The Trustees perform the dredging work when the pond is low. If the water level is too high, the pond is let and/ or if the pond is tidal, the work is performed around the tides. Grimes asked for an update on the state of the system as changes were made to the system in an effort to increase its function. The project team found algae build up in the settlement tank. With that, a cover was placed above the tank to limit sunlight so as to reduce algal growth. The algae were getting caught and clogging the filters and subsequently clogging the wells. Grimes asked if these modifications have had a measurable affect on the maintenance. Kyle Allan clarified these modifications have indeed had an affect on the maintenance of

the system. Since making the modifications, the system has not had a problem. Allan also clarified that the high levels of nitrogen and phosphorus found by Dr. Gobler, were likely due to this problem in the system, especially if the samples had been taken out of the tank at the time. Allan took time to offer the Board a scenario to help understand the volume of water which would be pumped into the pond. Allan provided calculations with which he determined the following comparison:

The amount of rain which fell during the recent Nor'easter on October 26, 2021 was 2 ¼ inches as recorded at the East Hampton Airport. During that same rainfall, the Georgica Pond water level rose 5 ¾ inches. If the team pumped water at a rate of 1,000 gallons/minute into a concrete pool the size of Georgica Pond, and was not affected by evaporation, drainage or the opening of the cut, it would take thirty days of pumping at that same rate to see the same water level rise in the pond as seen from the rainfall on Oct. 26, 2021.

Drew recommended the team have the water quality retested if the team feels the high nitrogen and phosphorus levels were due to the increased algae in the settling tank. Additionally, Drew would like to see the team offer other mitigation efforts to ensure the water pumped into the pond is not going negate all of the work the Trustees and others have done over the last several years to improve the water quality in the pond. John Aldred asked for clarification in his understanding of the system's functionality and how the additional pumping functions. Kyle Alan clarified that Aldred's understanding was correct. Except the team is asking to be allowed to pump the water through the filtration system and bypass the wells if they need to be worked on or if the groundwater level is above four feet. Therefore, bypassing the recharge basin all together. The Board asked if additional discharge wells could be created to help alleviate the strain on the current wells and asked them to clarify if they understood how the groundwater functions prior to creating the system. The team clarified they are limited in terms of space and setback requirements. Another question raised asked why there were concerns about setback requirements with the wetlands when the project is not concerned about discharging water into the pond. The team confirmed the setback requirements for the wetlands are there for the physical preservation of the wetlands. In order to create more discharge wells, the team would have to bring machines into the wetlands, thus causing damage to area. The team looked at the possibility to add more discharge wells but ultimately there was not enough space which is where the idea for discharging water into the pond originated. The team is only asking to be able to discharge the effluent into the pond if the diffusion wells become stressed or during regular maintenance of the wells. Discharging into the pond would not be a continuous part of the project and would only be utilized during the aforementioned situations. Jim Grimes, who noted from personal observation on the property, that during the time Dr. Gobler's lab took the water sample it was sunny, windy and dry. There was particulate matter blowing around which could have skewed the results in that it could have contributed to algae growth in the settlement tank. Which may not have been an accurate representation of the water quality within the system. Grimes, who will be recusing himself from any voting on this matter because the applicant is a client of his, suggested the applicant may want to contract Dr. Gobler to retest the water again with the updated system. This may provide more accurate numbers and provide some assurances to the DEC and the Board with regard to the water quality of the effluent they are requesting to discharge. Drew agreed with Grimes that a retest would be beneficial. According to Grimes, the pond will likely remain at a low water level for the next three to four months. The cut was open as of November 1, 2021 and historically has remained tidal for a few weeks. That combined with a low rainfall and the dredging should keep the pond level lower than the four-foot water level the team is discussing. Drew and Brierley will both reach out to the DEC in order to get their input on the project and come back together for the next meeting.

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

Napeague:

The Board received a request from Marion McMahon, tenant at 241 Shore Rd, Lot #165 in Lazy point, to renew her sub-lease to her daughter, Marith McMahon and Thomas Thorsen. Jim Grimes made a motion to approve the request with the condition all paperwork has been submitted, which he stated, it seems to be in order. Susan McGraw-Keber seconded the motion and it was unanimously approved.

Three Mile Harbor:

The Board revisited the conversation around the application from the Hampton Water's Property Owner's Association (POA), SCTM #300-92-6-8, to construct an elevated walkway with untreated wood and open grate decking, off Oyster Shores Road to Three Mile Harbor. John Aldred provided a review of the proposed project which would put a walkway over the marsh in the area of a path which already exists. The survey of the area indicates elevation and the project would be in an area where it may be within Trustee Jurisdiction. Therefore, the Board requested an application from the POA. The POA has not yet applied for a Natural Resources Special Permit. Aldred suggested the Board tables the matter until the NRSP process has been completed. Jim Grimes agreed and requested the application and any documentation be distributed to all board members for review ahead of any future discussion. The POA has had a DEC permit for the last nine years for a 4 foot by 118-foot walkway elevated four feet above the marsh. There was some discussion around the possibility of relocating the walkway above mean high water. Aldred will distribute the information to all Board members for their review. The Board will continue the discussion at a later meeting. Aldred clarified this is access for the homeowners in the development and does not just serve the adjacent homeowner. The current pathway intrudes onto the adjacent private property.

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

Water Quality Technical Advisory Committee:

Susan McGraw-Keber and John Aldred attended the Water Quality Technical Advisory Committee (WQTAC) meeting. Aldred provided an update of the meeting. WQTAC discussed a new proposal for the Accabonac Harbor Storm Water Abatement Project using CPF funding for the end of Louse Point Road. As the project proposed moving the fence at the end of Louse Point Road twenty feet landward from its current location. Then filling in the eroded dune area with sand and beach grass in an effort to recreate the dune that used to be there. The parking area to the east was bare sand. The Highway Department graded the area and covered it with asphalt millings. The project came about out of concern the asphalt millings were/are an environmental problem. The project proposes replacing the millings with crushed stone with bioswale along the perimeter. Aldred and McGraw-Keber visited the site. Both agree that if the proposal moves forward with considerations, there must be an environmental need for the project and a case will need to be made for the project. McGraw-Keber shared one resident was concerned the asphalt millings could create a problem with run-off seeping into the harbor. McGraw-Keber added the project also proposes adding natural grasses at the end of the road as well as a closing of two areas currently used by people to pull up with their kayaks. There was some discussion among the Board around how much of the parking will be lost and whether blue stone was the best material to be used as ground cover in the area. The main consideration at this juncture is whether this project qualifies and/or is eligible to use CPF funds. Aldred shared the second project the committee discussed was a request made by Sag Harbor Village to fund an engineering design for home hook-ups from street to the structure as part of their sewage extension project. It has been approved from the stand point of the pipes in the street. The question is getting approval from the pipes in the street to the houses. Significant engineering will need to take place so homeowners have an idea of the hook up cost. The proposal is to use

some of the water quality monies to complete some of the engineering costs. There were some incomplete aspects of the engineering portion of the proposal and therefore questions were raised at the meeting as to whether or not it makes sense to complete until all of the engineering can be done. A future meeting will be held where the engineers for the proposed project will be present to answer any questions. A few additional items were touched upon. McGraw-Keber will distribute the full proposal for the Louse Point project the entire Board for their review.

Captain William J. Rysam Scholarship Fund:

Susan McGraw-Keber updated the Board on the latest Trustees merchandise. A baseball cap with “East Hampton Town Trustees” embroidered across the front and “est. 1686” was designed and has arrived. The caps will be available for sale to raise money for the scholarship fund.

Kayak Racks:

Susan McGraw-Keber also took a moment to share the updated Kayak Rack signs which the Town machine shop printed for the Board. McGraw-Keber shared an image of the updated signs. The signs will be posted on the racks in the Spring.

Striped Bass Study:

Jim Grimes reminded the Board of a request they reviewed for funding for a Striped Bass research study in Lake Montauk. Grimes has reached out the Town Supervisor but has not yet received a return call. The Trustees are interested in financially supporting the study and Grimes was hoping the Town would match the contribution. The proposal was for \$25,000 a year for two years. If the town reciprocated the contribution, the research team would be half way to their goal of \$100,000 to conduct the study. Rick Drew requested the Board table the matter until the next meeting in hopes of getting in touch with the Town to address it. The Board will circle back to the request at a later date.

The Clerk transitioned to Committee Reports:

Harbor Management:

The subcommittee for Docks, consisting of Jim Grimes, Bill Taylor, Rick Drew and John Aldred, met to discuss a plan for moving forward with a temporary dock moratorium. The subcommittee consensus was to request a twelve (12) month moratorium on any new docks on any Trustee water bodies. This would allow the Board to compile a review of where the Trustees stand on restricting any new docks to be constructed in the future. The committee discussed the moratorium on any new docks and floating structures in all Trustee water bodies. Jim Grimes and Mike Martinsen were both on call with the Montauk Fire Department and had to excuse themselves as an ambulance call came through. Grimes commented prior to leaving the meeting that the Board must use appropriate language so Duck Blinds would not be included in the moratorium. The subcommittee presented the idea to the Board with plans to draft language to vote on for the next meeting. The purpose of the twelve-month moratorium would be to do a full inventory of current docks in Trustee waters, determine what and where there may be illegal docks/structures and make recommendations at the end of the period. The other determination needed to be made is whether pilings should remain in over winter. The conversation shifted to a brief conversation around the permit conditions for the dock the Board most recently approved. The subcommittee will meet via conference call with Trustee attorney Chris Carillo this week and have an update for the Board at the next meeting.

Three Mile Harbor:

The Board received an application for bluff stabilization from Eugenia and Edward Tillinghast at 19 Will Curl Highway, SCTM # 300-94-1-12. Ben Dollinger updated the Board. Dollinger and John Aldred met with the applicants on site. The applicants have chosen to go in a different direction. Aldred and Dollinger advised the applicants to continue with the direction in the original application. The plan calls for core log stabilization and re-vegetation of the bluff. The applicants feel they want to go with something more substantial and are interested in taking it in a different direction. Aldred and Dollinger advised they keep this application on the back burner while they research other options. The applicants are close to full approval and are one agency away from full approval for the project/plan. However, the applicants are hesitant to “experiment with their own money if the core logs won’t work.” The matter will be tabled until further notice.

Other:

John Aldred shared some unfortunate news. Dr. Christopher Gobler’s lab of Stony Brook University, put out two Dissolved Oxygen Data Loggers in Napeague Harbor this past summer. When the lab went back to retrieve it, it was missing. Aldred is attempting to contact anyone who may be on the water to request they look out for it. John “Barely” Dunn, of the Aquaculture Department will take the boat through the harbor to scan for it. Trustee Secretary Alyson Follenius asked if it would be appropriate to send an email to all of the mooring permit holders in Napeague Harbor to ask if they have seen the devices or anything out of the ordinary. Follenius will contact the permittees from the office.

Aldred also shared with the Board that the final date for the year-round powering applications to be submitted was Nov. 5, 2021. One baymen misinterpreted the legal notice and thought the deadline was Nov. 8m 2021 (the date the powering permits would go into effect). The bayman requested to be able to still apply given the honest misunderstanding of the notice. Bill Taylor made a motion for the Board to grant the applicant permission to still apply. Rick Drew and Ben Dollinger simultaneously seconded the motion and it was unanimously approved.

The Clerk transitioned to the administrative portion of the meeting:

The following bills need to be paid: East Hampton Marina - \$796.46 (winterizing pump out boat); Optimum - \$152.06; East Hampton Business Service - \$54.00 (printing of Bathometric Survey). John Aldred made a motion to pay the bills. Bill Taylor seconded the motion and it was unanimously approved.

There is a portion of the Insurance Settlement with Intact Insurance for the pump out boat damage to another vessel which needs to be paid directly to the vessel owner - \$1,500.00. Rick Drew made a motion to pay the deductible. John Aldred seconded the motion and it was unanimously approved.

The financials for the months ending September 30, 2021 and October 31, 2021 were available for review. Rick Drew reviewed both sets and they appear to be in order. Rick Drew made a motion to approve the financials for the months ending September 30, 2021 and October 31, 2021. Bill Taylor seconded the motion and it was unanimously approved.

The minutes for the August 9, 2021 meeting were available for review. John Aldred and Susan McGraw-Keber reviewed and submitted comments/edits. John Aldred made a motion to accept the minutes from August 9, 2021. Rick Drew seconded the motion and it was unanimously approved.

The minutes for the September 27, 2021 were available for review. John Aldred and Susan McGraw-Keber reviewed and submitted comments/edits. John Aldred made a motion to accept the minutes. Tim Garneau seconded the motion and it was unanimously approved.

The minutes for the October 15, 2021 meeting were available for review. John Aldred and Susan McGraw-Keber reviewed and submitted comments. Aldred made a motion to accept the minutes. Tim Garneau seconded the motion and it was unanimously approved.

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

The meeting closed at 8:19 p.m.