



MEETING MINUTES OF OCTOBER 15, 2021
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON – HELD REMOTELY VIA ZOOM

Present: Francis Bock, Trustee Clerk
James C. Grimes, Deputy Clerk
William F. Taylor, Deputy Clerk
John Aldred
Rick Drew
Susan McGraw-Keber

Absent: Ben Dollinger
Tim Garneau
Mike Martinsen

Present: Arlene Tesar, Trustee Secretary
Christopher A. Carillo, Trustee Attorney

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

The Clerk requested roll call: Clerk Francis Bock took roll call. All Trustees were present at roll except Ben Dollinger, Tim Garneau and Mike Martinsen.

The Clerk transitioned to Public Comment:

Judith Weis joined the meeting to give a presentation to the Board titled, "Pollution in Long Island Waters." Weiss is a former professor from Rutgers University. She provided a background of the marine ecosystems including the marine food chain. Discussing specifically how phosphates and nitrates are essential nutrients in the food web which are taken up from the water by plant materials. Weiss spoke of the process of eutrophication which is the excessive input of nutrients into the water and described points of input for such nutrients in Long Island waters. These include sewage treatment plants, runoff from rain and fertilizer and septic system releases into the groundwater. Weiss explained how an increase in phytoplankton or a bloom may be toxic as it could lead to decreased dissolved oxygen and the impact low oxygen has on aquatic life on the East End. Weiss also covered the impact of microplastics in our waters and what behaviors can contribute to change.

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

John Aldred shared Dr. Goble's lab completed initial runs of their remote water quality testing vehicle (SAV) in Three Mile Harbor last week and in Accabonac Harbor this week. Aldred shared photos with the Board of the SAV. The remote boat is a 6-foot-long catamaran of which Aldred shared a picture on screen. The Board received notice the lab did extensive transects of Georgica Pond. The Goble team measured dissolved oxygen, nitrogen, pH and salinity. The lab recently gathered these data points before and after the opening of the Georgica cut from the telemetry buoy and then after the cut closed again utilizing the SAV. Jim Grimes will disseminate the information to the full Board. As a side note, Aldred shared Dr. Goble's lab had noted decreasing levels on cyanobacteria in the pond a few weeks ago. Susan McGraw-Keber requested a write up and photos for the Trustee website.

Billy Mack joined the meeting to request the Board close out Trustee Permit HC#1-20 at 305 Kings Point Road SCTM #300-24-1-12. Rick Drew met with Mack on site earlier in the week to review the project. Drew mentioned the project was in compliance with permitting and invited Mack to share more details specifically with regard to the pile caps and the upland portion of the project. Mack shared the project kept in compliance with permitting and utilized untreated materials. The pilings were made from tropical hardwoods. They have been capping the pilings in hopes to minimize worm rot at the mud base. The upland section was restored as per the town permit which required native vegetation. The bluff was restabilized and matted with biodegradable core matting and planted with Cape American Beach Grass. The planting was successful and can be seen by the flourishing of the beach grass on the bluff. Mack shared more detail around the capping process and explained the base of the woods which sit in the mud tend to be susceptible to rot and so they have been capping them with epoxy or copper to minimize the potential for rot. Drew reviewed the as built survey and it reflects the work completed on the property. Jim Grimes made a motion to close out Trustee Permit HC#1-20. John Aldred seconded the motion and it was unanimously approved.

Jim Grimes shared with the Board that he was called by one of the Baymen who went to do some bait fishing at the end of Crassen Blvd and there was a stone, a chain and possibly extended the fence which resulted in no access to the beach. Additionally, there was a sign which said it was a private beach for club members only. Grimes spoke with Trustee Attorney Chris Carillo who reached out to the Napeague Camping Club. The camping club reached out immediately and Carillo and Grimes met with Michael Fromm of the Napeague Camping Club. Everything was amicable and the association explained the reasons the chain was installed. There was a problem with people dropping oyster shells at the beach. The camping club has agreed to take down the fence and the Trustees have agreed to pay attention to that area. Grimes made a public announcement that if any member of the public is listening and dumps their shells at the beach at Crassen Blvd, he advised this is not the place to do so. The beaches are for public use and does not extend to the public's ability to dump their trash at the beaches. If the public wishes to dispose of their shells back to the environment, the launching ramps may be a better location to dump shells. The matter was resolved very quickly with a positive outcome.

Clerk Francis Bock requested permission to apply for a Trustee credit card. A debit card is currently used and the bank must verify every transaction. To do so the bank sends a text to Bock's home phone, which is a landline, and then the purchase gets denied. Jim Grimes immediately made a motion to approve applying for and getting a Trustee credit card to be used for these transactions. There were comments made about how it would expedite some processes in the office and Susan McGraw-Keber seconded the motion. The Board settled on a \$2500 limit on the card. The motion was unanimously approved.

Susan McGraw-Keber shared with the Board that the Trustees will have a tent at the East Hampton Village Fall Festival. McGraw-Keber will be selling merchandise to raise funds for the Captain Rysam Scholarship fund. It will be held Saturday, October 23, 2021.

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

The matter of the estimate from Whitney Landscaping Co to remove dead trees on Trustee property and at the Trustee office was brought up by the clerk. Jim Grimes thanked John Aldred for distributing the estimate and made a motion to accept the motion. John Aldred shared the estimate on the screen and seconded the motion. Grimes stated the Board should make a condition to the approval that the company provide worker's compensation and general liability insurance naming the Trustees as additionally insured.

The clerk requested the Board skip the second item on the agenda under Old Business. Jim Grimes quickly stated there was not much to discuss as the Georgica Cut had been let and it closed again. The salinity levels are up and the cyanobacteria levels have decreased. Grimes suggested the pond is re-let but the Board needs to wait until the water level meets the level in the ocean. Grimes asked permission from the Board to be able to do that work at the appropriate time. Bill Taylor made a motion approve the request to have to Cut re-let when the time is right. Rick Drew seconded the motion and it was unanimously approved.

The Trustees have been invited to visit the Mabel and Victor D'Amico Studio and Archive on Sunday, October 24th at 10:00 am. A reminder will go out to the Board.

Regarding the matter of the 2021 Largest Clam Contest, Susan McGraw-Keber read into record the list of winners from the contest. LTV taped the event and is being aired on their station. The contest was very well attended this year. There were high school student volunteers, organized by Dante Sasso. The commercial winner, a new category for this year, was Shybo Bennett with a clam from Napeague Harbor. The overall winner was Dennis Curles whose clam was harvested from Napeague Harbor. Curles also won the largest clam from Accabonac Harbor. Jim Sullivan racked in the biggest clam from Three Mile Harbor. The junior winners were Miles Callahan with his clam from Accabonac Harbor. Ellis Rattray found the biggest clam in Three Mile Harbor. Paul Roman won for best New England Clam Chowder. Roman also made the Bonac Clam Chowder served at the event. Jim Lobetkin won best chowder for the Manhatten clam chowder. McGraw-Keber read through the list of donors and volunteers. This year the event also served Clam Pies which were a huge hit among attendees. McGraw-Keber listed the dates and times the event taping will be shown on LTV. Merchandise sales brought in \$1,452 and the entry fees brought in \$28. Francis Bock made a suggestion that the Board revisit the rules for next year's event. There seem to be entrants who are multiple winners every year and Bock is concerned it may discourage other folks from entering. McGraw-Keber also stated new entry tags are needed to distinguish a commercial from a recreational entry. The Board may need to consider entering one clam from one harbor. A question was raised as to whether there were more entries this year compared to last year. As one of the clam judges, John Aldred weighed in and shared there may have been a few more but it was fairly comparable to last year's entries. Jim Grimes noted that it is possible the multiple entries may be alright as in past years there were not as many entries but also made a note to the public that their chances of winning a prize are high and encouraged more participation. The clam pies were such a hit at the contest that Bill Taylor wondered if there should be a contest or prize for the clam pies or if the Board should create a separate event around clam pies. The Board had a brief discussion around the idea of having a clam pie contest due to its popularity. The line for the pies was very long compared to the line for chowder.

The Bid package for the dredging project in Little Northwest Creek went out to the public. The bid opening will occur on Oct. 18, 2021 and the work should commence sometime in December 2021. Bids are due no later than 2 p.m.

Regarding the matter of a trial period of allowing powering of soft clams year-round, the Board revisited the discussion brought forth by the bay men earlier in the Summer. John Aldred sent around a draft of a resolution which would allow for powering of soft clams year-round beginning November 8th and ending at the end of October 2022. Aldred listened to the July 2021 meeting where the Board had a discussion with Dan Lester. Aldred pulled out many of the points made during the meeting and noted there was a fairly favorable response from Board members at that time. One of the major points which came from the meeting was the matter of reporting the catch. Aldred incorporated stipulations for reporting

into the draft resolution. Reports have to be submitted in confidence to the office quarterly. The reports would include date, time, quantity and location of the catch. Additional stipulations include: powering allowed sunrise to sunset Monday through Friday. This would be a one-year trial period and would also include the same conditions which the Trustees have always put forth for allowing powering of soft clams. Aldred also informed the Board about the two methods of soft clamming. If baymen are harvesting by hand, harvest occurs between high and low tides. Powering of soft clams occurs sub-tidally. The rig needs 25-30 inches of water to operate which means powering takes place in an area not accessible to a hand harvester. The resolution also contains language stating a special permit is required to participate in the year-long trial and may only be applied for the two weeks before the opening day. The resolution will be voted on during the next meeting.

Jim Grimes and John Aldred attended the preliminary discussion with the Southampton Town Trustees regarding U.S. Fish and Wildlife Service (USFWS) Incidental Take Permit. The Board was invited to participate in the discussion by Southampton Town Trustee, Ann Welker. Representatives from Southampton Village, Sagaponack Village and Suffolk County Parks were also present. The goal is to create a wildlife habitat plan with the USFWS. It is something similar to what is done in Georgica Pond with the DEC. It allows for activities which might conflict with colonial bird nesting to take place under certain conditions. The Trustees and probably Southampton Trustee's main interest is to allow the emergency opening for the ponds in the summers when cyanobacteria counts are high. That has conflicted with plover nesting in the area in the past. Southampton has interest in opening four-wheel drive areas that are now closed and will likely be part of the discussions for the conservation plan. It is an extensive undertaking and there is a consulting group which has worked on a plan for Cape Cod. Ann Welker has been in touch with the group. This process would take about a year and upwards of \$150,000 to \$200,000 depending on how extensive the report had to be. One reason many entities are involved is because USFWS would prefer a regional approach versus the individual governmental agencies coming in separately to create their own management plan. This permit would help with situations which the Board has experienced and continue to experience. There have been periods of time where there are critical water quality issues at a time of year where the Trustees must tell the public they are not able to touch the pond as Piping Plovers are nesting. The impact results in attempting to balance the overall health of the pond against the viability of one species. The Piping Plover program has been successful in increasing the numbers in the plover population over recent years. USFWS prefers a regional approach also to know agencies are mitigating possible impacts on the species as well as to know there are other areas which may be more advantageous to the species and allow them to thrive. Grimes and Aldred brought the matter to the Board to get an understanding of how the Board feels regarding the matter and to get the approval for them to move forward with the discussions with the greater regional committee. This project would also take an emergency need to open the pond from the hands of the DEC and move it locally to a potential joint board of East Hampton and Southampton. It would allow both local Boards to manage the emergencies in a timely manner. There are two types of plans. There is a low effect and a high effect plan. The low effect plan is what the joint committee was considering which would cost approximately \$75,000 to \$100,000 and would take about a year. There is grant money available through USFWS to create these plans and the match for the grants is twenty five percent. These are long term permits (i.e., valid for decades). There will be another meeting later this fall with additional details. The Board had several questions and points of clarification for Aldred and Grimes. The Board was in agreement to move forward with the greater conversation with other jurisdictions.

The Clerk transitioned to Committee Reports:

Harbor Management & Accabonac:

The Board revisited the request by Rick Whalen on behalf of Cynthia Crain of 864 Springs Fireplace Rd. SCTM# 300-63-29.5 to approve the walkway which crosses the wetlands to the dock. Rick Drew suggested the Board table the matter until a representative is present. There was a brief discussion with members of the Board stating what they should and should not discuss without the agent present. Additionally, there were a few statements regarding Trustee jurisdiction, what the property was originally provided a Certificate of Occupancy for and what the agent and client are asking for currently. Additional comments pointed to opinions of if the agent wants to keep what is currently at the property, the

structures should be brought back to what was approved in the original permit and then re-apply for what the applicant wants at present. The current structure was not built with a permit and it technically an illegal structure. The discussion continued with input from Trustee Attorney Chris Carillo. Carillo shared the issue is not for the applicant to have an updated C of O as the structure would not be on the survey. If the Trustees are accepting jurisdiction, the applicant's argument of any structure grandfathered would be removed once the applicant removed said structure and replaced it outside the confines of an approved permit. The matter was tabled to allow it to go to further discussion with the committee and Trustee attorney.

Georgica & Ponds:

Rick Drew provided an update on the temporary dewatering project application for 19 Chauncey Close, SCTM #301-15-106. Drew met with the Project Manager Rich Brierley who reviewed the dewatering system with him. The project is having difficulty with the flow rate of the current design as it is overwhelming the system resulting in flooding on the property. The project team is seeking to shift to a system where the system dewater into the pond directly. After meeting with Brierley, Rick Drew spoke with Dr. Gobler who sent a student to the site to take a water sample from the dewatering system. Drew also contacted Helen Chang of the DEC who is an engineer in the Water Management Department. Chang is the point person for the project. Chang requested Dr. Gobler's testing results to analyze and is working on either a memo to the Trustees or possibly language for a permit. The preliminary results from Dr. Gobler's water testing show slightly higher than normal amounts of fecal coliform, the nitrogen and phosphate levels are above standards set by New York State. Jim Grimes, who acknowledged he is working on the project personally and will not be participating in any voting or decisions regarding the matter, articulated information to the rest of the Board to suggest the Board ask for specifically how much water the team will be discharging at any given time. Additionally, Grimes shared the Board should expect a written report/document from the project engineering team which should contribute more detailed information to the conversation. Susan McGraw-Keber put together a slide show of photos taken from visiting the site. Grimes described in depth what was happening in each photograph so Board members could get a better understanding of the project. The Board will wait on more information from Rich Brierley and team and continue the conversation at the next meeting.

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

The following bills need to be paid: Optimum - \$152/02; D.B. Bennett P.E, P.C. for engineering services to prepare bid book for LNWC Dredging project - \$37;50; Montauk Marine Basin \$89.01 for gas, \$69.43 for gas and \$68.32 for bleach and gas; Mike DiSunno & son, Inc. - \$800 for excavator for four hours to open the pond on 9/28/21. Jim Grimes made a motion to pay the bills. John Aldred seconded the motion and it was unanimously approved.

The minutes from August 9, 2021 were available for review. The Board tabled approving them to allow additional time for review.

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

The meeting closed at 8:56 pm.