



MEETING MINUTES OF NOVEMBER 14, 2022
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
David Cataletto
Ben Dollinger
Tim Garneau
Susan McGraw-Keber (via Zoom)

Absent: Francis Bock, Clerk
Mike Martinsen

Present: Alyson Follenius, Trustee Secretary
Arlene Tesar, Trustee Secretary
Christopher A. Carillo, Esq, Trustee General Counsel

The meeting was opened by Jim Grimes, Deputy Clerk with the Pledge of Allegiance at 6:32 p.m.

The Deputy Clerk requested roll call. All trustees were present at roll call except for Francis Bock and Mike Martinsen.

The Deputy Clerk transitioned to Public Comment:

Bruce Horwith addressed the board on behalf of Michael Chae, owner of 31 Association Rd to request permission to cut and control phragmites. Horwith shared several pictures of the property. Jim Grimes met with Horwith on the property last week to review the site. Jim Grimes made a motion to approve the application to control phragmites at 31 Association Rd. John Aldred seconded the motion and it was unanimously approved.

Billy Hajek approached the Board on behalf of John and Lulita Reed of 177 Three Mile Harbor Hog Creek Rd, SCTM #300-94-1-3, to request permission to reconstruct the bulkhead and dock, in place with non-treated materials. Hajek shared a brief description of the project. John Aldred and Bill Taylor both visited the property. Aldred provided a brief timeline of the property history. The property is the old Herrlin property. There was a ZBA hearing but there is no decision made yet. The applications for the ACOE, ZBA and DEC are pending. There is a DEC permit in place for the upland portion of the project. John Aldred made a motion to approve this application in place in kind. Ben Dollinger the motion. It was unanimously approved.

Kathy McCloud approached the board to get an update on a matter of dead trees on Bull Run off of Bull Path. There are a group of approximately 21 Pitch Pine trees which have been attacked by the Southern Pine Beetle and exist on Trustee

property. The Trustees have been in contact with Andy Drake of the Town's Land Acquisition and Management department, who confirmed from photographs that it was the Pine Beetle which attacked the trees. Grimes provided a description of how the Pine Beetle can kill the tree by taking out its vascular system. Francis Bock has been in contact with Scott Wilson. Grimes will reach out to Highway Department to discuss a coordinated effort to remove the trees.

John Nicholas, owner of East Hampton Oyster Company and Sunset Cove Marina. Nicholas has submitted an application to the Trustees to build an Oyster Farm in part of Sunset Cove Marina. The proposed Oyster Farm will be contained within the current footprint of the marina. The proposed project includes five (5) FLUPSY (floating upweller systems), 18 floating raft cages and 200 lantern nets. Nicholas currently has three DEC permits: Marine Hatchery and Nursery permit # 95-P; an off-bottom culture permit #219 -P; and a shellfish bed permit #1,129. The project has received East Hampton Town Building, Zoning and NRSP permits. Nicholas has submitted a 5-year water quality study under Dr. Gobler which will cost \$100,000 over five (5) years. Nicholas has requested permission to construct the oyster garden while he works to pursue grant and funding opportunities. Aldred has been in communication with Nicholas and stated Nicholas has been cooperative with the Trustee's monitoring plan request. The site is located on a dead-end creek and there is some concern about decreased dissolved oxygen and other nutrients. The monitoring plan includes testing before, during and after the farm is established. John Aldred made a motion to accept and approve the East Hampton Oyster Co. application. Susan McGraw-Keber seconded the motion and it was unanimously approved. There was additional discussion about whether the Board may be able to contribute funds to offset the cost of the monitoring program. There will be further conversation on a committee level regarding the funding matter on the board's behalf. Nicholas will be applying for a SCALP site of his own but he has partnerships with other SCALP farmers to share the overflow of oysters with them.

John "Barley" Dunne approached the Board to request additional locations for kelp culture. Barley shared a brief power point presentation and summarized the benefits of kelp farming. Last year's kelp lines were a failure due the ice which formed last winter. The Accabonac sites will be continued, the Three Mile Harbor head of harbor and end of harbor site will be discontinued. Given this, Barley and his team thought it may be interesting to see if other sites would produce sugar kelp. The potential areas requested in Napeague Harbor would be at the end of Lazy Point Rd, near the Hatchery's site in the Harbor in addition to a 20 ft line near the Hatchery's moorings. The latter line would be the line for East Hampton High School Student, Dylan Cashin who approached the Board during the last meeting. There are two potential sites in Hog Creek. One in the flat but near the inlet in the Creek and the other mid-way down the Creek. David Cataletto made a motion to approve the project. John Aldred seconded the motion and it was unanimously approved.

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

Jim Grimes addressed the Board regarding the process or protocol for new applications. The concern is to ensure any projects which are occurring on Trustee property is for the Board to take lead on these applications. There was a brief discussion around how the Town is asking for direction from the Trustee Board.

The Board began the conversation to schedule the organizational meeting for 2023. There were conversations around the January dates. The Board discussed holding the Organizational meeting on the first scheduled meeting of the year. Jim Grimes made a motion to schedule the 2023 organizational meeting for January 9, 2023. John Aldred seconded the motion and it was unanimously approved. Continuing the discussion of the organizational meeting, Trustee Counsel, Chris Carillo advised the Board that if there will be any changes to the Lazy Point residency requirements that the committee should meet to discuss the matter in the near future as the Board will need to give residents a thirty (30) day notice. Any other changes to the fee schedule or resolutions should also occur prior to the next meeting.

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

The Deputy Clerk began the conversation regarding the current Dock Moratorium in Trustee waters. The Dock moratorium is set to expire on November 22, 2022. The current inventory is not yet complete and another season, when docks will be fully installed, is needed to complete the inventory. John Aldred read a resolution to extend the Dock Moratorium for one additional year. A Roll Call vote was called.

John Aldred – Yay
Francis J. Bock – not present
David Cataletto – Yay
Ben Dollinger – Yay
Tim Garneau – Yay
James C. Grimes – Yay
Mike Martinsen – not present
Susan McGraw-Keber – Yay
William F. Taylor – Yay

The Dock Moratorium extension was passed and approved.

The Board has been discussing tightening up the language of any construction permits to include, “This project shall not commence construction unless and until all Federal, NY State, Suffolk County, East Hampton Town, and any other required municipal permitting has been granted and copies of valid permits have been provided to the Trustees. The project shall at all times adhere to the stipulations and guidelines of all permits.” Chris Carillo will draft language which will state all contractor names and insurance will be provided to the Trustees prior to commencement of the project.

The Deputy Clerk transitioned to Committee Reports:

Three Mile Harbor

Marc and Sophia Boroditsky submitted an application requesting approval to reconstruct in-place a 3/5’ x 15’ retractable ramp and a 4’x 13’ elevated catwalk with a 25’ pulley mooring system. John Aldred provided the Board with a summary and update of the project. John Aldred made a motion to approve the application. Susan McGraw-Keber seconded the motion and it was unanimously approved.

Aquaculture

John Aldred updated the board regarding a letter received from the DEC inquiring whether the Trustees have suggestions for sites for conditional shellfish openings. Aldred shared the DEC requirements and conditions for conditionally opening sites. These sites are generally closed sites but with the conditional openings the Board would be required to monitor the sites. There was some conversation as to the benefit of conditionally opening the sites. The last time the sites were conditionally opened, only one baymen attempted to fish the site. The requirements and conditions may make it a challenge. The matter was tabled to the next meeting.

Largest Clam Contest

Susan McGraw-Keber updated the board regarding the total funds earned from the merchandise sales. The total earned was \$1,323.

Kayak Racks

The kayak racks are in need of repair. The Board will inspect the racks over the winter and report which need to be repaired.

The Clerk transitioned to the administrative portion of the meeting:

Payment of bills:

The following bills need to be paid: Optimum - \$167.42; Hodgson Russ LLP - \$114, 130.84 (*NOTE: Total is after a \$12,627.25 courtesy discount); Montauk Anglers Club- \$1,132 for boat winterization; East Hampton Star - \$326 for advertising & \$60.04 for Legal Ad; Van Dyke & Hand - \$760 for account services; East End Excavating - \$1,000 for opening of the Georgica Cut. John Aldred made a motion to pay bills. David Cataletto seconded the motion, and it was unanimously approved.

Minutes: there were no minutes to approve.

Financials

Financials for the months ending: April 30, 2022; May 31, 2022; May 31, 2022; June 30, 2022; July 31, 2022; August 31, 2022 and September 30, 2022 were available for review. The board had not reviewed as of the time of the meeting. Jim Grimes and Ben Dollinger agreed to meet at the Trustee office on Thursday, Nov. 17, 2022 to review the financials referenced.

The Clerk transitioned to the Report of the Clerk:

The Deputy Clerk addressed the Sag Harbor Water Quality Initiative. The Trustees have, for several years, been the Escrowee for the initiative. There was concern that the Trustee administrative office should not be chasing down the funds from the other municipalities. The general sentiment of the Board was to transfer this responsibility to Sag Harbor. Jim Grimes will reach out to Sag Harbor to alert them of this shift.

Georgica Pond was let ten days ago. However, the cut healed over the weekend on Sunday with the winds and weather. The cost of the let increased. There was a new contractor and with the Orsted wind farm project beginning, there was an increase in distance to travel for the contractor. Jim Grimes reminded the Board that there will be no dredging of Georgica Pond because Orsted is set up for its directional drilling on Beach Lane which does not allow for enough access room for dredging equipment. The contract with Orsted states that Orsted will reimburse the Trustees for the revenue loss from not selling dredge spoil this year.

John Aldred made a motion to close the meeting. David Cataletto seconded the motion, and it was unanimously approved.

The meeting closed at 8:15 p.m.