



MEETING MINUTES OF APRIL 24, 2023
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON

Present: Francis Bock, Clerk
Jim Grimes, Deputy Clerk
Bill Taylor, Deputy Clerk
John Aldred
Ben Dollinger
David Cataletto
Tim Garneau

Absent: Susan McGraw-Keber
Mike Martinsen

Present: Alyson Follenius, Trustee Secretary
Arlene Tesar, Trustee Secretary

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

The Clerk requested roll call. All Trustees were present at roll call except Susan McGraw-Keber and Mike Martinsen.

The Clerk transitioned to Public Comment:

Cynthia Dyker approached the Board to discuss a matter of her road on Middle Highway. Dyker shared sentiments about the condition of the Middle Highway. Dyker was concerned for access by emergency personnel as there are number of pot holes and increased through traffic. Dyker requested the Trustees maintain the Road. The board shared that homeowners who take access to their home off Trustee Roads are granted easements. The language of the easements typically state that maintenance and upkeep are the responsibility of the homeowners who take access. Additionally, the Board shared that when this occurs, the homeowners will mobilize to jointly pay for the maintenance and improvement of the road. The board also suggested they can reach out to the Highway Department to see if the Town highway system can take this portion of road into the highway system. There was additional conversation around current development occurring off this road and the increased traffic could further degrade the road. There was some suggestion that the neighbor who is building could be approached to ensure their construction traffic does not further degrade the road. Local attorney Rick Whalen was in the Audience and Trustee Jim Grimes asked for Rick to share his knowledge. Rick Whalen shared that he is familiar with the

road and the solution would be moving the road into the Town Highway system and creating a road improvement district. Grimes offered to assist Dyker in working to set it up.

Tom House, president of Hamptons PRIDE, approached the board to share information about the upcoming Hamptons Pride Parade. House shared last year's event had well over 1,000 attendees. House invited the Trustees to join again this year. The parade will be held on June 3, 2023 starting at 12:00 pm. The Trustees shared they would be present again. There will be a DJ in Herrick Park until 3:00 PM. Hamptons Pride is currently working to put together an outdoor social area in the area where The former Club SWAMP was located in Wainscott.

The Clerk transitioned to New Business:

Dr. Christopher Gobler joined the meeting via zoom to address the matter of three individual shellfish bed closures across the Peconic Estuary. The closures started approximately ten days ago in Shinnecock Bay &” The closures are due to the Dinoflagellate known as Alexandrium which produces Saxotoxin. Saxotoxin causes paralytic shellfish poisoning. The last occurrence of Alexandrium was approximately 10 years ago. That year there was also an unusually warm winter. Gobler explained the life cycle of the dinoflagellate and how its present emergence is not shocking. There was a high count at the head of Three Mile Harbor in early April but the last two samples have come back with very low levels. Gobler's lab took another sample of Three Mile Harbor today and can provide an updated report to the Board once the lab has completed its counts. John Aldred asked what triggered the closures. The DEC puts out bivalves(mussels) in a variety of locations. The DEC then tests these bivalves for toxins which informs their closure decisions. Gobler's lab also reports once a week to the DEC and reported high levels in several locations. The first two closures were triggered by measurements in shellfish. The following closures could have been due to continuous testing or taking precautions. Gobler's lab is monitoring for the cells and the toxin in Three Mile Harbor the toxin which comes after. Regarding saxotoxin, Gobler's lab is counting the cells. Southampton Town Trustee Ann Welker approached the podium to ask Gobler to explain how long the process takes to reverse itself understanding that the dinoflagellates are always in our water. Gobler explained the life cycle of the organism. Using this knowledge, Gobler predicted that by June we will not see high levels anymore. Welker shared that her fellow Southampton Trustee, who is a lifelong baymen, shared that this is seasonal and is not overly concerned. Gobler further explained the organism's lifecycle is cyclical and related to environmental factors. Thus, reassuring the Trustees and public it is nothing to be overly concerned about at this time. The DEC will reverse the closures after three consecutive samples with no detection of the organism.

The Clerk transitioned to New Business:

Rick Whalen approached the board on behalf of Cynthia Crain of 864 Springs Fireplace Rd, with a request to relocate the existing dock structure eastward so the landward ramp lands on Town of East Hampton easement. There was a 1970's subdivision which this property is a part of. Additionally, a third-party easement was created eastward. The current structure currently lands on Town of East Hampton scenic easement. The discussion between Trustee Clerk Francis Bock, Deputy Clerk Jim Grimes, Rick Whalen, the Town Planning Department and Natural Resources led to a proposed agreement where the ramp will be shifted and land on the third-party easement. There were questions regarding how the Board will reconcile the length discrepancy of the current structure. Other board members expressed the dock agreements had been paid annually and there were no previous board inspections. There was further conversations regarding where the mean high water is located. Jim Grimes made a motion to approve this request. Ben Dollinger and Bill Taylor seconded the motion. John Aldred voted against the approval stating he could not vote to approve this tonight. The motion was approved with 5 Yays from Bill Taylor, Francis Bock, Jim Grimes, Ben Dollinger and Tim Garueau and one Nay from John Aldred.

Jim Grimes updated the Board regarding the dead trees on Bull Run. Grimes summarized the matter and shared as property owners he felt it was the Trustees' responsibility to take care of it as a safety matter. Grimes spoke with a contractor but was unable to get a quote as of yet. Grimes felt it was important for the board to define how to deal with these occurrences. Additionally, acknowledging it may set a precedent with other properties but felt an obligation to manage the issue. There was a short discussion about the nature of the property. Grimes requested approval from the Board subject to the Board approving the cost and asked for agreement from the board to circulate the quote by email. Bill Taylor made a motion to approve having the work done subject to board approval of the quote. Ben Dollinger seconded the motion and it was unanimously approved.

The Clerk transitioned to Committee Reports:

There is a request from Land Planning Services, on behalf of Bonnie Maslin of 307 Kings Point Rd to renew Trustee Permit HC-1-22. Jim Grimes offered the work to the revetment was completed last year and only the revegetation needed to be completed. Grimes recommended the board approve the request as it was a simple revegetation. Grimes made a motion to approve the request. Ben Dollinger seconded the motion and it was unanimously approved.

The Board revisited the request from Keith Grimes on behalf of 91 Water's Edge to replace the existing bulkhead. It was tabled at the last meeting to allow time to look at the original permit for any language which discussed the applicant/owner allowing passage/access over the bulkhead by the public. John Aldred shared that the original permit did include language which would not impede access from the public. Jim Grimes made a motion to approve the permit conditioned upon the language of the original permit.

Trustee Secretary Alyson Follenius addressed the matter of mooring permit holders leaving their moorings in the harbors over winter. There were approximately 8-10 individuals who left moorings in over the winter. Follenius requested that the board generate a procedure to follow when this occurs as currently both she and Marine Patrol officers alert the individuals but often without compliance. The Board discussed possible solutions to deter permit holders from leaving the moorings in the water. The conversation resulted in the following: if a mooring is found left in the water beyond the December 1st deadline, the permit holder is notified via certified letter that they are to remove the mooring. After a 30 day grace period, if the mooring is not removed, the mooring will be removed by a contractor hired by the Trustees. If/when the permit holder wants to renew the permit for the following year, they will be responsible for reimbursing the Trustees for the removal, will pay an administrative fee and a security fee to cover the potential future cost of having to remove the mooring for the new permit year. Additionally, if the individual fails to remove their mooring by the deadline two seasons in a row, the Trustees will no longer grant/approve a mooring permit for the individual. Follenius will draft a letter to be sent to all of the permit holders to notify them of this change in procedure. John Aldred made a motion to change the procedure as described above. Jim Grimes seconded the motion and it was unanimously approved.

The Board received a request from Jim Walker to modify Trustee Permit NAP-1-22 regarding dredging at Devon Yacht Club. Jim Grimes updated the board sharing there was language in the Army Corps of Engineers where the dates conflict with the DEC and Town of East Hampton permits. Grimes asked Walker to provide the Board with the language of the Army Corps permit and to come back to the Board when there was more information to consider. The Board tabled the matter.

There was a request from Charlie Whitmore to sub-let his leasehold at 192 Shore Rd to Mark Webb. Jim Grimes stated all of the documents appear to be in order. Jim Grimes made a motion to approve the request subject to Trustee Counsel review of the documentation. John Aldred seconded the motion and it was unanimously approved.

Jim Grimes brought up the discussion around purchasing extra pumps for the Trustee boats. Grimes would like to have two pumps waiting in the wind in case of emergency. There was discussion about the logistics in the event a pump needs to be replaced or repaired. The board discussed setting a budget for this purpose and came to the amount of \$15,000. Tim Garneau made a motion to approve a budget of \$15,000 for the 2023 season. Jim Grimes seconded the motion and it was unanimously approved.

The conversation moved to discussing the purchase of a shed. FB thought the Board would need to do an ARB for approval. The conversation continued to finding a location on the property to place a new shed. Francis Bock and Bill Taylor will walk the property.

The Clerk transitioned to the administrative portion of the meeting:

Payment of bills: The following bills need to be paid: Riverhead Building Supply = \$888.12 for kayak racks; Staples - \$13.49. David Cataletto made a motion to pay the bills. Jim Grimes seconded the motion and it was all approved.

Report of the Clerk:

Francis Bock updated the Board around a conversation held with the East Hampton Historical Society. It is the 300th anniversary of the town and the historical society is asking the board to hold a meeting at a meeting house next to Clinton Academy. The Board would hold a regular meeting in this space. The Board would work with LTV to ensure it can be filmed. There will be several events associated with the anniversary.

Ben Dollinger announced that the new ball field was opened this past weekend and congratulated Tim Garneau on the work he did to help get it opened.

John Aldred made a motion to close. Tim Garneau seconded the motion and it was unanimously approved.

The meeting closed at 8:23 p.m.