



MEETING MINUTES OF DECEMBER 11, 2023
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON

Present: Francis J. Bock, Clerk
Bill Taylor, Deputy Clerk
Jim Grimes, Deputy Clerk
John Aldred
David Cataletto
Ben Dollinger
Tim Garneau
Susan McGraw-Keber

Absent: Mike Martinsen

Present: Alyson Follenius, Trustee Secretary
Arlene Tesar, Trustee Secretary
Chris Carillo, Trustee General Counsel

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 for Mike Martinsen.

The Clerk transitioned to the Public Comment:

Laurie Wiltshire of Land Planning Services and Drew Bennett of D.B. Bennett, P.C addressed the board on behalf of the owners at 307 Kings Point Rd. The applicant is requesting a permit to raise the rock revetment elevation as it had been topped and scoured behind the applicant's property behind the neighbor's higher bulkhead this past winter. The revetment was reconstructed in 2022. Drew shared the project plans and photos of the current state of the revetment. David Cataletto asked if they currently have the DEC and Town permits. Drew confirmed they are awaiting permits from the DEC and the Town of East Hampton. Drew shared an aerial image of the property to highlight the bulkheading of the neighboring properties and the effects on the Maslin property. Jim Grimes questioned whether there was language in their permit requiring a soft solution above the revetment in addition to the hard structure. Grimes also asked if there was commentary from the ZBA that if a wash over occurs for the applicant to come back to the ZBA. Attorney Chris Carillo asked what the applicant's timeline for receiving the other permits is. Laurie Wiltshire confirmed it is approximately 18 months from time of submission. The applications were submitted in October 2023. Jim Grimes made a motion to approve the request conditioned upon

the applicant's receipt of the Town and the DEC permits. Susan McGraw-Keber seconded the motion and it was unanimously approved.

Jim Walker, of Inter-Science Research Associates, addressed the board on behalf of the Devon Yacht Club, with a request to renew their annual dredging permit. The applicant has recently received their new DEC permit which has allowed them to dredge in May after Flounder season. All permits are in place except the Town Building Permit. However, the Town Building Department will not issue a permit without the Trustee permit. The conditions of the DEC permit require the applicant to hire a Horseshoe Crab monitor. The permit requires a monitor to watch the dredge and if a Horseshoe Crab is spotted in the dredged material, the monitor would move the crab from the material. If the crab is tagged it will be recorded and reported. Jim Grimes made a motion to approve the permit. Susan McGraw-Keber seconded the motion and it was unanimously approved.

The Clerk transitioned to Old Business:

The clerk asked the board whether anyone would object to moving to old business as Tim Garneau had somewhere to be.

Francis Bock shared that the board needed to vote on the Dock resolutions. Bock offered Resolution 2023-36, *Resolution Adopting New Policies For the Continued Management And Monitoring of All docks in Trustee Waters Resulting From the Trustees' Comprehensive Dock Inventory*. Bock read the resolution with the goal of the board voting on each item independently (see Appendix A: Resolution 2023-36).

- 1) Annual Dock Agreements and Charges. Jim Grimes made a motion to approve Item #1. John Aldred seconded the motion and it was unanimously approved.
- 2) Matters involving Annual Dock agreement Holders:
 - a. Unpermitted Dock Expansions – David Cataletto made a motion to approve this item. Tim Garneau seconded the motion and it was unanimously approved.
 - b. Unbuilt Docks – Susan McGraw-Keber made a motion to approve this item. John Aldred seconded the motion and it was unanimously approved.
 - c. Docks in Disrepair – Jim Grimes made a motion to approve this item. John Aldred seconded the motion and it was unanimously approved.
 - d. Future Unpermitted Expansions – Susan McGraw-Keber made a motion to approve this item. Tim Garneau seconded the motion and it was unanimously approved.
 - e. Property Transactions – Susan McGraw-Keber made a motion to approve this item. John Aldred seconded the motion and it was unanimously approved. McGraw-Keber mentioned that her suggestion of including a requirement that the dock agreement be included in the listing, was not included in the resolution. McGraw-Keber emphasized that she strongly believes brokerages need to be made aware. Francis Bock reassured her that the agencies can still be notified of the changes.
- 3) Unpermitted/Delinquent Docks - Susan McGraw-Keber made a motion to approve this item. David Cataletto seconded the motion and it was unanimously approved.
- 4) Piling Policies – John Aldred made a motion to approve this item. David Cataletto seconded the motion and it was unanimously approved.
- 5) Floating / Removable Dock Policies – David Cataletto made a motion to approve this item. Ben Dollinger seconded the motion and it was unanimously approved.
- 6) Future Dock Inspections and Scheduling

- a. Aerial/Drone Inspections – Susan McGraw-Keber made a motion to approve this item. John Aldred seconded and it was unanimously approved.
- b. Field Inspections – John Aldred made a motion to approve this item. Susan McGraw-Keber seconded the motion and it was unanimously approved.

The Clerk asked if there was a second to the motion on the table to approve the entire resolution offered by Francis Bock. Susan McGraw-Keber seconded the motion of the entire resolution, and it was unanimously approved and adopted.

Francis Bock offered Trustee Resolution # 2023-37, Resolution Prohibiting Any New Residential “*Enlarged Bottom Steps*”, “*Platforms*”, or any other structure, regardless of its intended use in the entirety of Georgica Pond, Georgica Cove, Wainscott pond, Hook Pond, Northwest Creek” (see Appendix B: Resolution 2023-27). Susan McGraw-Keber made a motion to approve the resolution. David Cataletto seconded the motion. Jim Grimes opposed the motion. It was passed and approved with seven (7) YAYS and one (1) NAY.

Francis Bock offered Trustee Resolution #2023-38, *Resolution Prohibiting the Construction of Any New Residential Docks, Fixed or Floating in the Entirety of Three Mile Harbor* (See Appendix C: Resolution 2023-38). Susan McGraw-Keber made a motion to approve the resolution. David Cataletto quickly seconded the motion. However, Francis Bock subsequently requested a roll call vote. The votes were as follows:

John Aldred	YES
Francis Bock	YES
David Cataletto	YES
Ben Dollinger	NO
Tim Garneau	YES
Jim Grimes	NO
Susan McGraw-Keber	YES
Bill Taylor	YES

The motion was passed and adopted with six (6) YAYS and two (2) NAYS.

The Clerk transitioned to New Business:

Proposed New Kayak Lottery Entry Process:

Trustee Secretary Alyson Follenius addressed the board to request a change to procedure for entry into the annual Kayak Lottery. Follenius shared that idea is to have the applicants complete their application, minus payment, and the application becomes their entry into the lottery. Follenius shared that all other aspects of the process would remain the same and entrants would be afforded the opportunity to request a hard copy or digital PDF of the application. Anyone who wins a lottery spot would receive a link to pay their fee via email just as they did last year. This new process would allow entrants two and a half months to gather all their application materials and documents. Susan McGraw-Keber and David Cataletto shared their support of the idea. There were a few logistical questions from board members and Follenius provided answers. Susan McGraw-Keber made a motion to approve the change to the Kayak Lottery entry process. Ben Dollinger seconded the motion and it was unanimously approved.

PEP Water Quality App Project:

John Aldred updated the board regarding Peconic Estuary Partnership's (PEP) recent project idea. PEP seeks to create a water quality database in the form of an App, using the water quality results generated by the variety of stakeholders working in the estuary. Aldred responded to the request and let PEP know that the Trustees have annually contracted with the Gobler Lab for water quality testing and they are welcome to use the results to include in the app. Jim Grimes asked whether there was reciprocity for contributing. Aldred confirmed that the app will be available to everyone.

Dr. Gobler and PEP – Peconic CHANGES sites

John Aldred introduced another PEP initiative in partnership with the Gobler Lab known as The Peconic CHANGES Project. The Gobler Lab has been funded for it. CHANGES is an acronym for: Creating Habitat, Acidification reduction, Nitrogen bioextraction, Guarding our shorelines, Ecosystem longevity and Sequestration of carbon. Aldred shared the local sites the Lab will be working on. These sites include: Menantic Creek and the South Ferry depot on Shelter Island; Gannet Creek and the Eastern Shore of North Haven; Sag Harbor Cove and South of Barcelona Point in East Hampton. Gobler will propose to put a site in the Barcelona location. The lab will be growing sugar kelp, building an oyster reef and seed eel grass. Aldred explained that he shared with Dr. Gobler that the Trustees traditionally claim interest in Northwest Harbor. Aldred asked the board how they would like to proceed and whether the board would require a no fee permit or just support it. Jim Grimes recommended the board require Dr. Gobler to submit a permit. This also can prevent others from piggy-backing on the project without the board knowing. Additionally, this allows the public to stay informed. Susan McGraw-Keber agreed the board should require a permit. The board will send Dr. Gobler a permit application and copy Peconic Estuary Partnership.

Trustee Record Digitization

Francis Bock shared that the office where he formally worked, is in the process of digitizing their records. Bock asked for a quote to digitize the Trustee records. The Board received a quote of approximately \$87,000 to digitize all of the Trustee records. There was a brief discussion. The board would like more information. Follenius will schedule a zoom meeting with Seery to come to the second board meeting in January.

Georgica Bid

Francis Bock shared the board only received one bid for the 2024 annual dredging of Georgica Pond. The bid was received from Patrick Bistran of Bistran Materials, Inc. The bid price for item #1 for the dredging of the south end of Georgica Pond was \$10/cubic yard. The bid price received for item #2, for the dredging of Georgica Cove, was \$7.50/ cubic yard. Jim Grimes suggested the board let the pond one more time before the annual dredge as the pond closed five days after the most recent let. Grimes has received calls from local baymen regarding the rapid closure and he would like to see the board do one more let before the dredging.

Jim Grimes made a motion to accept the bid from Bistran Materials, Inc. Susan McGraw-Keber seconded the motion and it was unanimously approved.

The Clerk transitioned to Committee Reports:

Aquaculture:

John Aldred shared the board received a notice of completion from South Fork Sea Farmers on the completion of Reef #2. Aldred spoke with Bob Tyman over the past weekend and they will complete construction on Reef #3 in the Spring. There is no action the board needs to take at present.

John Aldred shared the board received a notice from the Suffolk County Aquaculture Lease Program (SCALP). SCALP has put out notice of an informational meeting for prospective lease applicants, to be held on Dec. 13, 2023 at 6:00 pm at the H. Lee Denison building in Hapague. There will be staff from both the DEC and Leasing program on site to discuss the permit process and requirements. There are lease sites available off of Gardiner's Island, off Cedar Point and off of Promised Land. There are also sites available between Shelter Island and North



ADOPTED: December 11, 2023

Appendix A

TRUSTEE RESOLUTION #2023-36

RESOLUTION ADOPTING NEW POLICIES FOR THE CONTINUED MANAGEMENT AND MONITORING OF ALL DOCKS IN TRUSTEE WATERS RESULTING FROM THE TRUSTEE’S COMPREHENSIVE DOCK INVENTORY.

The following resolution was offered by: Francis J. Bock

WHEREAS, the Trustees of the Freeholders and Commonalty of the Town of East Hampton are the owners in fee title of numerous bottomlands located in the Town of East Hampton, including, but not limited to, Wainscott Pond, Georgica Pond, Napeague Harbor, Fresh Pond, Hook Pond, Accabonac Creek and Harbor, Pussy’s Pond, Hog Creek, Three Mile Harbor, Duck Creek, Hands Creek, Alewife Brook, Northwest Creek, and Little Northwest Creek, and;

WHEREAS, as fee title owners of said bottomland, which the Trustees hold in trust for the public, the Trustees have the inherent authority to regulate the construction, placement, management and monitoring of all docks, catwalks, floating docks, floating structures, and platforms, henceforth known as docks, in these waters, and;

WHEREAS, in 2021, the Trustees determined that a review, assessment, and inventory of all existing residential docks, catwalks, floating docks, floating structures, and platforms is warranted in light of the Trustee’s current and future management goals for all Trustee bottomlands and waterways, and;

WHEREAS, during the course of this review, assessment and inventory the Trustees identified the need for updated and comprehensive policies regarding the management and monitoring of all residential docks, catwalks, floating docks, floating structures, and platforms, and;

WHEREAS, these updated policies will create uniformity in residential dock management across all harbors and for all residential dock agreement holders, and;

NOW, THEREFORE, BE IT RESOLVED, the Trustees shall enact the following residential dock management policies across all Trustee owned bottom lands and waterways:

Definitions.

Annual Dock Agreement. The Agreement by which the Trustees annually grant dock owners on Trustee bottomlands and waterways the right to maintain a dock in that location.



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Dock. Any structure extending alongshore or perpendicular to the shore into a body of water, including a dock, pier, catwalk, floating dock or other structure of a variety of sizes and materials which in whole or in part is located within Trustee bottomlands and waterways.

Inventory List. A working list of all docks, platforms, floating docks, and walkways located in Trustee owned waterways and bottomlands.

Piling. A post, pole, or column-like structure of a variety of sizes and materials which is driven into the ground and used to support docks; also used to provide independent structure for vessels to affix lines to.

Trustee Dock Permit. A permit, valid for a period of one year, that grants the permit holder the right to construct, reconstruct or repair a dock in Trustee owned waterways and bottomlands. The Trustee dock permit is typically subject to the permittee obtaining all other municipal permits, among other terms and conditions.

1. **Annual Dock Agreements and Charges**

All dock owners shall execute Annual dock agreements to be provided by the Trustees with annual invoices. The annual charges for all dock agreement holders shall be \$1.00 per square foot with a minimum total charge of \$150. The annual charge for all freestanding pilings and any other pilings not supporting fixed docks is \$18.00 per piling.

Mover: Jim Grimes Second: Tim Garneau Unanimously Approved

2. **Matters Involving Annual Dock Agreement Holders**

- a. **Unpermitted Dock Expansions.** Whereupon Trustee inspection a dock is determined to be incongruent with the current dock agreement, the Trustees will send official notice to the agreement holder advising the dock is non-compliant. This notice will grant the agreement holder six (6) months from the date of notice to submit their application to reconcile the existing agreement to the Trustees. Suggested criteria for applications included but not limited to:
 - i. Evidence of compliance with other municipal permits
 - ii. Evidence of the dock or dock expansion predates the 1984/1987 dock prohibitions.

Mover: David Cataletto Second: Tim Garneau Unanimously Approved

- b. **Unbuilt Docks.** Any property owner who maintains an Annual Dock Agreement but has not yet constructed the dock will be sent an official notice



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ADOPTED: December 11, 2023

granting them six (6) months from the date of notice to apply to the Trustees to renew the original construction permit. The Agreement holder shall be granted a maximum of two (2) permit renewals so that the Agreement holder shall have a total of three (3) years to build the dock. If the dock is not constructed within this time frame, the Trustees retain the right to deny any further renewals and the Agreement holder risks losing Trustee approval to build the dock.

Mover: Susan McGraw-Keber Second: John Aldred Unanimously Approved

- c. **Docks in Disrepair.** Whereupon Trustee inspection a dock is determined to be in poor, dilapidated, unusable or otherwise unsafe condition, the Trustees will send official notice to the Agreement holder that they shall be granted six (6) months from the date of notice to submit an application to the Trustees to renovate or reconstruct the dock. If the Agreement holder is granted a permit to renovate or reconstruct the dock, the permittee shall be granted a maximum of two (2) renewals. If the dock has not been renovated or reconstructed after two (2) renewals (for a total of three (3) years from initial permit approval), the Trustees retain the right to deny any further renewals or approvals and the Owner risks losing Trustee permission to have a dock and may be required to remove the existing dock.

Mover: Jim Grimes Second: John Aldred Unanimously Approved

- d. **Future Unpermitted Expansions.** Whereupon future inspections reveal unpermitted dock expansions, the Trustees will send official notice to the Agreement holder that their dock is noncompliant and granting the six (6) months from the date of notice to submit an application to the Trustees to bring the dock into compliance. These applications shall be reviewed by the Trustees with heightened scrutiny and the Trustees reserve the right to deny any such application and require removal of the unpermitted expansion.

Mover: Susan McGraw-Keber Second: Tim Garneau Unanimously Approved

- e. **Property Transactions.** All future Annual Dock Agreements shall include language advising the Agreement holder in sum and substance, “*Agreement Holder shall notify the Trustees, in writing, of Agreement holder’s intent to sell, transfer, or otherwise convey the subject property. This notice must include the name(s) and contact information of all proposed transferees. Failure to provide the Trustees with this Notice of Intent to Transfer may result in forfeiture of the right to maintain this Annual Dock Agreement.*”

Mover: Susan McGraw-Keber Second: John Aldred Unanimously Approved



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3. Unpermitted/ Delinquent Docks.

Whereupon Trustee inspection a dock within Trustee waterways and bottomlands is determined to have no valid Trustee permit on file, the Trustees will send official notice to the dock owner advising their dock is non-compliant with Trustee policy. The unpermitted dock owner shall have six (6) months from the date of notice to submit an application to the Trustees to legalize the dock. The Trustees decide whether to grant approval on a case by case basis and shall reserve the right to deny any such application. Suggested criteria for applications include but not limited to:

- Evidence of any existing municipal, town, or state permits
- Evidence the dock predates the 1984/1987 prohibition on docks
- Other evidence of Trustee approval or correspondence

Mover: Susan McGraw-Keber Second: David Cataletto Unanimously Approved

4. Piling Policies. Pilings may remain installed year-round, at owner's discretion, as is consistent with East Hampton Town Code.

Mover: John Aldred Second: David Cataletto Unanimously Approved

5. Floating/ Removable Dock Policies. Any floating dock, removable ramp, walkway, or other movable dock or dock component shall be removed by the Agreement holder no later than December 1st, of each year. The Trustees shall coordinate with the East Hampton Town Marine Patrol seasonally to identify non-compliance with this policy.

Mover: David Cataletto Second: Ben Dollinger Unanimously Approved

6. Future Dock Inspections and Scheduling.

- Aerial/ Drone Inspections.** The Trustees should contract with a drone/ aerial photographer to conduct aerial imagery of the Trustee's dock inventory as well as identify any docks that are not on the Inventory List, to add to and reconcile with the current Inventory List.

Mover: Susan McGraw-Keber Second: John Aldred Unanimously Approved

- Field Inspections.** Physical field inspections by the Trustees or their agents, contractors, or volunteers, etc. should be conducted every 6-10 years to add to and reconcile with the current Inventory List.

Mover: John Aldred Second: Susan McGraw-Keber Unanimously Approved



P.O. Box 7073
Amagansett, NY 11930

Trustees
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Town of East Hampton

631-267-8688
trustees@ehamptonny.gov
www.ehtrustees.com

ADOPTED: December 11, 2023

Dated: December 11, 2023

**BY ORDER OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF
THE TOWN OF EAST HAMPTON.**

FRANCIS J. BOCK, CLERK OF THE TRUSTEES

Mover: Francis J. Bock
Second: Susan McGraw-Keber

Unanimously passed and adopted.



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ADOPTED: December 11, 2023

Appendix B

TRUSTEE RESOLUTION #2023-37

RESOLUTION PROHIBITING ANY NEW RESIDENTIAL “ENLARGED BOTTOM STEPS”, “PLATFORMS”, OR ANY OTHER TYPE OF STRUCTURE, REGARDLESS OF ITS INTENDED USE, IN THE ENTIRETY OF GEORGICA POND, GEORGICA COVE, WAINSCOTT POND, HOOK POND, AND NORTHWEST CREEK

The following resolution was offered by: Francis J. Bock

WHEREAS, by Resolution #22 of 1984 the Trustees adopted a policy prohibiting the construction of any new residential piers and docks, fixed or floating, in Georgica Pond, including Georgica Cove, Wainscott Pond, Hook Pond, and Northwest Creek, and;

WHEREAS, even with this prohibition in place, the Trustees have approved several applications for new residential “enlarged platforms” or “bottom steps” or other type of structure that as defined would circumvent the prohibition on new docks, and;

WHEREAS, the Trustees have determined that there is a need to close this “loophole” and prohibit any new residential structures in these waterways and bottomlands, and;

NOW, THEREFORE BE IT FURTHER RESOLVED, that from this date henceforth in addition to the prohibition on any construction of new residential piers and docks, fixed or floating, that new residential “bottom steps”, “platforms” or any other type of structure, regardless of its intended use, shall also be prohibited in the entirety of the above referenced waterways and bottomlands.

Dated: December 11, 2023

BY ORDER OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF EAST HAMPTON.

FRANCIS J. BOCK, CLERK OF THE TRUSTEES

Mover: Susan McGraw-Keber
Second: David Cataletto
Opposed: Jim Grimes

The motion was passed and adopted with seven (7) Yays and one (1) Nay.



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ADOPTED: December 11, 2023

Appendix C

TRUSTEE RESOLUTION #2023-38

RESOLUTION PROHIBITING THE CONSTRUCTION OF ANY NEW RESIDENTIAL DOCKS, FIXED OR FLOATING IN THE ENTIRETY OF THREE MILE HARBOR.

The following resolution was offered by: Francis J. Bock

WHEREAS, by Resolution #22 of 1984 the Trustees adopted a policy prohibiting the construction of any new piers, docks, fixed or floating in Georgica Pond, including Georgica Cove, Wainscott Pond, Hook Pond, and Northwest Creek, and;

WHEREAS, by Resolution #22a of 1984 the Trustees amended Resolution #22 of 1984 to include Napeague Harbor and by Resolution #22b of 1984 to amend Resolution #22 of 1984 to include Accabonac Harbor and Hand Creek, and;

WHEREAS, by Resolution #157 of 1987 the Trustees amended Resolution #22 of 1984 to include the portion of Three Mile Harbor lying South of the line extending from the northeast corner of Suffolk County Tax Map Parcel #300-92-6-1 (on the west side of Three Mile Harbor) eastward to the northwest corner of Suffolk County Tax Map Parcel #300-94-6-1 (on the east side of Three Mile Harbor at the south end of Will Curl Highway), and;

WHEREAS, after a two-year moratorium which included a comprehensive Trustee dock inventory, a public hearing, and Trustee review and deliberation on the matter, the Trustees have determined that the remaining portion of Three Mile Harbor extending northward above the aforementioned line should also have the protection afforded by this dock prohibition policy, and;

NOW, THEREFORE BE IT FURTHER RESOLVED, that from this date henceforth any construction of new residential piers, docks, fixed or floating is prohibited in the entirety of Three Mile Harbor.

Dated: December 11, 2023

BY ORDER OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF EAST HAMPTON.

FRANCIS J. BOCK, CLERK OF THE TRUSTEES

Mover: David Cataletto

Second: Susan McGraw-Keber

A Roll Call vote requested by Francis Bock.



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Roll Call Votes:

John Aldred	YES
Francis J. Bock	YES
David Cataletto	YES
Ben Dollinger	NO
Tim Garneau	YES
Jim Grimes	NO
Susan McGraw-Keber	YES
Bill Taylor	YES

The motion was passed and adopted with six (6) YAYS and two (2) NAYS.