



MEETING MINUTES OF NOVEMBER 27, 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 (via Zoom)
John Aldred
David Cataletto
Ben Dollinger
Tim Garneau
Susan McGraw-Keber

Absent: David Cataletto
Mike Martinsen
Chris Carillo, Trustee General Counsel
Arlene Tesar, Trustee Secretary

Present: Alyson Follenius, 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 Mike Martinsen and David Cataletto. Attorney Chris Carillo was also absent.

The Clerk transitioned to the Public Comment: There was no one present for public comment.

The Clerk transitioned to New Business:

The clerk explained that the Trustee operating account holds over \$600,000. Francis Bock recommended moving some of the funds over to NYCLASS account. Jim Grimes made a motion to move \$400,000 from the checking account into NYCLASS. There were questions around access to the funds and its liquidity. Bock explained the funds can be transferred within 24 hrs. Ben Dollinger seconded the motion and it was unanimously approved.

John Aldred addressed the matter of Dredging of the Northwest Creek Inlet. Suffolk County alerted Kim Shaw at Natural Resources when they were beginning the dredging project. Trustees John Aldred, Jim Grimes and Tim Garneau were present for the dredging. Aldred shared several photos from the active dredging (before, during and post dredging). The board discussed the placement of the dredge spoil and the potential for that sand to reenter the inlet. After bringing up the possibility of future dredging extending farther into the creek, Grimes shared he felt there may need to be a modification to the DEC permit and there needs to be a joint conversation

between the Trustees, Town of East Hampton and the County in an effort to get a consensus as to what the goals for managing that inlet are for the future. As an aside, Aldred raised the issue of the dredging at Devon Yacht club and shared that they have recently received DEC permission to dredge in May. Aldred suggested that if Devon was approved for dredging in May, there may be a way to get approval to modify the permit to dredge the Accabonac culvert later in the Spring as well.

John Aldred addressed the matter of the Nature Conservancy's proposal for funding titled, "*Salt Marsh Adaptation & Resiliency Teams (SMARTeams) Academy Long Island, NY: Developing capacity and plans for salt marsh restoration across the NY Marine District.*" Aldred summarized the proposal with a brief power point and shared the presentation with the board. The proposal seeks funding from the National Oceanic and Atmospheric Administration. The proposed project would work in five marsh sites across Long Island, including Accabonac Harbor. Historically, there were alterations made to these salt marshes for agricultural purposes. These alterations are exacerbating the current effects of sea level rise, erosion of the marsh and exacerbation of mosquito breeding due to waterlogging of soils behind the alterations. The project seeks to restore the marshes and will be implemented over a span of three years.

The Clerk transitioned to Old Business:

Francis Bock initiated a conversation regarding the dock policy items the board has been considering (see attached Appendix A). Bock read through each item and held space for the board members to ask questions. John Aldred, a dock committee member, added further explanation to several of the items. Regarding the matter of property Transactions and the Trustees receiving notice of any property transfers among dock agreement holders. The recommendation from the committee included adding language to the annual dock agreements which requires the agreement to notify, in writing, the Trustees of any intent to sell, transfer or convey the property to another party. Susan McGraw-Keber recommended the board send this information to the real estate brokerages that this information be included as a note on the listing that at the time of sale the purchaser's information must be provided to the Trustees. McGraw-Keber advised this could be included in the memo of sale. There was a discussion as to how this process could work. Bock continued reading the items. The following item provided suggestions for future inspection schedules. The committee recommended a drone/aerial survey every 2-3 years and a physical inspection every 6-10 years. There was a question regarding how the 6 to 10 year schedule came to be. Committee members clarified it they did not know how many years was too long to go without a physical inspection and what may be too little. Committee members clarified the physical inspection was intended as another full inventory. The next item shared were recommendations regarding pilings. The recommendations included a definition of pilings, that pilings may remain installed year-round and included the annual charges for pilings. The committee recommended that free standing pilings and pilings used to support floating docks incur a charge of \$18 per piling. Pilings used to support fixed docks will not incur charges. The next item discussed suggestions around policies for floating removable docks. The committee recommended floating docks and other removable sections of the docks be removed no later than Dec. 1st of each year. The board needed to discuss any consequences if an agreement holder does not remove the floating section but tabled that discussion to allow time to get input from Marine Patrol. There was conversation around the current town code regarding floating docks. John Aldred read from the zoning portion of town code which states docks must be constructed and used in such a way that the floating portions can be removed. Bill Taylor stated that one way this could be managed is that when it comes time to renew the agreement, the Trustees could deny the agreement due to non-compliance with the dock agreement. There is currently an established Trustee policy (from 1984) which no longer allows new piers or docks in Georgica Pond. In recent years, there has been a "loophole" to this policy where platforms or bottom steps have been approved. The board discussed whether enlarged bottom steps should be included with

this policy. A few Trustees shared their opinions regarding the matter. John Aldred felt the Trustees need to maintain a consistent policy and this has been a way to get floating platform without calling it a dock. Jim Grimes shared that he does not see an issue with these platforms. Grimes felt that the applicant's intentions were not to find a loophole to get a dock but as a means to access the water when the shoreline may not allow easy access. Aldred felt that not including these enlarged bottom steps could set a precedent. Susan McGraw-Keber shared that if there is a loophole it should be closed. Aldred shared this matter will come down to a vote. The board moved on to the final item for consideration regarding whether this board should extend a new dock prohibition to the remaining unprohibited portion of Three Mile Harbor? Bill Taylor asked if any board members knew why this prohibition was put into place in the 1980s. There was some conversation around the circumstances which were likely present in 1987. Ben Dollinger asked whether anyone reviewed the minutes from the 1980s. Aldred stated he has read minutes from that time period. Alyson Follenius shared that portions of the minutes from the 1980s when the prohibition was put in place copied already for review and the full minutes are available as well. Dollinger asked Follenius if they stated reasons for the prohibition. Follenius shared there was nothing which explicitly stated why the board put the prohibition in place. Follenius shared that several of the Trustees then mentioned navigation and shell fishing as reasons they were not in favor of new docks going in. Bill Taylor asked whether those issues were applicable today. Aldred felt as though the creation of the town shellfish hatchery and its seeding efforts have only expanded shell fishing opportunities throughout the harbor since the 1987 ban. here was some conversation around the current conditions of the harbor. Francis Bock mentioned there has been no public comment received regarding a ban on construction of new docks and it is something to keep in mind. The committee will draft two resolutions to be voted upon during the next meeting.

The Clerk transitioned to Committee Reports:

John Aldred shared that the Trustees received a request from the Reed Family Trust of 177 Three Mile Harbor Rd, SCTM#300-94-1-3 to renew Trustee permit T-7-22 for in kind replacement of their existing dock and bulkhead. Jim Grimes shared that he believes the applicant is awaiting other required permits which is why the project was delayed and the renewal requested. John Aldred made a motion to approve the renewal of Trustee Permit T-7-22. Susan McGraw-Keber seconded the motion, and it was unanimously approved.

The Clerk asked Jim Grimes if he had anything to share with regard to the (Devon) Yacht Club. Grimes shared he received notification that Devon Yacht Club just received their renewed DEC permit but that the work will not be completed until the Spring. Grimes suggested the matter be tabled until the December 11th meeting.

The clerk transitioned to Administrative:

Payment of bills: There were no bills to pay.

Minutes: The minutes from the meeting of November 13, 2023 were available for review. John Aldred made a motion to approve the minutes. Susan McGraw-Keber seconded the motion and it was unanimously approved.

Financials: The financials for the month of September 2023 were available for review. The matter was tabled until the next meeting.

The clerk transitioned to the Report of the Clerk:

Francis Bock shared that the board received an email regarding sand build up at ocean beaches due to recent storm surge. There was an email from a community member asking who managed this situation and suggested that snow fencing be placed along the beach to help prevent the movement of sand during storms. Bock shared he received an email from Kim Shaw of Natural Resources that she and Parks Department have been managing the issue.

Tim Garneau made a motion to close the meeting. Susan McGraw-Keber seconded the motion and it was unanimously approved. **The meeting closed at 8:08 p.m.**