



MEETING MINUTES OF OCTOBER 23, 2023
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON

Present: Francis J. Bock, Clerk
Bill Taylor, Deputy Clerk (via ZOOM)
Jim Grimes, Deputy Clerk
John Aldred
David Cataletto
Ben Dollinger
Tim Garneau

Absent: Mike Martinsen
Susan McGraw-Keber

Present: Alyson Follenius, Trustee Secretary
Arlene Tesar, Trustee Secretary
Chris Carillo, Trustee General Counsel
Tim Treadwell, Senior Harbor Master
John Marks

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 Susan McGraw-Keber.

The Clerk transitioned to Old Business:

The board received a request from Richard and Joanne Hamilton to assign the Lazy Point lease for 145 Shore Rd to John Marks-Lot #40S, SCTM#300-85-1-31.1. John Marks was present at the meeting. Attorney Chris Carillo recommended the board approve the transfer subject to receipt of the affidavit from the East Hampton Star that the seller noticed their intent to sell their home and transfer the lease in the paper.

The Clerk transitioned to New Business:

John Aldred shared the current Water Quality Technical Advisory Committee and Community Preservation Fund project recommendations for funding in the second half of 2023. Aldred read them aloud to the board.

The Clerk transitioned back to Old Business:

There was a request from Rick Whalen on behalf of the homeowners of a portion of Crooked Highway, to send a letter to the Town agreeing to deed said portion of Crooked Hwy to the town when and if certain road improvements are made. Chris Carillo updated the board with regard to some research regarding this matter. Carillo explained that the letter received from Supervisor Peter VanScoyoc requested a letter from the Trustees stating they will deed the property to the Town. Carillo explained that the timeline in the letter was slightly incorrect. At this juncture, the Trustees would only need to send a letter of support of putting the road into the Town Highway Department. The Trustees would want to know that the town could in fact take the road into the system and it would be approved by the Town Board. Carillo also explained that it is the responsibility of Whalen and the homeowners to have conversations with the town to ensure the road would be taken into the system. Jim Grimes provided additional information about the process and that the homeowners would foot the bill. There was some discussion about maintaining public access to any trails. The board determined that they could send letter of support and it could include language that explains Trustee concerns. Jim Grimes made a motion to send a letter of support. Tim Garneau seconded the motion and it was unanimously approved.

John Aldred addressed the matter of the collapsing Osprey Tower on Accabonac Marsh. Jim Grimes expressed his support. Marina DeLuca, who addressed the Trustees in the Spring, is a part of the group requesting permission to fix the nest. The board did not feel any Trustee permits were necessary.

The board received communication from Christine Ganitsch requesting the Harbor Side beach Access at the southern terminus of Gerard Drive be closed. There has been documented erosion on that side. David Cataletto had recently been to the site and noted the erosion as well. Cataletto suggested putting a split rail fence to block the access from driving. The other access would remain open on the opposite side. There was some conversation regarding which town committees and departments should be a part of this conversation. Cataletto will bring the issue to the Nature Preserve committee.

The Clerk transitioned to Committee Reports:

The Dock Committee has been meeting to discuss recommendations to the board. The clerk asked Secretary Alyson Follenius to read the recommendations. Follenius read them aloud and shared them on the screen for the public to view. The board went through the recommendations point by point. The board skipped down to discussing unpermitted docks or expansions. There was commentary regarding the 60-day timeline and suggesting it be extended. The board continued the conversation around bringing permittees into compliance. The board discussed ways to manage this situation. Attorney Chris Carillo summarized the board's conclusion: The owner would have a specific timeline (6 months seemed to sit well with the board members) to A) prove the dock is compliant with permits; B) Apply to legalize/modify the dock; C) begin the process of bringing the dock into compliance. The discussion also covered docks which currently do not have a Trustee permit and what the process could look like. Tim Treadwell, Senior Harbor Master for Town of East Hampton was invited to join the conversation. Treadwell shared the Town is also currently doing a survey of docks which land on Town bottom land, mostly of commercial marinas. The conversation continued around how to manage docks which have expanded or any which are unpermitted. Chris Carillo kept the conversation on track and concluded the board seemed to be on the same page. For any dock that has been expanded or is unpermitted by the Trustees, the owner would be given a timeline to either apply for a permit for the expansion or a timeline to remove it for any unpermitted docks. The board discussed the matter of any future expansions from this current baseline. The process will be the same as above. It will be more difficult to bring any expansions into compliance. With regard to an inspection schedule, the board discussed performing drone surveys on a more frequent schedule and a physical inspection could occur at a less frequent interval. The board seemed to all agree a physical inspection every six years-10 years seemed reasonable. The board also agreed to perform drone inspections every 2 years.

John Aldred recommended future boards hire a team to do the physical inspections in the future. The general consensus of the board was that drone inspections at frequent intervals would help identify any changes to docks. This could mean the physical inspections could occur less frequently. The board continued to discuss pilings. Attorney Chris Carillo will come up with a definition of pilings. There was a consensus among the board that pilings could stay in year-round. The conversation moved to discuss floating docks and whether they need to be removed for the winter. The committee recommend they should be removed. John Aldred felt there should be some way for these to be inspected to ensure they are removed. Aldred was concerned that if there was not an inspection or sweep that the floats would be left in. The board shifted to closing the loophole regarding the Georgica Pond “bottom steps.” The board seemed to agree with including the bottom step in the current prohibition on Georgica Pond. The discussion extended to docks which have never been installed. The committee recommended providing a timeline for the owner to obtain all permits, begin construction and close out Trustee permits. This will give the owner the opportunity to get the dock installed but if they fail to take action, they may lose the permission to have a dock. This led to a conversation regarding dilapidated docks. The committee recommended providing the opportunity to bring the dock into usable standard (which would be defined). There would be a clause in the annual agreement which states the dock must be maintained. Carillo provided examples of suggested language for the notification. All board members agreed on the matter. The board was also in agreement that language should be added to the dock agreement which requires homeowners/seller to notify Trustees of their intent to sell their property and that purchaser’s information must be provided. Language will also be included that if Trustees are not notified, permission for the dock may be revoked. The conversation shifted to unpermitted structures. The Clerk read through the committee’s recommendation which included: contacting the owner and require copies of any permits within a specified timeline, Trustees use discretion at a case-by-case basis based on whether or owner can prove dock existed prior to the ban, owner can provide permits from other agencies and other options will be included. Essentially, there will be several options for owners to either prove the dock was pre-existing or to bring it into compliance. The last item for discussion was whether to extend the current prohibition on new docks to the currently unprohibited area of Three Mile Harbor. David Cataletto shared the committee recommends holding a public hearing to allow the public to weigh in on the matter. Cataletto made a motion to schedule a public hearing for Nov. 13, 2023. Jim Grimes seconded the motion and it was unanimously approved.

The clerk transitioned to Administrative:

Payment of bills: The following bill needs to be paid: a) East Hampton Star - \$9.91; b) Montauk Anglers Club- \$ 1,700.36 (Winterize the Montauk pump out boat); c) Optimum - \$150.24. Jim Grimes made a motion to pay the bills. Ben Dollinger seconded the motion and it was unanimously approved.

Minutes: Minutes from Sept. 25, 2023 are available for review. John Aldred had reviewed the minutes. John Aldred made a motion to accept the minutes. David Cataletto seconded the motion and it was unanimously approved.

Jim Grimes thanked John Aldred for assisting with the opening of Georgica Cut. Francis Bock commented he was on site as well and Grimes thank him also.

David Cataletto shared an announcement he will be giving a talk on the Bonac Rumrunners and the Prohibition this Saturday, October 28, 2023 at 6:00 p.m. at the Amagansett Lifesaving Station.

Tim Garneau made a motion to close the meeting. David Cataletto seconded the motion and it was unanimously approved.

The meeting closed at 8:11 p.m.