



MEETING MINUTES OF AUGUST 12, 2024
OF THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY
OF THE TOWN OF EAST HAMPTON

Present: Francis Bock, Clerk
Jim Grimes, Deputy Clerk (via Zoom)
Bill Taylor, Deputy Clerk
David Cataletto
Patrice Dalton
Ben Dollinger
Tim Garneau
Celia Josephson

Absent: Ben Dollinger

Present: Alyson Follenius, Trustee Secretary
Arlene Tesar, Trustee Secretary
Chris Carillo, Trustee General Counsel
Rick Whalen, Esq.
Ben Finestone, Crooked Hwy Resident
Flavio Bartmann, Crooked Hwy Resident
Kim Barbour, Cornell Cooperative Extension
Molly Graffam, Cornell Cooperative Extension
Kim Manzo, Cornell Cooperative Extension
Laurie Petroske, Lazy Point Homeowner

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 Ben Dollinger. Jim Grimes joined via Zoom.

The Clerk transitioned to the Public Comment:

Rick Whalen, of Whalen Filer, PLLC, approached the board on behalf of homeowners from the Crooked Highway Homeowners Coalition. Two homeowners, Ben Finestone and Flavio Bartmann were present in the audience. Whalen summarized the request the homeowners have previously brought to the board. The homeowners requested that the Trustees pave the road in a previous visit to the board. The Trustees had previously asked the homeowners to bring the matter to the town to request if the town would take it into the town's highway system.

The town had denied the request as they do not have the staffing to handle the addition. The portion of the road is in poor condition and has not been maintained. Whalen requested the Trustees' approval to improve the road. In the recent 25 years the Trustees have required an access easement. Whalen pulled a title report and two of the seven properties have access easements attached to the properties. The two easements have different specifications regarding obtaining permissions for road improvements. Whalen has discussed with the Trustee attorney who requested indemnification for the Trustees while the work is being completed. John Aldred questioned whether they planned to bring the road into the highway system. Whalen explained they do not for the reasons stated previously. Attorney Chris Carillo offered a clarification of Aldred's question. The question was whether Whalen planned to build the road to the town specifications such that the road could be entered into the Town's highway system. Carillo also asked whether Whalen would have a professional engineer design the road and drainage system. Aldred and Jim Grimes were questioning the size specifications for the road and whether it will be eighteen foot wide or a twenty-foot-wide road. Aldred asked Carillo whether it would be beneficial to the Trustees to provide the other homeowners with access easements. Carillo confirmed it would be in the best interest of the board to provide the other homeowners with easements, especially from a liability perspective.

Kim Barbour, Molly Graffam and Kim Manzo, of Cornell Cooperative Extension, joined the meeting via Zoom. John Aldred provided a summary of the Hog Creek Nitrogen Reduction project. The project, which has three phases, is currently in phase two. Barbour and Graffam joined the meeting to present an overview of Phase two. Graffam began with details about the town wide nitrogen reduction program and shifted to discuss the benefits of the project to Hog Creek. The goal of the project is to reduce legacy and non-point source nitrogen input and improve surface water quality with deliverables being PRB (Permeable Reactive Barrier) characterization and design and an Ulva harvest with an education and outreach campaign. Graffam provided some results from the ongoing site characterization of the creek. Permeable reactive Barriers (PRBs) are shown to reduce nitrogen from surface waters when in the form of nitrates. The work being completed which is relevant to the Trustees includes: porewater evaluation probes which measure temperature and conductivity contrast between porewater and surface water. Graffam shared data from the findings at various points in the Creek. The data show that the nitrogen loading is not uniform in the Creek. The plan is to utilize the data and work inland to use the geoprobe to install wells to gather hydrogeological information to design the PRBs. The wells are important to establish the hydraulic gradient. The hydraulic gradient is utilized to determine the amount of time the water must spend in contact with the PRB media. The PRBs utilize the natural gradient within the water table which allows it to be a passive system. As part of the characterization the team identified Ulva or Sea Lettuce in portions of the creek. Graffam handed the floor over to Kim Barbour. Barbour shared more about the community outreach and education portion of the project. The outreach included a program at John Marshall Elementary school where the students learned about PRBs, bio extraction and utilized some of the extracted materials to create art projects. Barbour handed over the floor to Kim Manzo. Manzo is the team's Ulva (sea lettuce) expert. Manzo shared that there is not a significant biomass of Ulva currently, but they are still working to plan the education portion with school groups. Manzo shared an image of where the Ulva has previously accumulated in the creek. The team also noted the presence of Cladophora, another concerning macroalgae species. Jim Grimes asked whether the team has an expectation of how much biomass they could harvest from the creek. Barbour clarified the plan originated from information from previous years, but the intention was to remove a significant biomass from the creek. Grimes asked about the specific methodology for the collection. Barbour confirmed it would be a hand harvest with rakes along with small vessels to bring to shore. Grimes questioned why the hand extraction was chosen. Barbour explained this method would provide an opportunity for the educational and outreach component of the project. Grimes shared the Trustees support a mechanical extraction project in Georgica and questioned whether the team would be consider using a similar method. Barbour shared it would be something to consider in the future. Patrice Dalton asked how many people would be participating in the process and how many person hours the team anticipated.

Barbour explained the team would plan for three events and to keep it controlled and limited in terms of the public participation. John Aldred piggybacked on Dalton's questions and explained the Trustees would like to see more specific information regarding the harvest methodology, public involvement, liability, access to the creek etc... Barbour confirmed the team was hoping to have some sort of approval first before moving forward with more detailed and specific plans as their intention was for this to mainly be an educational project. Aldred and Dalton were concerned the application was broad and did not provide the specifics. Barbour confirmed the team would be happy to provide specific details of their plans. Dalton and Aldred also touched on the matter of liability and the team's plan. Aldred explained it is standard request as part of the permits that the applicant provide worker's compensation insurance and liability insurance. Aldred shared the trustees would likely request to be added as additionally insured. Barbour confirmed the team is accustomed to doing just that and they are happy to provide that information as well. Manzo continued the presentation to share more of their methodology. The team has a group of high school students ready to volunteer but the headwater area of the creek has limited access, and the team needs to reassess. Manzo shared more about the new development with the presence of *Ruppia maritima*, or Widgeongrass. The presence of *Ruppia* may indicate an improvement of water quality in the creek. *Ruppia* is known as a pioneer species as it can be one of the first species to come into a system which has experienced some incident and is a precursor to the growth of eel grass. The team only has one year worth of growth and is hopeful the team will see repetitive growth. David Cataletto asked whether the PRBs need to be replaced. Graffam explained the PRBs are made with wood chips and gravel beneath the ground to slowly provide a source of carbon to microbes. The PRBs are designed to last decades. John Aldred shared he would be willing, if the board was in agreement, to provide an approval subject to the team providing the details the board requested. David Cataletto offered he would be willing to second. Patrice Dalton explained that the board needs the specific and tactical information. Bill Taylor agreed and suggested it is important to get it right as there are likely to be more. Francis Bock asked whether the board could provide a list of the details the board would like to receive. Chris Carillo asked the CCE team whether they were under a specific timeline and if an approval was beneficial to their work at this point. Barbour explained waiting to the next meeting will work with their timeline. The team will provide the board with more details and the matter will be revisited at the next meeting.

The Clerk transitioned to New Business:

Laurie Petroske addressed the board with a request to sublet her lazy point leasehold at 241 Shore Rd, Lot 16S to local resident Kevin Boyle year-round. Chris Carillo confirmed all documentation has been provided and recommends approving the request. Celia Josephson made a motion to approve the request. Patrice Dalton seconded the motion, and it was unanimously approved. Laurie Petroske mentioned she purchased the home two years ago and loves the idea of year-round housing.

The Clerk transitioned to Old Business:

Francis Bock updated the board that the East Hampton Fire Department Annual Main Beach Fireworks have been rescheduled to August 17, 2024.

John Aldred received the latest data from Dr. Goble's lab regarding the blue green algal blooms in Trustee ponds. On July 29th and 30th, the counts registered at Wainscott Pond of 447.21 µg/L. The concentrations of found in Pond Lane Pond were 97.39 µg/L. On Aug. 5th the concentrations in Wainscott Pond were 589.45 µg/L and 34.98 µg/L in Fort Pond. Testing in Lion Head ponds will be tested during the coming week. The counts in Wainscott Pond are continually rising. The readings in the Lion Head ponds have been erratic and blue green algae has only been found in Pond Lane Pond and not in Swan Pond.

Francis Bock summarized that the board was served with another judgement the day after the last meeting and the board must secure another appeal bond and authorize Bock to sign for the bond. Francis Bock read the resolution into record. Celia Josephson shared that she would like to add a point that as signatory Bock would be signing as Trustee Clerk and members would not be personally liable. Patrice Dalton asked for clarification around the total dollar amount of the bond. Bock confirmed the amount listed in the resolution was what the number the Trustee Attorneys and bonding company have been working with and everything is on track. Jim Grimes made a motion to approve the resolution. Tim Garneau seconded the motion, and it was unanimously approved.

The Clerk transitioned to Committee Reports:

Accabonac Harbor/ Hog Creek:

Patrice Dalton updated the board regarding the Springs General Store application to the ZBA. Dalton expressed that much of the plan does not concern the Trustees. The plan proposes removing the current kayak racks and revegetating that area. Dalton explained that the applicant did not have the correct Trustee address for notice to them as adjacent property owners. Dalton suggested the board send a letter to the ZBA alerting them the Trustees are owners of the bottom lands in Accabonac Harbor as adjacent property owners. Jim Grimes asked if the concern was to provide a letter to the ZBA to inform them of the inaccuracies in the notifications. Aldred and Dalton confirmed such. Grimes added that the agent for the applicant should be CC'd on the letter. Dalton will draft the letter to the ZBA.

John Aldred provided an update regarding the Mosquito Larvae counts. There were not significant concentrations of larvae and therefore no treatments planned this week, nor was treatment necessary after the previous check on 7/22/24.

The Clerk transitioned to the administrative portion of the meeting:

Payment of bills: The following bills need to be paid: East Hampton Marina \$431.74 for fuel; Seacoast Enterprises- \$17.88; Montauk Marine Basin - \$671.62 for fuel; Riverhead Building Supply - \$54.30; Optimum - \$161.24; Intact Insurance -\$11,407 for Renewal Premium for pump out vessel insurance. Bill Taylor made a motion to pay the bills. David Cataletto seconded the motion, and it was unanimously approved.

Minutes: The minutes of the meetings of May 31, June 24, July 8 and July 22 were available for review. Patrice Dalton read the minutes and did not have any comments. John Aldred had a few comments but has not made them yet. The matter will be tabled until next meeting.

David Cataletto announced that the Largest Clam Contest will be held on the last Sunday of September.

John Aldred shared there is a video conference coming up which will include everyone involved in the Accabonac restoration project. Aldred will share the link with the board. This meeting will be held on Tuesday, August 27, 2024.

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

The meeting closed at 8:00 p.m.