

TRUSTEES

of the

FREEHOLDERS AND COMMONALTY

of the

TOWN OF SOUTHAMPTON

This Book Opened January, 1988

TRUSTEES:

1988-1989

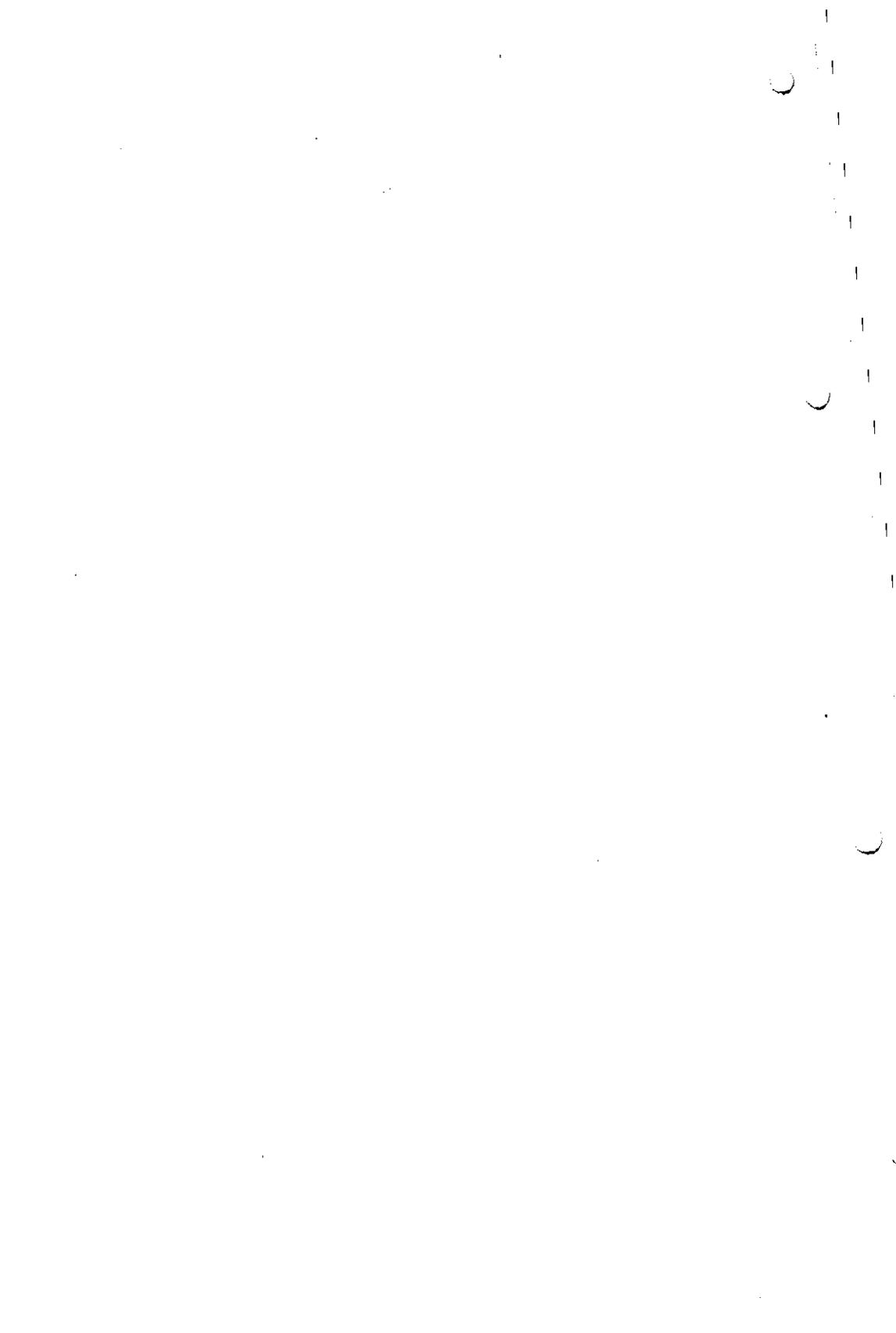
FRANK L. SMITH

EDWARD J. WARNER

WILLIAM BENNETT

PAUL PARASH

WILLIAM T. FRANK



CERTIFICATION

Compared with the original records of the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton, N.Y. The printed copy is the same as the original, errata excepted. The original records are on file in the Office of the Town Clerk, Southampton, N.Y.

Transcribed by:

Emily D. Oster
Archivist of the
Town of Southampton

Thanks to:

Edward J. Warner
The Trustees President

John Andersen
Senior Bay Constable

April, 1994



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JANUARY 4, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, JANUARY 4, 1988 AT 1 P.M.

PRESENT WERE: Trustees Frank L. Smith, Edward J. Warner, William Bennett, Paul W. Parash and William T. Frank. Attorney John M. Wourgola was present in an unofficial capacity.

William Bennett acted as Temporary Chairman for the purpose of electing officers for the ensuing two years.

A motion was made by Frank Smith, seconded by William Frank nominating Edward J. Warner to be President of the Board for the ensuing two years. The Secretary cast one ballot electing Mr. Warner.

The gavel was then handed over to Mr. Warner who thanked the Board for extending him the courtesy of electing him President. He said he feels it is a real honor and pledged to do his very best.

A motion was made by Edward Warner and seconded by Paul Parash nominating William Bennett as Secretary-Treasurer of the Board for the ensuing two years. The Secretary cast one ballot re-electing William Bennett.

The minutes of the meeting of December 21, 1987 were read and approved as read.

Josh Belury, Manager of Conscience Point Marina was presenting regarding his application before this Board. Paul Parash stated he will recommend approval with special stipulations that no more than ten (10) boats can be

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launched at the town launching ramp and the boats can be no larger than 32 feet. This agreement remains in effect until such time as the marina has purchased a travel-lift. Also this Board will be coming up with ramp regulations for the entire town by spring.

William Bennett asked Mr. Belury for some input in preparing ramp regulations. Mr. Belury said that a 2 ton maximum weight and 28' length boat was good. He said the people who are damaging the ramps are the small boat owners who are using power to launch and retrieve their boats.

William Soehl representing John Battaglia, Flanders, was present to discuss dock installations by Olson's Marina into Reeves Bay, blocking access from the Battaglia property. Mr. Soehl stated that research of permits in the Trustee records indicates that Mr. Olson changed the configuration of his docks without benefit of a permit and therefore has illegal docks. Frank Smith stated he will suggest a review of the Olson permits and an inspection by the Board, but he pointed out that the docks at Battaglia's have also been installed without valid permits. Roy Haje of En-Consultants was present and said he had represented Mr. Olson for many of his later permits and was certain the permits had been complied with to the letter. The matter will be studied.

Fourteen (14) applications for permit were approved.

Two (2) applications for permit were held.

Fish Trap permits were renewed.

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Pot Permits were renewed.

CORRESPONDANCE:

Owen H. Johnson, Member of the Senate, State of New York re: pollution problems in the Long Island Sound and New York Bight. It was agreed the letter should be answered and Attorney John Wourgola was requested to reply. The Board would like added to the letter, road run offs which they feel is the greatest problem in this area.

En-Consultants, Inc. to Village Board, Village of Southampton re: Proposed modifications to Village Helipad, Meadow Lane, Southampton. Paul Parash stated this Board has reviewed this new proposal and objects. They are concerned with the problems of fire truck and ambulance access in the event of an accident and the fact that the helipad is 12 to 15 minutes from the hospital. The Board would go along with expansion of the old site on Meadow Lane, but cannot agree with this location which requires access by a wooden walkway over the meadow. A motion was made by William Frank, seconded by Paul Parash and duly carried that a letter be sent to Mr. Haje of En-Consultants voicing their objections.

New York State Dept. of Environmental Conservation:
Off-Bottom Culture of Shellfish Permit for 1988.

Barbara L. Coughlan, Attorney to Mirielle Valenti, 460 Montauk Highway, Hampton Bays re: Bulkhead constructed in violation of Trustee regulations. Mrs. Valenti has been instructed to have the bulkheading removed.

(Continued, January 4, 1988, Board of Trustees)

A motion was made by Paul Parash, seconded by William Bennett and duly carried to publish the following notice:

PUBLIC NOTICE

THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. hereby give notice that their meetings will be held on the first and third Monday of each month in 1988, with the exception of those Mondays that fall on a town holiday, in which case notice will be published as to the change of date.

A motion was made by Paul Parash, seconded by William Frank and duly carried to publish the following notice:

PUBLIC NOTICE

THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON give notice that the Town Holiday for Washington's Birthday falls on February 15, 1988, the date of their regularly scheduled meeting, therefore, there will be only one meeting in February, that being on February 1, 1988.

Frank Smith stated he would like to propose to the Town Board a change of status regarding road drains into Town waters. He suggests recharge basins or automatic pumps to pump discharge into the basins. He mentioned Beaver Dam Creek as an example where seven roads empty into the creek. He suggests a program be established, doing the most critical areas first. He will contact the Town Conservation Board for input before approaching the Town Board.

(Continued, January 4, 1988, Board of Trustees)

William Frank reported that Mecox Bay has been opened again and was still open today.

A motion was made by Edward Warner, seconded by William Bennett and duly carried to send a letter to the Town CSEA Unit, with copies to Supervisor DiPirro and members of the Town Board, requesting upgrading of the Bay Constables and Maintenance Dept.

Edward Warner stated Bay Constable Kenneth Malone reported problems at the Quantuck Bay Spawner Sanctuary site. He suggest signs be placed designating the area. William Bennett said it was really impossible for anyone to work the actual area due to the way the stones had been placed. A sign will be considered in the spring.

Edward Warner requested that Frank Smith check the new launching ramp at Pointe Road, Flanders. He said the end drops off sharply and it may require additional work.

January 28th, the North Haven Planning Board meets regarding the West Banks Sub-division. William Frank and William Bennett said they will attend.

Mr. Warner appointed the following committees for 1988-1989:

Frank Smith and William Bennett: Co-Chairmen, Shellfish Committee.

William Frank and Paul Parash: Co-Chairmen, Fresh Water Fish Committee.

Frank Smith: Representative to the New York State Shellfish Advisory Committee.

The meeting on motion was adjourned.

(Continued, January 4, 1988, Board of Trustees)

Respectfully submitted,

William Bennett

William Bennett, Secretary

PERMITS ISSUED

NO. 5131 to En-Consultants, Inc. agent for KGR Realty d/b/a Conscience Point Marina, 1976 North Sea Road, Southampton to construct bulkheading, dredge and construct docks as follows: Construct a new 100' section of bulkhead to attach to existing bulkheads (and be in line with bulkhead on s/s.) Triangular area seaward of proposed bulkhead (area 1040+/- s.f.) will be removed to 4' below MLW and resultant 300 cy of material will be used to fill an existing angled boat slip whose dimensions are 23' (s/s), 16' (w/s), 30' (n/s); area 480+/- s.f.). Remainder of spoil (158+/- c.y.) will be spread on owner's upland behind bulkheads. Install (3) timber docks perpendicular to bulkhead consisting of 3'x16' hinged ramps; 6'x45' floats, with (4) 8" dimension mooring piles on each side set 15' off corners of floats and spaced 12' apart. Install a 6'x45' float parallel to bulkhead plus 3'x3' cantilvered platform and 3'x16' hinged ramp with (5) mooring pilings out 15' off floats. Purpose of project is to use available waterfront more efficiently and increase capacity of marina. \$10.00 fee rec'd. \$10.00 additional

(Continued, January 4, 1988, Board of Trustees)

fee due. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5132 to En-Consultants, Inc. agent for John Judson, 1110 Towd Point Road, Southampton to renew Permit No. 4821 for one year. \$10.00 fee due.

NO. 5133 to En-Consultants, Inc. agent for En-Consultants, Inc. agent for Norman Alshooler, Dune Road, Hampton Bays to construct a timber dock consisting of a 4'x80' fixed elevated (4' above grade of marsh) walkway; 4'x14' hinged ramp; 6'x16' float plus (4) 8" diameter pilings 10' off float and spaced 10' apart, off owner's property on Shinnecock Bay. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5134 to En-Consultants, Inc. agent for Lawrence Huke, Lot 6, Huntington Lane, Flanders to renew Permit No. 4831 for six (6) months. \$10.00 fee due.

NO. 5135 to En-Consultants, Inc. agent for John Galgano, Cormorant Drive, Hampton Bays to renew Permit No. 4779 for one year.

NO. 5136 to En-Consultants, Inc. agent for Theresa Muggeo, Cormorant Drive, Hampton Bays to renew Permit No. 4780 for one year.

NO. 5137 to En-Consultants, Inc. agent for Joseph Musso, Cormorant Drive, Hampton Bays to renew Permit No. 4781 for one year.

(Continued, January 4, 1988, Board of Trustees)

NO. 5138 to En-Consultants, Inc. agent for Barbara Parks, Cormorant Drive, Hampton Bays to renew Permit No. 4782 for one year.

NO. 5139 to En-Consultants, Inc. agent for Barbara Shopkorn, 4 Hampton Close, Westhampton Beach to place 116' of rip-rap behind an existing failing bulkhead (approximately 200 cy) on owner's property on a boat basin off Moneybogue Bay. Permit No. 4946 previously issued is revoked."As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5140 to Glenn E. Just agent for David S. VanVort, Ogden and Schafer Lanes, Quogue to reconstruct within 18", approximately 115 lf of timber bulkhead and to reconstruct in kind and in place, approximately 119 lf of timber bulkhead. Said structure shall then be backfilled with approximately 30 cy of clean sand to be trucked in from upland source. Project located on owner's property on the Quogue Canal. \$23.40 fee rec'd.

NO. 5141 to Anthony Evangelista, 32 Bay Avenue, East Quogue to extend existing floating dock to add five (5) additional slips. \$10.00 fee rec'd."As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5142 to Ken Hahn d/b/a Tidewater Construction agent for Frank and Jean Erra, 43 Romana Drive, Hampton Bays to resheath approximately 100 lf of deteriorated timber bulkhead and to backfill with 20 cy of clean fill to be

(Continued, January 4, 1988, Board of Trustees)

trucked in from upland source. To construct two (2) brush jetties (1-65' long; 1-50' long) to reduce shoaling of lagoon and to permit some beach build up. Project is located off owner's property on Tiana Bay. \$20.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5143 to Glenn E. Just of J.M.O. Consulting agent for Allen Goldstein, Duck Point Road, Remsenburg to re-face, within 18", approximately 150 lf of timber bulkheading on owner's property at Speonk Point on Moriches Bay. \$15.00 fee rec'd.

NO. 5144 to Glenn E. Just agent for Astrid Krevits, 136 Dune Road, Westhampton Beach to reconstruct in kind and in place, approximately 283 lf of timber bulkhead. To dredge an existing 50'x20' boat slip to 4' at MLW. Resultant spoil of approximately 125 cy of sand shall be used as backfill. Project located on owner's property off the Quogue Canal. \$28.30 fee rec'd.

NO. 5145 to En-Consultants, Inc. agent for Southampton Cove Property Owners Association, Helen's Lane and Waters Edge Road, North Sea to replace within 18", 211 lf of existing timber bulkhead. Dredge up to 10' off 168' bulkhead section to maximum depth of 4' below MLW. Approximately 10 cy of spoil will be removed and used for backfill. Project located off owner's property on a dug basin off Fish Cove. \$21.00 fee rec'd.

(Continued, January 4, 1988, Board of Trustees)

FISH TRAP PERMITS

Fish Trap Permits were renewed for 1988 for the following:

Paul E. Behrmann

Donald Bennett, Sr.

William Bennett

John Bergenti

Walter F. Homan

Eugene N. Hubbard

Douglas Jayne

Jeffrey Kraus

Charles K. Mades

Donald S. Sausser

George Schellinger

Burton Smith

Paul H. Smith, Jr.

Charles S. Stiansen

Norman L. Stiansen

Edward J. Warner, Jr.

Edward J. Warner

J. Vincent Warner

PERMIT NO. FT-214 to Jeffrey Kraus to set a fish trap on the west side of Shinnecock Bay, approximately 500' south of Springville Road.

(Continued, January 4, 1988, Board of Trustees)

POT PERMITS

- No. 188 to William Bennett
- No. 288 to Charles Wesley Frye
- No. 388 to Preston A. King
- No. 488 to Walter Lane, Jr.
- No. 588 to Alex P. Misucavech
- No. 688 to Howard G. Olsen
- No. 788 to John F. Raynor
- No. 888 to Samuel Rispoli
- No. 988 to Joseph Raynor
- No. 1088 to Frank L. Smith
- No. 1188 to Edward J. Warner
- No. 1288 to Edward J. Warner, Jr.
- No. 1388 to Robert Weinreb

JANUARY 20, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON WEDNESDAY, JANUARY 20, 1988 AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of January 4, 1988 were read and approved as read.

Frank Smith reported on a survey done of Olsen's Marina by himself and Bay Constable Ted Sadleir. There are permits for the 1973 dock installation, retaining wall and dredging, but nothing on file for the change in configuration of the docks, although the change is shown on the applications submitted in 1981 for a retaining wall and dredging. Mr. Smith agrees that one dock is too long and is blocking access from the Battaglia property. He recommends it be cut back 20 feet. He has advised Roy Haje of En-Consultants who is the agent for the new property owner, to submit applications for the present installations. Attorney John Wourgola agreed that everything on the property needs to be legalized before any other action is taken. Mr. Warner recommends a full Board inspection prior to the March 7th meeting.

John Andersen, Bay Constable, joined the meeting. He

(Continued, January 20, 1988, BOARD OF TRUSTEES)

said Chris Pickerell, who is working for Seagrant on the Mecox Oyster study is looking to locate some "wild oysters". Mr. Warner recommended he check at the end of Bay View Drive, Hampton Bays, in Shinnecock Bay off Cormorant Point.

Eight (8) applications for permit were approved.

Two (2) applications for permit were held.

Six (6) applications for Fish Traps/Fykes were approved.

One (1) Pot Permit was approved.

CORRESPONDANCE:

David J. Gilmartin, Attorney re: Methodist Camp Ground Road. Mr. Gilmartin asks if this is a Trustee road. Mr. Warner stated he has conferred with Judge Sharretts and he states this is not a Trustee road. Mr. Wourgola will reply to Mr. Gilmartin's letter.

Kenneth H. Thommen, Town Clerk: Copies of resolutions pertaining to the following:

Supervisor delegated to approve short business trips required by Town officials.

Official Town newspapers

Salaries of Town officials and employees fixed for 1988.

Dates for Southampton Town Board meetings set.

Bullhead Yacht Club, Inc. re: Moorings.

John D. Chester, Commissioner, Department of Parks, Recreation and Conservation, County of Suffolk re:

(Continued, January 20, 1988, BOARD OF TRUSTEES)

launching ramp at Road I in Hampton Bays requested by Board of Trustees.

The Clam Farm, Inc.: 1988 Hard Clam Seed Price List.

Gregg Rivara, Cooperative Extension Agent, Marine Program: Notice of Algae Culture Workshop to be held at the Southampton College Marine Station on Saturday, January 18th.

Gregory J. Blass, County Legislator re: Brown Algae crisis.

Gilbert Foster, Chairman, Southampton Town Conservation Board: Report on property of Arnold Amster, premises lots 9 & 10, Subdivision Map of Bay Lane Manor, Mecox. Attorney John Wourgola will study the matter further.

New York State Department of Environmental Conservation: Notice of Hearing "In The Matter of the Alleged Violation of Article 15, 25 and 71 of the New York Environmental Conservation Law, by Riverhead Estates Civic Association, Southampton Town Trustees and Chesterfield Associates." The violation involves dredging done at Silverbrook Canal in 1984. Mr. Wourgola reported that the hearing, scheduled for Wednesday, January 27, 1988 has been postponed, but he has a conference with the DEC on that date.

E. Davies Allan, President of Chesterfield Associates, Inc. to Riverhead Estates Civic Association requesting they contact him to discuss the above violation.

(Continued, January 20, 1988, BOARD OF TRUSTEES)

Letters opposing the proposed development of 4 homes at Middle Pond were received from the following:

Frank R. Apfel, D.D.S.

Edward M. Barry

Theodore Ciacco

Janet S. Davis

James P. Colin

John Dwyer

Aukim & Horen

M. L. Fielding, D.D.S.

Rhoda Minowitz, Treasurer, Middle Pond Estates

Robert and Phyllis Moore

Donald T. Rodda

Phyllis & Stanley Rothman

Mr. and Mrs. S. Schlein

Milton Epstein, President, Middle Pond Estates

Clifford A. Souza

R. Walgrove

Alan N. DeCarlo, M.D.

Karl E. Greve

Mr. and Mrs. Charles C. Cavalconte

Dr. and Mrs. William Gerba

Edith and Robert Greenlaw

William Jackman

Thomas J. Meigel

Alan and Madeline Schindel

Frank and Gloria Tortora

(Continued, January 20, 1988, BOARD OF TRUSTEES)

All letters will be acknowledged and each sent a copy of the letter dated December 31, 1987 to Town Planner, David Emilita, from this Board, recommending this land be considered for the Town's Open Land Acquisition Program.

A motion was made by William Bennett, seconded by William Frank and duly carried to advertise bids for: One (1) 1988 150 HP Outboard Motor to include the trade-in of One (1) 1983 150 HP Johnson Outboard Motor. Bids will be due in on March 7th.

Bay Constables John Andersen and Thomas Reeve submitted a bill in the amount of \$49.63 for meals when they travelled to Nassau County on January 15th to give a deposition in the matter of Waitzman vs. the Town of Southampton. A motion was made by William Bennett, seconded by Paul Parash and duly carried to pay this bill from the Trustee's checking account.

It was agreed that all Trustee applications for new work will now go to the Conservation Board prior to this Board taking action on them.

William Bennett reported that he has received data on the Riverhead Sewage Treatment Plant from the New York State DEC which will require some expertise in interpretation. He will contact Bruce Anderson in the Natural Resources Office for assistance.

Paul Parash stated he feels it is time some action is taken in the matter of road run offs polluting our local

(Continued, January 20, 1988, BOARD OF TRUSTEES)

waters. He feels the situation is reaching crisis proportions and must be dealt with soon. Suggested was a meeting be arranged with Supervisor DiPirro and this Board.

Edward Warner asked for a Board opinion on the David Ritter property on Shinnecock Bay, where Mr. Ritter is requesting permission from this Board to extend his side line fence down to bulkheading which is located on the Trustee road, Shinnecock Beach Road, rather than have to run fencing inside his property line. The Board agreed with Mr. Warner that the fence should be kept inside the property lines. Mr. Wourgola will reply to Attorney Martin Gilmartin who is acting for Mr. Ritter.

It was reported that Bay Constable Kenneth Malone had a heart attack, is now at home and doing well.

Kenneth Thommen, Town Clerk, advised Mr. Warner that he is purchasing a tape recorder for Town use. It was agreed this Board will try it out at their next meeting.

The 1988 dredging priority list for Suffolk County was worked on. A tentative list was prepared, to be completed at the next meeting:

- | | |
|----------------------------|----------|
| 1) Sebonac | 8' |
| 2) Noyac Creek | 8 to 10' |
| 3) Wooleys Pond | 8' |
| 4) Red Creek Pond | 8' |
| 5) Wells Creek | 6' |
| 6) Cold Spring Pond | 8' |
| 7) North Sea at Towd Point | 8' |
| 8) Fresh Pond (Herne Oaks) | 6' |
| 9) Tiana Cove | 6' |

(Continued, January 20, 1988, BOARD OF TRUSTEES)

John Wourgola received an inquiry from Attorney Christopher McKeever about the Old Sag Harbor Cove property transfers. He was told the matter is being held up by Attorney Pat Nesci who is acting on behalf of Barney Corrigan, one of the property owners. Mr. Wourgola will study the file in the Trustee office.

There was discussion on the West Banks Association application. The Board does not favor the size of the proposed marina facilities.

A meeting will be held in the office on Monday, January 25th at 3 p.m. to work on ramp regulations.

The meeting on motion was adjourned.

Respectfully submitted,

William Bennett, Secretary

PERMITS ISSUED

NO. 5146 to En-Consultants, Inc. agent for John Brennan, Private r.o.w. off Montauk Highway, Quogue to extend the fixed dock an additional 50' out and place two (2) 6'x32' floating docks, parallel and attached to the outer 32' of fixed walkway. Dock is located on owner's property on Penniman's Creek. \$10.00 fee is due."As lead agency for SEQRA, this Board has determined the project will have no

(Continued, January 20, 1988, BOARD OF TRUSTEES)

significant effect on the environment".

NO. 5147 to En-Consultants, Inc. agent for Stuart Schlesinger, Dune Road, Quogue to construct a fixed elevated (4' above grade of marsh) walkway 4' x 1530+/-' over marshes and spoil areas; 4' x 50' fixed dock into bay; 4' x 12' hinged ramp; 6' x 16' float secured by (2) 8" diameter pilings. Purpose of project is to allow pedestrian access to bay for swimming and tie up of small boats. Project located on owner's property on Shinnecock Bay. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5148 to Glenn E. Just agent for William Aridas, n/e corner of Evergreen and Arlen Court, Flanders, to construct approximately 127 lf of timber bulkhead; 6' seaward of a concrete bulkhead and to construct two (2) 10' returns and backfill with approximately 100 cy of clean sand to be trucked in from upland source. Project is located on owner's property on the Peconic River. \$14.70 fee rec'd.

NO. 5149 to Anderson Environmental agent for Margaret Robertson, Noyac Road, Sag Harbor to extend Permit No. 4862 issued on January 5, 1987 for one year.

NO. 5150 to Kenneth A. Wilhelm, Robertson Drive, Sag Harbor to extend Permit No. 4932 for one year from date of issue (April 6, 1987).

NO. 5151 to Whelan Marine Construction, Inc., agent for Robert L. Hooke, Cliff and Peconic Avenues, Northampton

(Continued, January 20, 1988, BOARD OF TRUSTEES)

Shores, Noyac to remove approximately 250 lf of timber bulkheading and replace in same location and configuration. Any backfill must be trucked in from an upland source. Trustee William Frank is to be contacted when work is to commence. Project located on owner's property on Little Peconic Bay. \$10.00 fee rec'd. \$15.00 fee due.

NO. 5152 to En-Consultants, Inc. agent for Jacques Artel, Montauk Highway, Water Mill to construct approximately 69 lf of stone rip-rap plus (2) 10' returns. Approximately 30 cy of 50 to 100 pound rip-rap placed on filter cloth will be used. The toe of the rip-rap will generally follow the water line as shown on the survey submitted. Project is located on owner's property on Mill Creek. Permit No. 5079 previously issued is voided. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5153 to Ken Hahn d/b/a Tidewater Construction agent for Vera Godkin, 2 Aqua Drive, Southampton to replace within 18" of old, 100 lf of bulkheading and to backfill with approximately 100 cy of clean fill to be trucked in from upland source, on owner's property on Shinnecock Bay. \$10.00 fee rec'd.

The application of En-Consultants agent for George Feldman, Sunset Avenue, East Quogue was held for an inspection.

The application of Jackson's Marina, Teepee Street, Hampton Bays was held. Mr. Jackson asserts that this is an

(Continued, January 20, 1988, BOARD OF TRUSTEES)

"amendment" to applications filed in 1981. The Board does not agree and considers this a "new" application. Attorney Wourgola recommends holding the application for two reasons: 1) The Planning Board has been designated Lead Agency under SEQRA and, 2) This should be referred to the Natural Resources Director for guidance, under Chapter 10 of Town Law.

FISH TRAP AND FYKES PERMITS ISSUED

NO. FT-215 to Jeffrey Kraus, Inlet Road East, Southampton, to place a fish trap in Shinnecock Bay, 800 feet east of Warner's Island in Shinnecock Bay, 700 feet long.

NO. FT-15 to Douglas Jayne, 1 Ajay Court, Hampton Bays to place a fyke 500' east of Burton Smith fyke on Hampton Point, East Quogue.

NO. FT-17 to Douglas Jayne, 1 Ajay Court, Hampton Bays to place two (2) fykes on the west side of Pine Neck Point, opposite the last road east on Pine Neck.

NO. FT-216 to Douglas Jayne, 1 Ajay Court, Hampton Bays to place a fyke south of channel opposite Phillips Creek, about 300' north/west of spoil area.

NO. FT-217 to Douglas Jayne, 1 Ajay Court, Hampton Bays to place a fyke in the 4' hole south of channel opposite Penniman's Cove.

POT PERMITS

NO. 1598 to Eugene N. Hubbard, 470 Main Street, Westhampton Beach

FEBRUARY 1, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, FEBRUARY 1, 1988 AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of January 20, 1988 were read, ammended and approved as ammended.

Sara Davison, Executive Director of the Shelter Island Chapter of the Nature's Conservancy was present to present a program on the Long Pond Greenbelt project. She said the Conservancy was spending nine million dollars to protect the chain of ponds. There are many rare species of both plant life and birds in the area. She wanted the Trustees to be aware of the project and requested their support as Trustee lands are greatly involved. Ms. Davison showed slides showing the workings of the Nature's Conservancy and the ponds involved.

William Bennett stated he is concerned with who would be the overall manager of the area. Ms. Davison said the funds for the acquisition were raised from private individuals, the County and the Town. Mr. Bennett replied that by taking County funds, the area would be opened to all County residents, and he is not impressed with the way the County manages its lands. By creating recreational

(Continued, February 1, 1988, Board of Trustees)

facilities, they sometimes cause more pollution problems. Ms. Davison stated that they hope to keep the area in its natural state and that it will not be highly developed for recreational purposes. Mr. Bennett also said the Town would want to retain all the rights for fishing, hunting, etc.

Bruce Anderson of Southampton Town's Natural Resources Dept. stated that the County has already acquired acreage around Foxabogue Pond. Ms. Davison said the Conservancy is prepared to convey approximately 80 more acres around the ponds to the County. Also, on Conservancy lands, no hunting will be allowed. Some 1000 acres are involved. Also, access areas to the ponds will be designated.

The Board agreed to work with the Nature's Conservancy.

Bruce Anderson said his concern with so much public lands is that they are becoming "dumping grounds", which has increased since the dump fees have been imposed. He said the situation is disgraceful and he recommends that people will be needed to patrol the areas, picking up garbage cans, etc.

Frank Smith said he had recently seen one of the Nature Conservancy films and was very impressed.

Five (5) applications for permit were approved.

One (1) application for permit was denied.

One (1) application for permit was held.

Two (2) Mooring Permits were approved.

(Continued, February 1, 1988, Board of Trustees)

CORRESPONDANCE:

John J. Bennett, Town Attorney re: Alleged Landfill Investigation.

Carl Meinel, Belvedere Efficiency Motel to Roy Wines, Chairman, Southampton Town Planning Board re: problems at Shinnecock Canal. He stated the County is working in the area and does not plan on replacing the street lights or the "bollards" (tie-ups) along the canal. Mr. Meinel states his reasons why he thinks these things are important. Edward Warner stated he concurs with Mr. Meinel and made a motion that a letter be sent to A. Barton Cass, Suffolk County Dept. of Public Works with a copy to Legislator Fred Thiele, requesting that this matter be looked into. Motion seconded by William Frank and duly carried. Supervisor DiPirro will also receive a copy.

Letters of objection to the proposed development at Middle Pond were received from the following:

Ileane Arte
Mr. Caldwell
Audrey E. Henry
Leonard and Ingrid Hutton
Renate Konstantellis
John W. Latimer
Mr. To-kyong Limb
Robert W. Moore
Christine B. Wentz Patane
William Slipe
Dr. Arlen Tholman
Diane Stuart

(Continued, February 1, 1988, Board of Trustees)

A copy of a letter addressed to Roy Wines, Chairman, Southampton Town Planning Board re: Middle Pond was also received.

At 2 P.M., bids were opened for:

1- 1988 Four Wheel Drive Vehicle

Bids received were as follows:

Yawney Motors Inc.	Ford Bronco	\$16,178.00
Kinney Motors, Inc.	Chevy Blazer	\$15,841.00
Otis Ford, Inc.	Ford Bronco	\$16,388.00
Hull Chevrolet-Olds	Chevy Blazer	\$16,788.00
Cassel GMC Truck Sales	GMC Jimmy	\$16,185.00

A motion was made by William Frank, seconded by Paul Parash and duly carried to accept the bid of Yawney Motors, Inc. as the low bidder meeting the specifications.

John DiLeva, Vice-President of the Riverhead Estates Civic Association was present regarding the violation charged by the New York State DEC on the 1984 dredging of the Silverbrook Canal. Attorney John Wourgola explained that there was a permit allowing the spoil to be placed on the north side. It was actually dumped on the south side on the property of the Association President, Donald Finamore. Mr. Wourgola stated Mr. Hamilton of the DEC plans on making an on site inspection with Mr. Warner and the contractor, Chesterfield Associates. They are talking about a \$750.00 fine for each party charged and possible restoration plan.

Frank Smith said the Association President knew the

(Continued, February 1, 1988, Board of Trustees)

spoil was in the wrong place, and he should have advised the Trustees.

Mr. DiLeva explained about the meetings held with the Trustees requesting this work be done and he felt the contractor had taken his instructions from the Town.

Frank Smith told that Mr. Finamore had contacted him, stating the Association did not want the spoil on the beach, (the north side) and that he had the necessary permit to place it on the south side. That was when Mr. Smith authorized Chesterfield to go ahead with the dredging. He said he had trusted Mr. Finamore, and not asked to see the permit, which was his mistake.

Mr. DiLeva said the Association should not be expected to pay the fine as they did not benefit from the dredging. When Mr. Wourola made it plain that the Association is very much involved, he then said they would pay the fine rather than jeopardize future work needed in the area. The Association has before the Board at this time, an application to dredge, which Mr. Wourgola stated will be held until this violation is cleared. Mr. Wourgola said there is no "bargaining" to be done with the Trustees. This matter will be settled by the DEC.

Mr. Warner stated he will call Mr. DiLeva to be at the inspection with the State.

The dredging priority list was again reviewed and finalized as follows:

- 1) Sebonac 8'
- 2) Noyac Creek 8 to 10'

(Continued, February 1, 1988, Board of Trustees)

- 3) Wooleys Pond 8'
- 4) Red Creek Pond 8'
- 5) Wells Creek 6'
- 6) Cold Spring Pond 8'
- 7) Fresh Pond (Herne Oaks) 6'
- 8) Tiana Cove 6'
- 9) Staff Paynes Creek 6'
- 10) Mill Creek, Noyac 6'

In the letter to Mr. Guldi, Suffolk County Dept. of Public Works, it will be stated that North Sea at Towd Point should be watched.

William Frank reported that he and William Bennett attended the North Haven Planning Board meeting on the West Banks Subdivision. He said there was a large crowd and many objections to the project, such as:

1. The proposed rip-rap will block public access along the beach.
2. Nearby Long Beach may be severely eroded by increased wave action against the rip-rap.
3. Pollution from boats will land at Long Beach.
4. A 1/4 mile buffer around the docks could be imposed by the DEC, eliminating shellfishing in a now good shellfish area.

Mr. Frank would like a full Board inspection to be made prior to the March 7th meeting.

John Wourgola reported on his investigation into the Arnold Amster violation. He said there was imposed a 100'

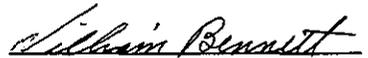
(Continued, February 1, 1988, Board of Trustees)

buffer zone covenant in the property owner's deeds. He recommends the Conservation Board recommendations be followed for those lots already cleared. All uncleared lots should be made to conform to the covenant.

Richard Corwith sent in an article from a California newspaper entitled, "A Town in California Where Waste Isn't Wasted". Mr. Warner would like a copy sent to Supervisor DiPirro and to Brian Gilbride, Town Highway Dept. .

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

PERMITS ISSUED

NO. 5154 to Glenn E. Just agent for Irving Tepper, Dune Road, Quogue to construct a 4'x20' catwalk (elevated 4' over existing marsh) (with 1/2" spacing between planks)' 3'x8' ramp and 6'x20' float, off owner's property on Shinnecock Bay. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5155 to Joseph R. and Kathleen K. Attonito, Cedar Lane, Remsenburg to replace existing bulkheading within 18" of old, at the end of a right of way on Fish Creek.

(Continued, February 1, 1988, Board of Trustees)

\$10.00 fee rec'd.

NO. 5156 to En-Consultants, Inc. agent for Luke Grgic, Long Point Road and Morris Cove Lane, Sag Harbor to construct a timber dock consisting of a 4'x28' fixed elevated (4' above grade of marsh) walk; 4'x24' hinged ramp; (1)* 6'x16' float secured by 8" diameter pilings, off owner's property on Sag Harbor Cove. *Notes change to application submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5157 to En-Consultants, Inc. agent for Michael B. Landes, Huntington Lane, Flanders to construct a continuous walkway and dock consisting of a 4'x170' fixed elevated (4' above grade of marsh) walkway; 4'x12' hinged ramp; and (2) 6'x16' floats secured by (4) 8" diameter pilings, off owners property on Reeves Bay. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5158 to John J. and Donna P. McCarthy, Scotts Landing Road, Southampton Shores, Southampton to construct a dock consisting of a fixed portion, 4' wide by 50' long (elevated 5' above grade of marsh), a 3'x12' float; (2) 5'x 10' floats and (2) 5' x 10' floats in "T" configuration, set in with 8" diameter pilings, off owners property on Wooleys Pond. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

(Continued, February 1, 1988, Board of Trustees)

The application of George Feldman, Sunset Avenue, East Quogue to construct a retaining wall and dock was denied "without prejudice". The Board would allow the dock if the applicant wishes to re-apply.

The application of the Riverhead Estates Civic Association for a permit to dredge the Silverbrook Canal will be held pending the results of the DEC violation.

MOORING PERMITS

NO. 88-1 to Timothy Lynskey, 33 St. Andrews Circle, Southampton: North Sea Harbor

NO. 88-2 to Samuel S. Mezynieski, Rt.2, Mulberry Drive, Noyac, Sag Harbor: Staff Payne's Creek.

FISH TRAP PERMITS

NO. FT-218 to George Wayne, E. Pond Lane, Eastport to place a fyke in Shinnecock Bay, south/east of Mrs. Griffith house on Penniman's Point, 100 feet south of main channel.

NO. FT-220 to George Wayne to place a fyke in Shinnecock Bay, 200 yards north of Rens (a/k/a Ryders) Island.

NO. FT-221 to George Wayne to place a fyke in Shinnecock Bay, 175 yards north of Greenback Island.

NO. FT-222 to George Wayne to place a fyke in Shinnecock Bay, at the end of Weesuck Avenue in Weesuck Creek.

(Continued, February 1, 1988, Board of Trustees)

NO. FT-224 to George Wayne to place a fyke in Shinnecock Bay, 100 yards south of Buoy #16.

NO. FT-225 to George Wayne to place a fyke in Shinnecock Bay, 50 yards south of Buoy #14.

NO. FT-226 to George Wayne to place a fyke in Shinnecock Bay, 50 yards north of Buoy #12.

MARCH 7, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, MARCH 7, 1988, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of February 1, 1988 were read and approved as read.

Edward Warner reported that Mr. Hamilton of the New York State DEC states there will be no restoration necessary at Silverbrook Canal.

John Guldi of Suffolk County Dept. of Public Works reports that North Sea Harbor will require some maintenance dredging.

Mr. Edward Schildknecht was present regarding his application for a mooring permit. He feels the Bay Constables are requiring too large a mooring buoy for his boat. He was advised to talk to the Bay Constable when he receives his permit.

William Soehl representing John Battaglia was present regarding Olsen's Marina docks. He was informed that the Board made an inspection at Olsen's today and agreed that 20 feet of the westerly dock is to be removed which will open up the area for navigation from the Battaglia property.

(Continued, March 7, 1988, Board of Trustees Minutes)

Dick McCollom of North Haven was present to ask what the Board's decision is to be on the West Banks project. William Frank stated the Board has an application on hold and had made an inspection today. No action is to be taken at this time.

A motion was made by William Frank, seconded by Paul Parash and duly carried to revoke Permit No. 5103 issued to the Genet Creek Association due to a notice from the North Haven Village Planning Board that this project is in violation of the North Haven Village Zoning Ordinance. Proof of compliance will be required before this permit can be re-instated.

Mr. McCollom then stated that the West Banks project will violate the North Haven Village Zoning Code for the same reason as Genet Creek, that is there are "no principal buildings on the property".

Virginia Fasciani was present regarding her application for a dock on her property at Noyac. Mr. Frank has indicated that he wants to cut the dimensions from 10'x10' to 6'x10'. Mrs. Fasciani argued that neighboring docks are that large and larger. It was agreed to hold the application for another inspection.

Allyn Jackson, Director of Parks & Recreation was present regarding the boat basin at the Shinnecock Inlet. Mr. Warner stated the Trustees had turned the operation of this over to the Parks and Recreation Dept. last year through the Town Board.

(Continued, March 7, 1988, Board of Trustees Minutes)

Mr. Jackson also inquired about a sunken boat which he was told is in Callahan's basin, not the Town basin.

There was discussion on the proposal to turn Beaver Dam Pond over to the Town or Trustees. William Bennett feels the Trustees should accept the lake, placing "fishing only" restrictions on its use. Ed Warner said he is concerned with the liability insurance. When the pond was private, the public was restricted, but if maintained by the Trustees, enforcement of restrictions would be difficult. Mr. Bennett feels the pond could be posted and enforcement handled by the Bay Constables. Paul Parash also stated he favors "public lands" and the Trustees should accept the pond.

Allyn Jackson would like to see a "Risk Management Program" formulated to be co-ordinated with the Town, Trustees and Parks & Recreation Dept. Attorney John Wourgola stated he has a meeting next week with the Insurance carriers and suggests that Allyn Jackson sit in on that meeting.

Bruce Anderson, Natural Resources Dept., was present to discuss the Mecox Oyster Study report. Salinity was found to be the number one problem at Mecox Bay. Mr. Bennett said there is a hump of sand behind the inlet that they would like to have the County dig out so a better flow would be created when the inlet is dug. About 175 feet of sand needs to be removed.

At 2 p.m., bids were opened for one (1) 1988 150 H.P. Outboard Motor, including the trade-in of one (1) 1983 150

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H.P. Johnson Outboard Motor. Bids received were as follows:

Spellman's Marine, Inc.

1988 Johnson 150 H.P. Outboard Motor \$3,682.45

Peerless Marine Center, Inc.

1988 Johnson 150 H.P. Outboard Motor \$4,484.60

A motion was made by Paul Parash, seconded by William Frank and duly carried to accept the bid of Spellman's Marine, Inc. as low bidder.

William Bennett reported that new information has been received on Permit No. 5106 issued to En-Consultants, Inc. agent for Thomas D'Angelo, 318 Dune Road, Westhampton Beach. The neighboring property could be adversely affected by the installation of the retaining wall. A motion was made by William Bennett, seconded by Edward Warner and duly carried to revoke Permit No. 5106, pending approvals from the New York State DEC and the U. S. Army Engineer Corp.

Thirty One (31) Permits were approved.

Three applications for permit were held.

Three permits were revoked.

Fourteen (14) Mooring Permits were approved.

John Leonard and Steve Schiavoni were present to ascertain if Millstone Brook Road, a dirt road which divides the Schiavoni property, is a Trustee road. John Wourgola will confer with Ted Sharretts on this.

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CORRESPONDANCE:

James Wilford, Office of Building & Zoning, Town of Southampton re: KGR Realty d/b/a Conscience Point Marina Permit #5131. A motion was made by Paul Parash, seconded by William Bennett and duly carried to revoke Permit No. 5131, based on new information received from the Southampton Town Building Department.

Mrs. Helen Kentner,, 147 Long Neck Blvd., Flanders re: flooding problems which she states comes from the dredging of the Royal Canal. Frank Smith will reply to this letter.

Town Planning Department re: Road Review (Local Law No. 14 of 1986). Also, a memo from Attorney John Wourgola recommending the Trustees adopt a procedure similar to that now used by the Town Board. A motion was made by William Bennett, seconded by William Frank and duly carried to pass the following resolution:

RESOLVED, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton, N.Y. will follow the procedures of the local Road Review Law. An applicant for a building permit on a Trustee road first must apply to the Trustees. The Trustees will refer the applicant to the Road Review Committee for their recommendations as to improvements. The Trustees will then decide to accept the recommendations of the Road Review Committee or they will dictate their own recommendations for improvements as they deem necessary. A copy of this resolution will be sent to the Planning Dept.

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ORDER ON CONSENT: State of New York Department of Environmental Conservation In the Matter of the Alleged Violation of Articles 15, 25 and 71 of the New York State Environmental Conservation Law, by Riverhead Estates Civic Association, Southampton Town Trustees and Chesterfield Associates, (Silverbook Canal dredging 1984). A motion was made by Paul Parash, seconded by William Frank and duly carried authorizing President Edward Warner to execute this document and further authorizing him to issue a check in the amount of \$750.00 for the fine due. (Note: Fine will come from Town funds).

Ms. Jeanette Lewis, North Drive, Sag Harbor re: Genet Creek dock. Ms. Lewis will be sent a copy of the letter to the Genet Creek Association advising them the permit has been revoked.

Richard T. Lofstad, Jr., Shinnecock Fishermen's Cooperative Association, Inc. enclosing letters to Supervisor Mardythe DiPirro, Mrs. Marietta Seaman, Dick Sandler and Jeff Williams re: James R. Coronese and Shinnecock Fishermen's Cooperative Association, Inc.

Joseph R. Attonito, Scheyer, Jellenik & Attonito, Attorneys for James Coronese: Letter dated February 2, 1988 addressed to Samuel Scarborough, Shinnecock Fishermen's Cooperative Association and Supervisor Mardythe DiPirro.

Joseph R. Attonito, Attorney to Richard Lofstad re: James R. Coronese with Shinnecock Fishermen's Cooperative Association, letter dated February 25th.

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Joseph R. Attonito to Richard Lofstad, letter dated March 2, 1988.

Fred W. Thiele, Jr., Suffolk County Legislator, 16th District, to John D. Chester, Commissioner, Parks, Recreation and Conservation Dept., County of Suffolk re: proposed launching ramp at Road I.

Fred W. Thiele, Jr. to A. Barton Cass, Commissioner of Public Works, County of Suffolk re: public lamp posts and bollards needed at Shinnecock Canal.

Fred W. Thiele, Jr. advising that lamp posts and bollards will be replaced by the County along the Shinnecock Canal. A letter of thanks will be sent to Mr. Thiele for his assistance in this matter. Mr. Carl Meinel who originated the complaint will be sent a copy of Mr. Thiele's letter.

John Doughty, Cedar Point Lane, Sag Harbor re: dredging between west end of Clam Island and north end of Jessups Neck in Noyac Creek. Mr. Doughty will be notified that the County plans on dredging this area before April 30th.

Stuart D. Baker, Flying Point Road, Water Mill, re: Mecox Inlet.

SUMMONS: Supreme Court of the State of New York: Malcolm S. Kandel and Adele Kandel, Plaintiffs vs. Town Trustees, et. al.. The document has been turned over to Mr. Clifford, Attorney, acting for the Town.

Letters of objection to proposed development at Middle Pond received from:

Raymond and Genevieve Fluddy

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Mrs. M. Faiella

Mr. and Mrs. Richard Bogert

Dr. Hylan T. Segal

Jack and Dolores Forrest

All will be replied to.

Marianne and Dom Seddio, 54 Far Pond Road, Southampton:
Thank you for response to their letter.

Robert N. Thurber, Senior Environmental Analyst, New York State DEC re: Tidal Wetland Permit issued to Namm, Haber & Haber, (Middle Pond).

Thomas F. Reeve, Sr. Bay Constable, informing Board of plans to retire on May 1st. A letter of thanks for his 26 years of service to the Town will be sent to Mr. Reeve.

The Town Board will be requested to send for the Civil Service lists for Sr. Bay Constable and Bay Constable.

Councilman George Stavropoulos joined the meeting. Discussed was a problem of parking at Flying Point Road and how the ramp regulations being planned by the Trustees will affect this area. Mr. Stavropoulos stated that at present a Town beach sticker is required, even for those people who want to only fish or crab. The Board is planning a meeting soon to go over ramp regulations as prepared by Mr. Wourgola.

Discussed was a request for resumption of the dredging at Fish Cove. Mr. Bennett stated the Trustee's do not have the funds but if the property owner's want to get their own permits and pay for the dredging, the Trustees would support them in their efforts, or possibly the County

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would get involved.

Information has been obtained from the Cold Spring Hatchery for a fresh water fish order. It was decided that 11 to 12 inch Rainbow and Brown Trout and some Brook Trout would be purchased. The total order will be \$1,500., delivered. 2/3 of the order will be placed in Wildwood Lake and 1/3 in Kellis Pond. The New York State DEC will be notified.

Ed Warner reported that \$20,000. has been deposited in the Trustee dredging account.

Also, the Town Board has agreed to purchase a new boat, motor and trailer, as the cost to repair the old motor was very high.

William Bennett and Frank Smith will be Co-Representatives to the New York State Shellfish Advisory Committee. Mr. Seaman's services will not be needed.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

PERMITS ISSUED

NO. 5159 to Mockridge General Contracting, Inc. agent for Shepard Scheinberg, Bayside Avenue, East Quogue to

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reconstruct 336 lf of timber bulkhead and to backfill with 100 cy of clean upland fill. New bulkhead to be within 18" of original and 12" or less in height to the original. Also, to construct 226 lf of timber boardwalk for erosion control and safety reasons. Project is located on owner's property on Dave's Creek. \$10.00 fee rec'd. \$33.60 fee is due. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5160 to En-Consultants, Inc. agent for Donald Corrado, Tarpon Road, East Quogue to replace within 18", 75 lf of existing timber bulkhead. Maintenance dredge an area up to 10' off bulkhead and use resultant 10 cy of spoil for backfill. Project located off owner's property on a private dug lagoon off Shinnecock Bay. \$10.00 fee rec'd.

NO. 5161 to En-Consultants, Inc. agent for Small Potatoes Association c/o Anthony Dreyspool, Bayview Drive, Quogue to construct a 26'x 18' boat slip and dredge to a depth of 4' below mean low water off owner's property on the Quogue Canal. Spoil to be placed on adjacent upland. Same as Permits No. 3982, 4429 and 4887 previously issued. \$10.00 fee rec'd.

NO. 5162 to En-Consultants, Inc. agent for Michael Maresca, 38 Cedar Lane, Remsenburg to maintenance dredge a 15' x 25' bulkheaded boat slip to 4' below mean low water. Resultant 30 cy of spoil will be plced on upland portion of owner's property off Basket Neck Pond. \$10.00 fee rec'd.

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NO. 5163 to Mockridge General Contracting agent for Lester Skinner, 2 Bayside Avenue, East Quogue to reconstruct 93 lf of timber bulkhead and to backfill with approximately 60 cy of clean fill from an upland source on owner's property on Dave's Creek. \$10.00 fee rec'd.

NO. 5164 to En-Consultants, Inc. agent for Andrew Edelman, Stacy Drive, Westhampton Beach to construct 67 lf of timber retaining wall attached to landward end of existing return; plus 15' return on s/s which will connect to existing bulkhead. Backfill with 155 cy of clean fill to be trucked in. Proposed wall will be landward of SHW and marsh fringe. Project located on owner's property on a dug canal off Moriches Bay. \$8.20 fee rec'd. \$1.20 due."As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5165 to En-Consultants, Inc. agent for Dr. Ruth Omabegho, 40 Towd Point Road, Southampton to construct a timber dock consisting of a 4' x 86' (overall) fixed elevated 4' above grade catwalk; 4' x 12' hinged ramp and 8' x 20' float secured by (2) 8" diameter pilings off owner's property on North Sea Harbor. \$10.00 fee due."As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5166 to En-Consultants, Inc. agent for Jack Nash, Cobb Road, Water Mill to construct a timber dock consisting of a 4' x 20' fixed elevated (4' above grade) walkway; 4' x

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12' hinged ramp; 6' x 16' floating walk and 6' x 16' float secured by (2) 6" x 16' posts; to be located 40' north of southerly property line. (Previously approved under Permit No. 4635). \$10.00 due.

NO. 5167 to En-Consultants, Inc. agent for Elizabeth Desch and Nancy Williamson, Little Neck Road, Southampton to replace within 18", 342 lf of existing timber bulkhead and backfill with 75 cy of clean fill to be trucked in from commercial upland source. New bulkhead will be 18" higher than existing. Project located on owner's property on Old Fort Pond. \$35.00 fee rec'd

NO. 5168 to En-Consultants, Inc. agent for Estate of Jones F. Devlin and Constance Devlin, Aqua Drive, Southampton to replace within 18", 307 lf of existing timber bulkheading and backfill with 25 cy of clean fill to be trucked in from commercial upland source. Note that existing second (outer) 80 lf of bulkheading on Constance Devlin parcel will be removed prior to installation of new bulkheading. Project located on owner's property on Shinnecock Bay. \$31.00 fee rec'd

NO. 5169 to Steven L. Maresca agent for Charles Stevenson, South Main Street, Southampton to replace 200 lf of existing timber bulkheading by removing old and placing new in same location and configuration, also, to backfill with 37 cy of clean fill to be brought in from upland source (no dredging allowed). Project is located on owner's property on Lake Agawam. \$10.00 fee rec'd.

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NO. 5170 to Inter-Science Research Associates, Inc. agent for Mr. Clifford P. Robertson, Morrison Lane, Mecox to construct a dock consisting of a 4' x 75' fixed timber pier with a 4' x 10' ramp leading to a 6' x 16'* floating dock off owner's property on Hayground Bay. The fixed timber pier is to be 4' above grade of the bank. (*notes change from application submitted). \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5171 to Chaleff & Rogers, Architects and agents for William & Gail Monaghan, Flying Point Road, Water Mill to construct a dock consisting of a 50' long by 4' wide section held in place by two rows of posts spaced 8' on center. Dock is to be elevated 4' above grade. Project located off owner's property on Mecox Bay. Note: Dock must be kept at least 10' inside property line. \$10.00 fee rec'd."As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5172 to James H. Rambo, Inc. agent for George and Ruth Mahoney, Peconic Road Extension, Shinnecock Hills to extend Permit No. 4656 for two weeks through March 7, 1988 in order to complete project. (Verbal approval given by Trustee Warner as there were no meetings prior to March 7th).

NO. 5173 to Mr. Charles Stiansen, 4 W. Argonne Road, Hampton Bays to replace twenty-seven (27) pilings on

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existing docks at C & N Fisheries, Dune Road, Hampton Bays.
\$10.00 fee rec'd.

NO. 5174 to John S. and Bonita F. Pastore, 24 Oak Lane, Hampton Bays to renew Permit No. 4879 for replacement bulkheading, for one year.

NO. 5175 to Jean Shelley, Commodore, Little Peconic Yacht Club, Inc. to maintenance dredge approximately 150 cy of fill from around first two boat slips on both sides of dock to a depth of 3' at MLW. Project location: Wooleys Pond. \$10.00 fee rec'd. \$150.00 fee is due.

NO. 5176 to En-Consultants, Inc. agent for Paul Hodges, 271 Millstone Brook Road, Southampton to construct 60 lf of timber bulkhead plus a 10' return generally along the line of MHW, backfill with clean sand and loam to be trucked in from commercial upland source, and place rip-rap in front of 15' of the bulkhead. Project located on a dug canal off Bullhead Bay. Work to be done in conjunction with Permit No. 5177, adjoining property owner, John Drake. Note: Previous Permit No. 4665 issued in 1986. \$10.00 fee due. NOTE: Vote for this application was 4 to 1, with Frank Smith voting no.

NO. 5177 to En-Consultants, Inc. agent for John Drake, 172 Millstone Brook Road, Southampton to construct 33 lf of timber bulkhead generally along the line of MHW and to backfill with clean sand and loam to be trucked in from commercial upland source on owner's property on a dug canal off Bullhead Bay. Work to be done in conjunction with Permit No. 5176, adjoining property owner, Paul

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Hodges. \$10.00 fee is due. Note: Previous Permit No. 4666 issued in 1986. NOTE: Vote for this application was 4 to 1, with Frank Smith voting no.

NO. 5178 to Ed Konak d/b/a Marine Construction Co. agent for James T. and Marjorie Byrnes, Harry's Lane, Noyac, Sag Harbor to construct a dock consisting of a 3' x 16' ramp; and (2) 6' x 16' floating docks secured by (8) 4"x4" CCA posts, off owners property on Mill Creek. Note: This is a replacement of Permit No. 1432, with changes. \$10.00 fee rec'd.

NO. 5179 to A. Barton Cass, Commissioner agent for Suffolk County Dept. of Public Works to repair piles of Bridge Lane Bridge, Sagaponack, Town of Southampton. The work consists of the removal of deteriorated concrete followed by cleaning and replacement of rusting reinforcing bars in the piles. The piles will then be jacketed with a 4" thickness of concrete around their perimeter from the underside of the cap beam to approximately 2' below the mud line. The vertical and horizontal navigational clearance will remain unchanged.

NO. 5180 to Kevin L. Mayo, 107 Ludlam Avenue, Riverhead to harvest beach grass from Warner's Island in Shinnecock Bay for the purpose of soil erosion projects. Bay Constables are to be notified when work is being done. \$10.00 fee rec'd.

NO. 5181 to Theodore Angell, 20 Dam Trail, Flanders to maintenance dredge approximately 67 cy of soil to a depth of 2' MLW and deposit same behind retaining wall on

(Continued, March 7, 1988, Board of Trustees Minutes)

owner's property on the Silverbrook Canal. \$10.00 fee rec'd.

NO. 5182 to County of Suffolk Department of Public Works, Yaphank to perform maintenance dredging at Cold Spring Pond, Town of Southampton. Permit is valid for five (5) years.

NO. 5183 to County of Suffolk Department of Public Works, Yaphank to perform maintenance dredging at Fresh Pond (Herne Oaks) Town of Southampton. Permit is valid for five (5) years.

NO. 5184 to County of Suffolk Department of Public Works, Yaphank to perform maintenance dredging at North Sea Harbor, Town of Southampton. Permit is valid for five (5) years.

NO. 5185 to County of Suffolk Department of Public Works, Yaphank to perform maintenance dredging at Noyac Creek, Town of Southampton. Permit is valid for five (5) years.

NO. 5186 to County of Suffolk Department of Public Works, Yaphank to perform maintenance dredging at Red Creek Pond, Town of Southampton. Permit is valid for five (5) years.

NO. 5187 to County of Suffolk Department of Public Works, Yaphank to perform maintenance dredging at Sebonac Creek (inner), Town of Southampton. Permit is valid for five (5) years.

NO. 5188 to County of Suffolk Department of Public Works, Yaphank to perform maintenance dredging at Sebonac Creek (outer), Town of Southampton. Permit is valid for five (5) years.

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NO. 5189 to County of Suffolk Department of Public Works, Yaphank to perform maintenance dredging at Wooley Pond, Town of Southampton. Permit is valid for five (5) years.

Permit No. 5103 issued to Richard Botto agent for the Genet Creek Association was revoked due to information that the dock would be in violation of the North Haven Zoning regulations.

Permit No. 5106 issued to En-Consultants, Inc. agent for Thomas D'Angelo, 318 Dune Road, Westhampton Beach was revoked pending approvals from the New York State DEC and U. S. Army Engineer Corp.

Permit No. 5131 issued to En-Consultants, Inc. agent for KGR Realty d/b/a Conscience Point Marina, 1976 North Sea Road, Southampton was revoked based on new information received from the Southampton Town Building Dept.

The application of Arthur Fasciani, 285 Pine Neck Avenue, Noyac, Sag Harbor for a dock was held for an inspection.

The application of Glenn E. Just/J.M.O. Consulting agent for Brian A. Ammar, Quogo Neck Lane, Quogue for construction of a boat basin was held for more information.

The application of En-Consultants, Inc. agent for Walter Van Houten, Shore Road, Southampton was held for referral to the Conservation Board.

MOORING PERMITS ISSUED

NO. 88-3 to Patty and Terry Buckley, 21 Bergen Avenue, Hampton Bays: Red Creek Pond.

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NO. 88-4 to Wallace C. Steidle d/b/a Coastal Farms, Inc.:
North Sea Harbor.

NO. 88-5 to Gary J. Dickson, 4 Bergen Road, Hampton Bays:
Red Creek (Fleet's Pond).

NO. 88-6 to John B. Frankemolle, Bayview Drive, North
Haven: Mill Creek.

NO. 88-7 to Davis A. Gaffga, Koral Drive, Southampton:
Bullhead Bay.

NO. 88-8 to Allan Goldstein, Duck Point Road, Remsenburg:
Speonk Cove.

NO. 88-9 to Marie L. Goodwin, Edgemere Drive, Roses Grove,
Southampton: Wooley Pond.

NO. 88-10 to Stephen T. Maddaloni, Box 986, Southampton:
Wooley Pond.

NO. 88-11 to Peter Nuzzi, Mulberry Drive, Sag Harbor:
Staff Payne's Creek.

NO. 88-12 to Howard Pickerell, Jr., Box 598, Water Mill:
Wooley Pond.

NO. 88-13 to Howard Pickerell, Jr., Box 598, Water Mill:
Wooley Pond.

NO. 88-14 to Charles D. Raynor, 523 Noyac Road,
Southampton: North Sea Harbor.

NO. 88-15 to Edward A. Schildknecht, 81 Ridge Road,
Shinnecock Hills, Southampton: Shinnecock Bay.

NO. 88-16 to Dr. A.P. Weissberg, 256 Dune Road,
Westhampton Beach: Moriches Bay.

MARCH 21, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, MARCH 21, 1988, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of March 7, 1988 were read and approved as read.

William Bennett stated Mecox Bay will need dredging for about 800 feet behind the inlet.

William Bennett reported speaking to Norman Soule of the Cold Spring Harbor hatchery. They decided that only Rainbow Trout will be placed in Wildwood and Kellis Ponds with about one half of the order going into each pond.

William Frank said he has made another inspection at the Fasciani property and recommends the 10'x 10' dock be allowed.

Richard Warren and Tom Panasci of Inter-Science Research Associates, representing the Village of North Haven, were present regarding the West Banks application for rip rap and a dock. They informed the Board that the owners have requested a "Co-ordinative Review of the SEQRA process", explaining that this means all agencies will review and agree at the same time. No agency can come back at a later date and change the application. The North Haven Village Planning Board is the lead agency and they are looking for feed back from the Town Trustees.

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William Frank said the Trustees are concerned with the public right to pass and repass. Mr. Warren stated that a walkway is proposed for use only by the people living in the sub-division. A separate walkway for the public is to be provided only through certain sections of the bulkheading and rip rap.

William Bennett called attention to the Trustee regulation: "All applicants shall be required to agree to give and maintain a public passing way, on the upland, not less than five (5) feet in width, to enable persons to pass and repass around said channels, basins, docks and bulkheads." He stated that the only erosion area was on the cliffs which could be easily repaired by vegetation plantings.

Richard Warren asked if the rip rap should be allowed? William Bennett said he favors rip rap over bulkheading. He is also concerned with the wave action on the proposed dock and wave curtains. This could erode the adjoining Town beach. He said a marina is being proposed which will create a lot of new problems.

Mr. Frank said 36 dock spaces will require parking on the uplands which in turn will create more road run off.

In reply to a question from William Bennett, Mr. Warren stated there is actually only one waterfront lot, that being owned by the Homeowner's Association. The other lots do not extend to the waterfront.

Edward Bove of the Noyac Civic Council read a prepared statement objecting to this project and urging the Board to deny the application. (Statement is on file).

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Mrs. Jean Vielbig on behalf of John Frankemolle, President of the North Haven Beach Preservation Society also read a prepared statement, opposing the project. (Statement is on file).

Councilwoman Pat Neumann asked for clarification of the Coordinative Review Process under SEQRA. Mr. Warren explained this means that no response at this time by any agency, could limit their ability to regulate the project in the future. April 21st is the deadline and the North Haven Village Planning Board needs a response sooner. He was promised a reply from the Trustees by their next meeting. Mr. Warren said the DEC will be issuing a formal decision soon and the USAEC has indicated they see no problem with this project.

Mr. Warren showed an alternative plan to the dock, a fixed pier for loading, unloading, and launching a dinghy to the boats in a mooring field which he said might preclude "livaboards". The mooring field takes in about 30 acres with 700 ft. grids for 36 boats.

Kevin McDonald of the Group for the South Fork gave the Board a copy of his letter to the North Haven Village Planning Board on the West Banks project.

Edward Bove asked about a proposed law to limit the weakfish take to three fish. Mr. Bennett stated this is not "law" this year, and he doubts if it will be passed.

Mary Jane Asato, Attorney representing the Deerfield Development Corp. who are proposing to build on Little Noyac Road, was present. The Town Road Review Committee's

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recommendations require 400 feet of road improvement and the posting of a \$5,200.00 performance bond. Ms. Asato stated that \$5,200.00 will not cover 400 feet, that it would be more like \$15,000. It was agreed the recommendations of the Road Review Committee will be amended to 200 feet. A motion was made by William Frank, seconded by Paul Parash and duly carried to pass the following resolution: RESOLVED, that for the purpose of granting permission to build on a lot fronting on a unimproved Trustee road, the specifications recommended by the Road Review Committee, as amended, for a portion of Little Noyac Path, situate north of Bridgehampton, in connection with the application of Deerfield Development Corp., are approved, pursuant to the provisions of Chapter 24 of the Code of the Town of Southampton. A copy of this resolution will be sent to the Road Review Committee, the Town Building & Zoning Inspector, The Town Board and Mary Jane Asato.

Arthur DiPietro, Attorney, representing the property owners of the Conscience Point Marina was present. He stated the present management of the marina and restaurant are tenants and have been issued several violations by the Town Building Dept. The owners intend to start eviction proceedings if they do not "clean up their act". They would like to eliminate some of the neighborhood objections, such as the restaurant and disco. The tenants have done a lot of work without permits and without notifying the owners. Mr. DiPietro would like to have the

(Continued, March 21, 1988, Board of Trustees)

Trustee permit re-instated, stating the work is maintenance and not an expansion of the facilities. They would like to get the work done this spring. Edward Warner said the application did call for increasing the number of boat slips which is an expansion. The Board will reconsider the application by the next meeting.

Kevin McDonald, Vice-President, Group for the South Fork, was present to explain his applications to construct Osprey towers and Wood Duck boxes in several locations in the Town. The Board made several suggestions for other locations for the Wood Duck boxes.

Seventeen (17) applications for permit were approved.

Two (2) applications for permit were held.

One (1) application for permit was withdrawn.

Eleven (11) Mooring Permits were approved.

One (1) Pot Permit was approved.

Two (2) Fish Trap Permits were cancelled.

CORRESPONDANCE: Gilbert S. Foster, Chairman, Southampton Town Conservation Board re: Subdivision at Sagaponack Pond.

Division of Coastal Resources and Waterfront Revitalization, Department of State re: U.S.A.E.C. permit application for Mill Creek dredging by Suffolk County Dept. of Public Works. The Dept. of State recommends "In order to protect nesting sites of piping plover and least tern, there shall be no disposal of dredged material on the beaches adjacent to Mill Creek between April 1 and June 1 of each year".

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Robert A. Greene, Regional Permit Administrator, New York State DEC re: Tidal Wetland Permit No. 10-84-0260 issued to Namm, Haber & Haber, Middle Pond, Southampton, to numerous persons who wrote letters objecting to the proposal.

New York State Dept. of Environmental Conservation: Letter of Intent to Suspend Permit No. 10-84-0260 issued to Namm, Haber & Haber.

Thomas Thorsen, Natural Resources Director, Town of Southampton re: Road runoff studies: Update.

Richard A. Jonas, Chairman, Ecology Committee, Lake Missapoque Association requesting assistance for funding a study of the lake. The Trustees do not have such funds available and will advise Mr. Jonas to approach the Town Board.

Fred W. Thiele, Jr., County Legislator, 16th District to John Bredin, Chairman, North Haven Village Planning Board re: West Banks project.

Fred W. Thiele, Jr., to Kenneth J. Guhman, Cedar Point Lane, Sag Harbor re: proposed dredging of the waterway between west end of Clam Island and north end of Jessups.

Fred W. Thiele, Jr., to John Doughty, Cedar Point Lane, Sag Harbor re: dredging.

Acknowledgement from the family of Edward A. Haje.

William Bennett and Frank Smith attended a recent meeting of the New York State Shellfish Advisory Committee. They again declined State funds for transplants. Relays were discussed and permits may become difficult to obtain due

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to new restrictions. Many baymen do not want relays. Also, discussed was the fact that New York State does not meet the requirements of the National Shellfish program. They must have a shoreline survey completed by 1989.

A motion was made by William Frank, seconded by William Bennett and duly carried to proceed with the removal of the sand bars inside Mecox Inlet, all necessary permits having been obtained. The cut will be opened first, then when the bay reaches a certain level, the inside will be done. Diversified Services will be the contractor at a cost of \$3600.00.

Edward Warner reported the dredge is working at Tiana Bay today.

Mr. Warner and William Bennett went to Stony Brook to justify an application for an oyster relay from Mecox Bay. They were advised a permit will be issued shortly.

Mr. Warner reported a houseboat at Mariner's Cove Marina, Canoe Place Road, Hampton Bays, in violation of the "houseboat" ordinance. A motion was made by Edward Warner, seconded by William Frank and duly carried authorizing John Wourgola to send a letter giving the owners 10 days to remove the boat.

John Wourgola reported he has conferred with Mr. Valenti. Mr. Valenti has hired Rambo to straighten out his bulkhead violation and will have a report on the work to be done for the April meeting.

It was agreed the Blue Book needs reviewing. One change suggested was the amount of fees charged should be raised.

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A special meeting on this will be held in the near future.

Another special meeting will be needed to discuss ramp regulations. John Mourgola has drawn up a proposal.

The meeting on motion was adjourned.

Respectfully submitted,

William Bennett, Secretary

PERMITS ISSUED

NO. 5190 to Arthur Fasciani, 285 Pine Neck Avenue, Noyac to construct a dock consisting of a ramp (2-2'x8'x6' sections); 2- 3'x10' floats and 1- 10'x10' "T" at the end, off owners property on Ruggs Creek. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5191 to Anderson Environmental, Inc. agent for James Karmas, Cove View End Lane, Sag Harbor to renew Permit No. 4956 for one year.

NO. 5192 to Scop Realty Corp., Carter Lane, East Quogue to install a floating dock, 5' wide by 25' long, parallel to the shoreline and approximately 8' from MHW, off owners property on Weesuck Creek. Permit issued subject to consent of neighbors (Phillips and Erlwein). \$10.00 fee rec'd. Application approved by a vote of 4 to 1 (William

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Bennett voted no, for reason width excessive). "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5193 to M. Raymond Phillips, e/s Carter Lane, East Quogue to install a floating dock, 5' wide by 45' long, parallel to the shoreline and approximately 8' out from MHW, off owners property on Weesuck Creek. Consent of adjoining property owner received. \$10.00 fee rec'd. Application approved by a vote of 4 to 1 (William Bennett voted no for reason width excessive). "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5194 to Eugene N. Hubbard, 470 Main Street, Westhampton Beach to place three (3) poles, 28 ft. out and 20 ft. apart for the purpose of securing a 50 ft. boat off owners dock at Jessus Lane on Moneybogue Bay. \$10.00 fee rec'd.

NO. 5195 to En-Consultants, Inc. agent for Robert Denis, Sunset Avenue, East Quogue to construct a timber dock consisting of a fixed elevated (4' above grade of march) 4'x85' walk; 4' x 12' hinged ramp; 6'x30' float secured by (2) 8" diameter pilings off owners property on Phillips Creek. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5196 to En-Consultants, Inc. agent for Joanne Herman, 210 Springville Road, Hampton Bays to extend Permit No. 4903 for one year. Second renewal. \$10.00 fee due.

NO. 5197 to En-Consultants, Inc. agent for Richard

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Gilbert, Holly Lane, Water Mill to construct a timber dock consisting of a 4' x 20' fixed elevated (4' above grade maximum) walk; 4' x 12' hinged ramp and 6' x 20' float off owners property on Mill Creek. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5198 to Shinnecock Fisherman's Co-op, C & N Fisheries, Dune Road, Hampton Bays to rebuild existing docks and widen dock "B", off owners property on Shinnecock Bay. \$10.00 fee rec'd.

NO. 5199 to Ronald J. Arcate, d/b/a Mariners Cove Marina, 9 Canoe Place Road, Hampton Bays to maintenance dredge within boat basin as shown with XXX's on survey and to repair the south end of the bulkheading on owners property on Shinnecock Bay. \$10.00 fee rec'd.

NO. 5200 to Group for the South Fork agent for the Town of Southampton, to construct an "Osprey Tower" on Town property at Towd Point Road, Southampton. Project being conducted by the Group for the South Fork, the Nature Conservancy and the South Fork Natural History Society. Fee waived.

NO. 5201 to Group for the South Fork agent for Suffolk County to construct Osprey tower(s) on the County Park property at Flanders. This (these) locations chosen with the cooperation of the Suffolk County Dept. of Natural Resources Management. Project being conducted by the Group for the South Fork, the Nature Conservancy and the South Fork Natural History Society. Fee waived.

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NO. 5202 to Group for the South Fork agent for The Nature Conservancy, Old Scallop Point Road, Southampton to construct Osprey tower(s) on Nature Conservancy Land at Scallop Pond. Project being conducted by the Group for the South Fork, the Nature Conservancy and the South Fork Natural History Society. Fee waived.

NO. 5202 to Group for the South Fork agent for United States of America, Morton National Wildlife Refuge, Noyac to construct an Osprey tower on refuge property. This location chosen in cooperation with the U. S. Fish & Wildlife Service. Project being conducted by the Group for the South Fork, the Nature Conservancy and the South Fork Natural History Society. Fee waived.

NO. 5203 to Wallace C. Steidle d/b/a Coastal Farms, Inc., Middle Line Highway, Water Mill to remove oysters from uncertified area of Mecox Bay by Independent baymen for cleaning in Coastal Farm rack system in Peconic Bay. All harvesting, transplanting and re-planting would take place under direct supervision of a NYSDEC inspector. All oysters smaller than 3" and all shells will immediately be returned to the bay as they are harvested. The method of harvesting will be scallop dredges and possibly hand tongs. A per bushel fee of \$1.00 will be paid to the Southampton Town Trustees. Project to take place between April 25, 1988 through May 6, 1988. Baymen working on project are: Wallace C. Steidle, Middle Line Highway, Water Mill: Boat Reg. #NY3134GH and Charles Seaman, 18 Beachland Avenue, East Quogue: Boat Reg. #NY7409CV.

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Permit is issued subject to Rules for Harvesting Oysters for Mecox Bay, (copy attached to permit). \$10.00 fee rec'd. NO. 5205 to Charles W. Seaman, et.al, 18 Beachland Avenue, East Quogue to remove uncertified oysters from Mecox Bay for cleaning in Coastal Farm rack system in Peconic Bay. All harvesting, transplanting and re-planting would take place under direct supervision of a NYSDEC inspector. All oysters smaller than 3" and all shells will immediately be returned to the bay as they are harvested. The method of harvesting will be scallop dredges and possibly hand tongs. A per bushel fee of \$1.00 will be paid to the Southampton Town Trustees. Project to take place between April 25, 1988 through May 6, 1988. Permit is issued subject to Rules for Harvesting Oysters for Mecox Bay, (copy attached to permit). \$10.00 fee rec'd.

NO. 5206 to James H. Rambo, Inc. agent for Louis Marinelli, 72 Far Pond Road, Southampton to construct a 151' long by 1' wide rock revetment in front of existing non-functional bulkhead, including 16' and 20' rock wing walls. Total height of wall to be 8.0' from minus 2' MSL to plus 6' MSL. Project is located on owners property on Shinnecock Bay. No work is to be done until the contractor has set the line with Trustee Edward Warner. \$15.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

The application of Glenn E. Just agent for Brian A. Ammar, Quogo Neck Lane, Quogue to construct a boat basin

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is being held for a decision by the NYSDEC.

The application of En-Consultants, Inc. agent for Dave Bofill Marine, Inc., 1810 North Sea Road, Southampton to bulkhead and dredge is being held for a decision by the NYSDEC.

The application of En-Consultants, Inc. agent for William Jackman, et. al, Little Neck Road, Southampton was withdrawn by the applicant.

MOORING PERMITS ISSUED

NO. 88-17 to Group for the South Fork, PO Box 567, Bridgehampton: Wood duck box in Big Fresh Pond.

NO. 88-18 to Group for the South Fork, PO Box 567, Bridgehampton: Wood duck box at Woodland Lake, Quogue.

No. 88-19 to Group for the South For, PO Box 567, Bridgehampton: Wood duck box at the Quogue Wildlife Refuge.

No. 88-20 to Albert J. Cerrato, 17 Baywoods Drive, Hampton Bays: Cold Spring Pond.

No. 88-21 to William Connelie, Ridge Road, Noyac: Staff Payne's Creek.

No. 88-22 to Matthew F. Erlwein, Montauk Highway, East Quogue: Cold Spring Pond.

No. 88-23 to Robert J. Hammel, Edge of Woods Road, Water Mill: Bullhead Bay

No. 88-24 to Anton G. Kovary, Jr., 5 Sandy Court, Hampton Bays: Bullhead Bay.

No. 88-25 to Joseph McLoughlin, 436 Hill Street, Southampton: Bullhead Bay.

No. 88-26 to Dr. John Romano, 329 Montauk Highway, East Quogue: Birch Creek.

No. 88-27 to Paul Saurer, Denise Street, Sag Harbor: Upper Sag Harbor Cove.

POT PERMITS

No. 1598 to Matthew F. Erlwein, Montauk Highway, East Quogue

Fish Trap Permit No. FT-216 and FT-217 issued to Douglas Jayne were cancelled.

APRIL 4, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, APRIL 4, 1988 AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of March 21, 1988 were read, amended, then approved as amended.

John Frankemolle, President of the North Haven Beach Preservation Society, read a prepared statement requesting denial of the West Banks application. (copy on file).

Richard McCollom of North Haven stressed that approval of the application would open the door for a larger marina next door. He said he can't see beautiful Long Beach destroyed by pollution from two large marinas.

Mr. Downing, a resident of North Haven, said no other sub-division in North Haven has such a large dock as being proposed by West Banks. If this application is granted, then the North Haven Point development which has 131 homes, would be eligible for a 131 boat marina. Other sub-divisions might then also request docks. The zoning of North Haven favors residential development and he asked the Board disapprove the application.

Charles Drew, a resident on Genet Creek spoke about the Genet Creek Association permit for a dock. He gave a

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history of the dock and asked that the permit be rescinded. The Board had revoked the permit last month.

Mr. Downing said he feels this Board has issued permits to the Genet Creek Association under mis-leading information. He feels the Yacht Club is operating in violation of the North Haven Village zoning ordinance and that the dock obstructs a large portion of Genet Creek from use by the other area residents.

Arthur DiPietro, Attorney, advised the Board he will be representing Mr. Downing in the Genet Creek Association matter.

The West Banks application was again held.

Paul Cianci, Bay Avenue, East Quogue, was present to once again ask for expansion of his dock. He was granted a permit for a 60 ft. long dock to moor six (6) boats. He argues that he needs a "T" section to accomodate the six boats due to the low depth of water. Trustee Frank Smith stated the "T" will hinder navigation to boats coming in to the adjacent Town dock. Mr. Warner promised a full Board inspection prior to the next meeting.

John Battaglia was present to ask what is being done at the Gateway Marina (formerly Olsen's). Mr. Warner said a Bay Constable had checked today and found the dock section has not been removed. Mr. Haje of En-Consultants informed the Board that he is preparing new plans and will be presenting them shortly. Mr. Haje discussed the new dock locations with the Board but was advised the Board wants the 20 ft. section removed now, and then they will consider the new configuration.

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Paul Gagliardi was present to request dredging at Smith's Creek. He said that at low tide, the boats scrape bottom, and that environmentally the creek needs to be dredged. It is filling in due to the added number of boats using the creek and wildlife previously seen has disappeared. Mr. Warner stated that the Bay Constables had taken soundings last year and found only the mouth shoaled. A request that the creek be placed on the Suffolk County dredging priority list will be sent to John Guldi, SCDPW.

Roy Haje discussed his application for Lowell Harwood, Beach Road, Southampton, for a dock. Mr. Harwood is having problems getting his neighbor to consent to the dock being on the property line. Mr. Harwood donated this parcel to the Village of Southampton so he should be able to get their consent to move the right of way. The Board agreed they would be able to issue a permit if the Village agrees to moving the right of way.

Seventeen (17) applications for permit were approved.

One (1) application for permit was denied.

Three (3) applications for Mooring Permits were approved.

CORRESPONDANCE: Group for the South Fork, Inc. thanking Board for approving permits to erect the osprey nesting towers and wood duck boxes throughout the Town.

Robert E. Krucklin: permission granted to cross his property for access to the dredging project at Romana Drive.

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Fred W. Thiele, Jr. re: rock jetty on the east side of Red Creek Pond. Mr. Warner sent a reply to Mr. Thiele stating that the Town Assessor's records show that the property east of the proposed jetty was acquired by Suffolk County in 1987. This should eliminate the need to get easements and make it easier to proceed with the project.

Virginia A. Coyle to Thomas A. Lavelle, Superintendent of Highways re: drainage problems at Peconic Bay Avenue. Mr. Bennett stated he had made an inspection of this area some time ago and agrees the problem is bad, if not impossible. Frank Smith feels that run off from town roads should be diverted into recharge basins, even if pumps must be installed.

Thomas E. Samuels of James H. Rambo, Inc. to New York State Dept. of Environmental Conservation re: application of Naftali, Horn, MacFarland (Sawyer), Dune Road, Inc. Village of Southampton, to construct bulkheads along the Atlantic Ocean properties.

George A. Fincknor, Sr., Historian for the Villages of Sag Harbor and North Haven re: West Banks project. Mr. Fincknor's letter will be acknowledged.

Pete D'Alessandro, 15 Vail Avenue, East Quogue to Allyn Jackson, Superintendent of Parks & Recreation re: Trustee dock at Shinnecock Inlet. Mr. D'Alessandro is concerned about losing his boat slip in the boat basin.

U.S. Fish and Wildlife Service to U.S. Army Engineer

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Corp. re: application of Theodore Angell. The Service recommends denial of this application. Mr. Angell has requested an on site inspection with the Fish & Wildlife Service and they have agreed.

Attorney Arthur DiPietro was present to discuss the application of Conscience Point Marina. Town Attorney John Bennett joined the meeting as there have been several violations issued to the Marina by the Town Building Dept.

Mr. DiPietro requested a re-instatement of the Trustee permit, "subject to approval by the Southampton Town Building Inspector". John Bennett said his concern is that the Trustees would be delegating their decision power to the Town Building Inspector. He asked if the Board was confident that nothing is going on that they don't like. Paul Parash replied that at the time of approval, the Trustees were unaware of the Building violations. He agreed that the Building Dept. and Trustees are working for the same Town and should work together.

John Bennett said he wants an agreement between the tenants and the landowners, assuring the Town correction of all violations. William Bennett asked how long ago the violations had been issued and was told two to three months and to date the only part being corrected was removal of a portion of the decking.

Paul Parash suggested a performance bond be posted to provide funds in the event that decking must be removed by the Town.

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After a lengthy discussion, a motion was made by Paul Parash, seconded by William Frank and carried by a 4 to 1 vote (William Bennett voted No) to issue a new permit for the bulkheading and dredging only. Expansion approval from the Planning Board is required before the docks can be approved.

Mr. DiPietro then stated that it was important that the decking be approved at this time also, as it is part of the bulkheading. William Bennett agreed that behind the bulkheading would not be safe without the decking. Ed Warner said the decking should require a Building permit, not a Trustee permit as it is on the upland. A motion was made by Paul Parash, seconded by William Bennett and carried with a vote of 3 to 2 (Edward Warner and Frank Smith voted no) to allow decking landward of the bulkheading, not to exceed 10 feet in width.

It was reported that Michael Mampreyan has obtained a new commercial shellfish permit after living in Florida for ten (10) months. As there may be extenuating circumstances, a letter will be sent to Mr. Mampreyan, stating that his residency status is questionable and requesting he appear at the next Trustee meeting.

William Frank reported that Clifford Foster opened the cut at Mecox Inlet on Monday, March 28th and it closed on Friday, April 1st. He started work inside the inlet on Friday and worked on Saturday also. The spoil was placed on the east side. It was suggested that the Bay Constables

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purchase a Salinity Guage and take tests at Mecox twice monthly.

Sagaponack Pond will need opening soon.

New ramp regulations were discussed with John Wourgola.

Mr. Warner requested that letters be sent to Chief Conrad Teller and to Radio Stations WLNG, WRIV and WWHB, thanking them for their cooperation with the conditional shellfish program.

A motion was made by Paul Parash, seconded by William Frank and duly carried to pass the following resolution:

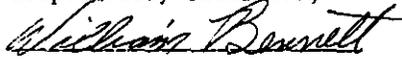
RESOLVED, that Mermaid Lane, Dolphin Lane, Triton Lane and Roads H-I-J-K and L be turned over to the Town Council between May 15th and September 19, 1988, for the purpose of allowing the Southampton Town Police to enforce "No Parking" and "No Camping" regulations on said roads.

A copy of the above resolution will be sent to the Town Council; Kenneth Thommen, Town Clerk and Chief Conrad Teller, Town Police Dept.

Frank Smith stated he has been gathering prices for an extension to the bulkhead at Bay Avenue, East Quogue. He was authorized to go ahead with the work at the lowest price when he receives all estimates.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

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PERMITS ISSUED

NO. 5207 to En-Consultants, Inc. agent for Village of Quogue, Town of Southampton, Stuart Schlesinger and Saul Steinberg, Dune Road Quogue to construct a parking area, walkway over the marsh and individual walkways and docks off the Schlesinger and Steinberg properties. Project Description: Construct an access to bay to consist of the following: 20' x 30' filled parking area(3 cars max.) with 3' wide shoulders. Fill for parking area to be trucked in from upland source. Approximately 45 cubic yards of sand will be dumped and graded to approximate elevation +4' and topped with bluestone. Shoulders will be planted with beach grass on 3' center to stabilize. Construct a 4' x 200' fixed elevated (4') walkway over marsh. Walk will continue through 15' cut through old earthen dike to eliminate necessity for steps up, over and down dike. Approximately 20 cubic yards of material will be removed and spread within the spoil area. Walkway will continue over former spoil site and will be on grade over sandy areas. There will be no railing where wall will be on grade. Walk will stop just south of northerly section of dike and turn to west onto properties of Steinberg and Schlesinger. 15' cuts through the dike will be made to allow individual walkways out toward bay. Schlesinger fixed walk will be approximately 140'. Steinberg fixed walk will be approximately 100'. Both

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will have 4' x 12' hinged ramps and 6' x 16' floats secured by (2) 8" diameter pilings. Purpose of project is to minimize number of access walks to bay. Village and Town area will be accessible to both Village and Town residents. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5208 to En-Consultants, Inc. agent for Anthony Pollio, Bonita Road, East Quogue to remove and replace in same location and configuration, 75 linear feet of timber bulkhead. Dredge up to 10' in front of bulkhead to maximum depth of 4' below MLW and use resultant 10 cy of spoil as backfill. Project located on a private dug canal off Shinnecock Bay. \$10.00 fee rec'd.

NO. 5209 to A. Barton Cass, Commissioner, Suffolk County Dept. of Public Works, Yaphank to rehabilitate the Quogue Bridge by replacing machinery and electrical systems along with repairs to the bridge structure and towers. Also, replace 252 lf of timber bulkhead with 375 lf of coated steel bulkheading and backfilling with 150 cy of fill. Bulkhead replacement will be in same location as existing with longer returns.

NO. 5210 to John I. Johnsen, Louis K. McLean Associates agent for Village of Westhampton Beach to replace approximately 94 lf of existing timber bulkheading adjacent to the Village Yacht Basin in Moneybogue Bay. Fee is waived.

(Continued, April 4, 1988, Board of Trustees)

NO. 5211 to En-Consultants, Inc. agent for Walter Van Houten, Shore Road, Southampton to construct a 50' timber retaining wall at easterly end of existing dock, plus (2) 5' returns. Backfill with 55 cy of clean fill to be trucked in to a maximum depth of 1' tapering to 0' at house. Project located on owners property on an arm of North Sea Harbor. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5212 to En-Consultants, Inc. agent for Bernard Gonchar, Moneybogue Lane, Westhampton Beach to install a galvanized steel electric boat elevator attached to existing timber bulkhead on owners property on the Moneybogue Canal. \$10.00 fee rec'd "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5213 to Twomey, Latham, Shea & Kelley agents for Michael & Janice Raoul-Duval, West Neck Point Road, Southampton to construct a 4' x 50' catwalk; a 4' x 12' ramp and a 6' x 16' floating dock off owners property on West Neck Creek. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5214 to Gary & Gislaine Wallach, Red Creek Road, Hampton Bays to anchor a swimming float, 7' x 7', 50 ft. offshore in Red Creek Pond. \$10.00 fee rec'd.

NO. 5215 to Arnold J. Kazdin, 2 Peconic Road, Hampton Bays

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to renew Permit No. 4691 for one year. \$13.00 fee rec'd.
2nd renewal.

NO. 5216 VOIDED.

NO. 5217 to Alice B. Cardiello, 34 Penny Lane, Hampton Bays to maintenance dredge boat basin area and area in front of bulkheading to 4' below MLW with approximately 100 cy of spoil to be placed on the upland. \$10.00 fee rec'd.

NO. 5218 to Duncan and Dolores McGilvray, 3 Hyler Drive, Hampton Bays to maintenance dredge an area 65' x 25' to a depth of 4' at MLW in front of bulkheading on owners property on a dug lagoon off Tiana Bay. \$10.00 fee rec'd.

NO. 5219 to Anderson Environmental, Inc. agent for George and Penelope Kotsonis, Rte. 114, North Haven to 1) Regrade and fill as necessary the existing slope and replant with salt tolerant species. 2) Construct 5' wide stairway on slope. 3) Construct 6' wide boat ramp on slope. 4) Rearrange existing rocks on beach and remove concrete debris. NOTE: Vegetation below mean high water mark is not to be disturbed. Project is located on Shelter Island Sound. Permit No. 4922 issued on April 6, 1987 is voided. Changes necessitated by DEC decision.

NO.5220 to David Bates agent for South Fork Development & Construction Co., Baron's Cove Marina, Sag Harbor to maintenance dredge approximately 250 cy of clean sand to a depth of six (6) feet below mean low water from area as shown on survey attached. Spoil to be trucked away to an approved upland disposal site. \$260.00 fee rec'd.

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NO. 5221 to James L. Walker, Planner, Inter-Science Research Associates, Inc. agent for Northeastern Industrial Park, Clam Island, Noyac to renew Permit No. 4933 for one year.

NO. 5222 to En-Consultants, Inc. agent for Fred Schoenhut, S. Ferry Road, North Haven to renew Permit No. 4864 for one year.

NO. 5223 to En-Consultants, Inc. agent for George Brackman, Notre Dame Road, Sag Harbor to construct 60 lf of timber bulkhead plus 25' return on west side. Backfill with 35 cy of clean fill to be trucked in from commercial upland source. Proposed bulkhead will attach to and be in line with adjacent bulkhead to east. Bulkhead is necessitated by continual loss thru erosion of property to west which is causing loss and slumping of subject parcel. Project located on owners property on Upper Sag Harbor Cove. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

The application of Gordon Jackson, President, Jackson's Marina, Inc., Teepee Street, Hampton Bays to renew Permit No. 4618 for one year, was "denied without prejudice for re-application". It is the opinion of the Board that the work described on Permit No. 4618 has been completed. Additional work will require a new application.

(Continued, April 4, 1988, Board of Trustees)

MOORING PERMITS ISSUED

NO. 88-28 to Bayard C. Fenner, 395 Brushy Neck Lane, Remsenburg: Red Creek Pond (renewal).

NO. 88-29 to Frank A. Marotta, 4 Gathering Rocks Road, Hampton Bays: Red Creek Pond (renewal).

NO. 88-30 to Jon S. Semlear, 301 Pine Neck Avenue, Sag Harbor: Mill Creek (horseshoe pen stakes) (renewal).

SPECIAL MEETING APRIL 7, 1988

A SPECIAL MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD ON THURSDAY, APRIL 7, 1988 AT 11 A.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett and William Frank.

The meeting was held at Rose Hill Road at Mecox Bay where the Trustees and Bay Constables were working on the oyster relay program.

The purpose of the special meeting was to discuss new events on the application of KGR Realty d/b/a Conscience Point Marina with Arthur DiPietro, Attorney for KGR. Mr. DiPietro declined the invitation to be present.

Town Building Inspector, James Wilford, has informed this Board that a Town building permit would be required for the 10 foot decking proposed by KGR. Therefore the decision of the Board made on Monday, April 4, 1988 to issue a permit for bulkheading, decking and dredging was rescinded, and the issuance of the permit withheld until such time as Mr. DiPietro meets with the Town Building Inspector and reaches an agreement with him.

Respectfully submitted,



William Bennett, Secretary

APRIL 18, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, APRIL 18, 1988 AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank and Deputy Town Attorney, John M. Wourgola.

The minutes of the meeting of April 4, 1988 were read and approved as read.

Mr. Warner reported that the Board had met with Michael Mampreyan and were satisfied that he had not changed his residency and due to a family hardship, is still eligible for a commercial shellfish license.

Attorney Douglas Penny was present regarding the application of Warren Smith for a dock off his property at Smith's Creek. Mr. and Mrs. Paul Gagliardi, the adjoining property owners, were also present.

Mr. Penny stated that the dock proposed would be 49 feet in length from the bulkhead seaward. Mrs. Gagliardi objected, stating the original dock was only 10' x 32'. Mr. Warner said the Board agrees with the proposal. Mr. Wourgola stated that affidavits have been submitted, proving to the satisfaction of this Board that there has been a pre-existing, non-conforming business located on

(Continued, April 18, 1988, Board of Trustees)

this property for many years. Mrs. Gagliardi objected to this also and accused Mr. Wourgola and Mr. Penny of being related. Mr. Wourgola stated, " this is not true".

Mr. Gagliardi requested that the dock builder be cited also, for building an illegal dock.

A motion was made by William Frank, seconded by Paul Parash and duly carried to approve the application of Warren Smith as submitted, with special conditions as per the letter dated March 28, 1988 from Attorney Douglas Penny.(See Permits Issued).

Mr. Gagliardi then stated he wants a chain fence installed to prohibit marinas from using the launching ramp on the Smith property. He was told this is not a Trustee matter.

Mary Jane Asato, Attorney for Arnold Amster was present. She said her client is questioning the fact that other neighbors had not received notification of restrictions on the 100 foot buffer zone. Ms. Asato was shown the certified letters which were sent out to all the property owners. She then stated that Mr. Amster would like to be allowed to mow his lawn more often as he is very concerned about the tick situation. He is offering to construct a berm and slope the lawn so no fertilizer or run off will go into the creek. Ms. Asato was advised to go before the Town Conservation Board and Natural Resources Dept. for their recommendations.

Alan Birtwhistle, Attorney, and Daniel Natchez and Tony Taoramina of Daniel Natchez Associates were present

(Continued, April 18, 1988, Board of Trustees)

regarding the West Banks project. They explained the need to replace bulkheading and place rip rap in what they called the "critical area". They stated that rip rap along the entire length of the property was the preferred plan and would be the most enduring. An alternative could be rip rap in the critical area only or in the "most critical zone", as indicated on the surveys.

Mr. Natchez explained that the docking facilities will not be "commercial" as the covenants in the deed prohibit this. Mr. Birtwhistle stated that there is no case law prohibiting the number of docks along the waterfront, but that only one dock had been requested. Mr. Natchez stated the dock is small for the size of the sub-division.

When the Board stated they have until April 21st to reply to the DEIS, Mr. Birtwhistle informed them that date was back in March and has so expired.

Mr. Natchez said there are other docks almost as large in the area, that none of the 36 slips will be leased out and no fuel will be sold off the dock. Also, studies show this is not a viable shellfish area.

Mr. John Frankemolle said this dock would promote "liv-a-boards", due to electric service, telephones and parking area. He stated the 1000 gal. holding tank would not be sufficient for 36 boats and that the littoral drift was from north to south, carrying pollution towards Long Beach.

Mr. Birtwhistle objected to Mr. Frankemolle's statements, saying this is a "not-for-profit homeowner's

(Continued, April 18, 1988, Board of Trustees)

association". There is no proof this is a commercial installation. He objected to answering questions and listening to disertation which he said is repetitive of past hearings.

Frank Smith said this application could go around for years and suggested that it be broken down into three (3) parts: 1) Walkway, 2) rip rap, and 3) the very controversial dock complex. He said if asked to vote on the present application, he would vote no.

Mr. Birtwhistle then stated that the jurisdiction of the Trustees in this matter is questionable, to which John Wourgola requested that any information in this regard be submitted to him.

Mr. Taoromina asked if the Board were the property owners, would they prefer leaving the shoreline as is? Frank Smith replied he is definately in favor of the rip rap.

Richard McCollom, addressing Daniel Natchez's statement that this will not be a marina, said in his opinion it definately will be. To Mr. Birthwistle he stated that there is a law on the books of the Village of North Haven limiting the number of docks and if the time had elapsed for addressing the DEIS, why was Mr. Birtwhistle here today?

Mr. Edward Bove was also present to object to the application and quoted from Russell Stein's legal brief.

John Frankemolle said there are other ways to retain the bluffs other than rip rap, that the erosion was from

(Continued, April 18, 1988, Board of Trustees)

the upland not from the waves. Mr. Taoromina agreed, but also stated the waves undermine the bulkheading. Mr. Natchez explained that terracing would not work as the bluffs are too steep and would require being cut back to accomplish the terracing.

Tom Pasaci of Inter-Science was present and said the FEIS, (Final Environmental Imput Study) was due on April 21.

Mr. Warner stated the letter with the Board's recommendations will be available tomorrow afternoon.

Gordon Jackson appeared to discuss the denial of his application for renewal of his dredging permit. Mr. Warner advised him that Charles Hamilton of the New York State DEC stated the work had never been stopped as Mr. Jackson claims, and as far as Mr. Hamilton was concerned, the work allowed on the State permit was completed. Mr. Jackson said the State did stop the work claiming the "environmental window" had run out and he objects to having to start the permit process all over again. William Bennett said he should have notified the Board if the work was not completed and now a new application will be required.

Bay Constable John Andersen informed the Board that Kazdin Pools is going to furnish a salinity gauge for taking samples at Mecox, free of charge.

Mr. Andersen requested the Board send a letter of thanks to Wilbert Edgar of the Peconic Marina for assistance in removing a derelict boat from Wooleys Pond.

(Continued, April 18, 1988, Board of Trustees)

Twenty-one (21) applications for permit were approved.

One (1) application for permit was denied.

One (1) application for permit was held.

Eleven (11) applications for mooring permits were approved.

One (1) application for a pot permit was approved.

CORRESPONDANCE:

Pieter VanVolkenbrugh, Chief, Bureau of Shellfisheries, New York State DEC to Supervisor Mardythe DiPirro, enclosing report entitled "Guideline for Sanitary Surveys of Shellfish Growing Areas". Each Trustee will be given a copy.

Kenneth H. Thommen, Town Clerk, resolution re: management of Trustee owned boat basin on the northwest side of Road H in Hampton Bays to be turned over to Parks & Recreation. Edward Warner stated there has been some mis-understanding over this and he has sent a letter to Allyn Jackson, Director of Parks & Recreation, advising him that in the past the south side of the basin has been kept open for access for the fishermen who wish to load and unload their lobster pots. He requested this policy be continued. In regard to this, Attorney John Wourgola requested a letter be sent to the Town Insurance Carrier, asking if this change will effect the Town liability insurance in any way.

Gordon Jackson, President, Jackson's Marina, Inc. re: application to renew Permit No. 4618. This matter was handled earlier in the meeting.

(Continued, April 18, 1988, Board of Trustees)

(-Correspondance continued)

Fred W. Thiele, Jr., County Legislator, enclosing a copy of the County Department of Public Work's list of dredging projects for 1988.

Kenneth H. Thommen, Town Clerk, resolution re: West Banks development.

Frank J. Beirne, President, Noyac Civic Council, Inc.: objections to the West Banks development.

Fred W. Thiele, Jr., County Legislator re: dredging of Smith's Creek.

Gilbert S. Foster, Chairman, Southampton Town Conservation Board re: Big Fresh Pond (Lake Missapogue) monitoring proposal. Mr. Foster states that no more Town funds should be expended for this pond. There are other areas which require studies.

Bruce Anderson, Natural Resources Dept. re: Salinity report at Mecox Bay.

Roy L. Haje, En-Consultants, Inc. re: Gateway of Flanders Marina. Mr. Haje submitted a survey showing the removal of the outer section of existing floating dock as requested by the Trustees, and the addition of two 2' x 16' fingers to replace docking capacity lost by removal. Also, Gateway is requesting permission to place marker buoys in the channel. Mr. Haje is to be told to submit an application for the channel markers. Installation of these will be supervised by the Bay Constables.

Robert Tesori, Counselor at Law re: Middle Pond (Michael Namm development). Mr. Tesori's letter will be acknowledged.

(Continued, April 18, 1988, Board of Trustees)

(-Correspondance continued)

United States Fish and Wildlife Service to U. S. Army Corps of Engineers re: application of Michael Namm (Middle Pond).

George R. Stafford, Director, Division of Coastal Resources and Waterfront Revitalization, Dept. of State, to John Guldi, Dept. of Public Works, County of Suffolk re: County application to dredge at Mill Creek, Town of Southampton.

Edwin Furman, President, Southampton Town Baymen's Association to Southampton Town Board re: Mecox Bay problems.

Walter Lane, Hampton Bays, thanking Board for allowing churning of hard clams in certain areas this winter.

Charles L. Drew, West Drive, North Haven re: Genet Creek Association dock application.

En-Consultants, Inc.: Copies of applications submitted to the NYSDEC, COE and NYSDOS for dredging at Romana Drive. A bill in the amount of \$330.00 accompanied the applications. A motion was made by William Bennett, seconded by William Frank and duly carried to pay this bill from the Trustees Special Account.

Roger C. Tollefsen: Report on The Brown Tide in the Peconic Bay. All have received copies and copies were sent to County Legislator Fred Thiele and Assemblyman John Behan.

Frank Smith reported a request from Michael Pilero for

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dredging at Dave's Creek. This will be placed on the next priority list sent to the County. Mr. Pilero will be informed..

William Bennett reported that on Wednesday, he will be checking out Seatuck Cove as a possible area for a shellfish transplant.

William Frank reported that the cut at Mecox will be opened again tomorrow and more dredging will be done to take out the sand bar in the hopes of raising the salinity in the bay. The County has promised to have a dredge available in about a month.

Paul Parash commented on the statement of Alan Birtwhistle that there are no limitations as to the number of docks along shorelines, and suggests this matter be given serious consideration.

Edward Warner reported that the dredging at Tiana Bay has been completed and the channel is being buoyed by the Bay Constables.

Legislator Fred Thiele joined the meeting and advised the Board that he has been assured the dredge will be coming to Mecox within a few weeks.

In the matter of a home being constructed on Noyac Path by Mary Belesis, a motion was made by William Bennett, seconded by Frank Smith and duly carried to pass the following resolution:

RESOLVED, that Edward J. Warner, President of the Board of Trustees, is hereby authorized to sign and execute an agreement with LILCO for installation of electric lines

(Continued, April 18, 1988, Board of Trustees)

over a portion of Noyac Path, a Trustee road.

The meeting on motion was adjourned.

Respectfully submitted,

William Bennett, Secretary

PERMITS ISSUED

NO. 5224 to Dennis E. Downes, Crescent Street, Sag Harbor to install two (2) dolphins thirty four feet from existing floating "T" dock and to install two (2) 4' x 16' floating docks extending from the existing "T" float to the existing dolphins. Project located off owners property on Upper Sag Harbor Cove (Paynes Creek). \$10.00 fee rec'd.

NO. 5225 to D. J. Whelan Marine Construction, Inc. agent for John M. Lucas, Peconic Avenue, Northampton Shores, Noyac, to construct 130 lf of new CCA bulkhead within 18" seaward of existing deteriorated bulkheading on owners property on Little Peconic Bay. NOTE: Construction should be limited to approach by stairs or water, with no transport across the vegetated bank. \$13.00 fee rec'd.

NO. 5226 to En-Consultants, Inc. agent for Lauren Copen, Bluff Point Road, Sag Harbor to construct a 90 lf retaining wall plus (2) 10' angled returns. Backfill with 25 cy of clean sand and loam from commercial upland source. Wall to be above spring high water and at

(Continued, April 18, 1988, Board of Trustees)

approximate toe of bluff. Construct a timber dock consisting of a 4' x 50' fixed elevated (4' above grade of marsh) catwalk; 4' x 12' hinged ramp; and 8' x 16' float secured by (2) 8" diameter pilings. Existing dock will be removed. Replace existing stairway. Project located on owners property on Morris Cove. \$20.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5227 to En-Consultants, Inc. agent for Richard Conrad, r.o.w. off Bay Lane, Mecox to construct a timber dock consisting of a 4' x 24' fixed elevated (4' above grade of marsh) walk; 4' x 10' hinged ramp and 6' x 16' float secured by (2) 8" diameter pilings, off owners property on Hayground Cove. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5228 to En-Consultants, Inc. agent for Delza Smith, East Beach Drive, Southampton to extend Permit No. 4913 for one year.

NO. 5229 to En-Consultants, Inc. agent for Barry Beil, 73 Dune Road, Westhampton to install off existing bulkhead, a 4' x 12' hinged ramp and 6' x 20' float secured by (2) 8" diameter pilings off owners property on Quantuck Bay. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5230 to Glenn E. Just agent for Brian A. Ammar, Quogo Neck Lane, Quogue to construct a 4' x 30' fixed dock

(Continued, April 18, 1988, Board of Trustees)

(elevated 4' over existing marsh) leading to a 4' x 10' ramp and 6' x 20' float, off owners property on a dredged canal off Quantuck Bay. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5231 to John A. Pinna, 27B W. Tiana Road, Hampton Bays to repair by replacement of planks, deteriorated bulkheading on owners property on Tiana Bay. \$10.00 fee rec'd.

NO. 5232 to En-Consultants, Inc. agent for Richard Goldberg, 24 Fiddler Crab Road, Beaver Dam Creek Estates, Westhampton to add (1)* 6' x 23' float to existing timber dock consisting of a 2.5' x 80' fixed walk; 2.5' x 12' ramp and (1) 4' x 20' float off owners property on Beaver Dam Creek. *Notes change from application submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5233 to Glenn E. Just agent for Robert M. Gladstone, 35 Dune Road, Westhampton Beach to construct a 4' x 16' fixed dock, 4' x 12' ramp and 6' x 20' floating dock off of a r.o.w. at 37 Dune Road, Westhampton Beach into Quantuck Bay. Agreement dated October 2, 1982 establishes right to place dock. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5234 to En-Consultants, Inc. agent for Thomas Monahan, Hoover Lane (private road off West End Avenue), East

(Continued, April 18, 1988, Board of Trustees)

Quogue to construct a timber dock consisting of a 4' x 12' hinged ramp off existing bulkhead leading to (2) 6' x 16' floats arranged in a "T" configuration, off owners property on Daves Creek. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5235 to En-Consultants, Inc. agent for George Feldman, Sunset Avenue, East Quogue to construct 120 lf of timber retaining wall (above line of spring high water) plus 20' return on north side. Backfill with 30 cy of clean sand and loam to be trucked in from commercial upland source. Construct a 4' x 25' fixed elevated dock extending off proposed retaining wall. Project is located on owners property on Phillips Creek. No work is to be done until line is set by Trustee Frank Smith. \$22.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5236 to En-Consultants, Inc. agent for Joseph Daino, Peconic Crescent, Southampton to replace within 18", 90 lf of existing timber bulkhead and backfill with 10 cy of clean fill to be trucked in from commercial upland source on owners property on Peconic Bay. \$10.00 fee rec'd.

NO. 5237 to En-Consultants, Inc. agent for Frank Pizzaia, Pawnee Street, Hampton Bays to add (2) courses of railroad ties on top of existing timber bulkhead and backfill rear yard with 43 cy of clean loam and top soil, on owners property on a private dug boat basin off Shinnecock Bay.

(Continued, April 18, 1988, Board of Trustees)

\$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5238 to En-Consultants, Inc. agent for Maud N. Pollock, 57 North Road, Southampton to replace within 18", 100 lf of existing timber retaining wall and backfill with 25 cy of clean sand to be trucked in from upland source. Bowed out section will be pulled back in line before replacement. Project located on owners property on Peconic Bay. Stipulation:" If any of this retaining wall should be located on the Trustee road, and in the future, the public demands the restoration of this road, the retaining wall may have to be removed." \$10.00 fee rec'd.

NO. 5239 to Robert Zack, #1 Club on the Bay, 30 Little Neck Road, Southampton to construct a dock, 65' long by 4' wide with a 12' x 4' ramp connected to a 8' x 16' float (extending approximately 75' from the line of mean high water) off owners property on Old Fort Pond. Dock is to be placed 10 to 15 feet inside the south/west property line. Note: If in the future, the neighbors wish to apply for dock permits, this dock may have to be removed or altered to make room for the neighbors docks. (Previously approved under Permit No. 4471). \$10.00 fee rec'd.

NO. 5240 to Robert Zack, #1 Club on the Bay, 30 Little Neck Road, Southampton to construct a retaining wall, 95.61' in length, on owners property on Old Fort Pond, and as per line set by Trustee Edward Warner. Previously approved by Permit No. 3902. \$10.00 fee rec'd.

(Continued, April 18, 1988, Board of Trustees)

NO. 5241 to C. Altenkirch & Son, Inc., North Highway, Hampton Bays to replace approximately 25 poles in boat basin off the Shinnecock Canal. \$10.00 fee rec'd.

NO. 5242 to Robert K. Stern, 11 Rowland Court, Hampton Bays to reface within 18", approximately 115 lf of existing timber bulkhead on owners property on Shinnecock Bay. \$12.00 fee rec'd.

NO. 5243 to Warren C. Smith, President, Springville House, Inc., 179. Springville Road, Hampton Bays to construct a dock, consisting of a ramp 7' long leading to a floating dock, 6' x 42' and (2) 4' x 16" floating docks in a "T" configuration, off owners property on Smith's Creek. Total length of dock from bulkhead will be 49'. Permit is subject to the following special conditions:

1. The number of boats to be docked at this location shall not exceed eleven (11) with the understanding that one (1) boat shall belong to the owner of the property.
2. The season for boat docking shall commence on April 1 and terminate on December 1 of each year.
3. The hours of operation shall be from 6AM to 10PM each day.
4. There shall be no overnight parking of vehicles.
5. The ramp shall be limited to use by tenants of this dock.
6. The use of this property as a boat docking facility for the general public shall be limited to the present owner of the property (Warren Smith and Carol Smith) and their immediate family (i.e. children).

(Continued, April 18, 1988, Board of Trustees)

7. There shall be no applications for expansion of the dock unless the property is zoned commercially in the future. \$10.00 fee rec'd.

NO. 5244 to En-Consultants, Inc. agent for Dr. Martin Stone, Cobb Isle, Water Mill to replace within 18", 218 lf of existing timber bulkhead and backfill with 7 cy of clean sand and loam to be trucked in from an upland source. Project located at owners property on Mecox Bay. \$22.00 fee rec'd.

The application of Ron Barnish d/b/a South Shore Docks, Inc. agent for Scott Kaufman, Montauk Highway, Quogue was denied. A motion was made by Frank Smith, seconded by Paul Parash and duly carried to order the removal of this dock within thirty (30) days of notification, or it will be removed by this department with all costs to be paid by the owner.

The application of En-Consultants, Inc. agent for Gateway of Flanders Marina, 110 Flanders Road, Riverhead, was held until the sections of floating dock have been removed as promised.

MOORING PERMITS ISSUED

NO. 88-31 to Paul E. Banek, Spring Lane, Sag Harbor: Mill Creek

No. 88-32 to Bruce Fahey, Sandringham Lane, Southampton: Shinnecock Bay.

NO. 88-33 to Frank Filipelli, 125 Little Neck Road, Southampton: Middle Pond.

NO. 88-34 to Dr. Maurice Goldman, 14 Carmel Lane, Hampton Bays: Shinnecock Bay.

(Continued, April 18, 1988, Board of Trustees)

NO 88-35 to Dr. Maurice Goldman, 14 Carmel Lane, Hampton Bays: Shinnecock Bay.

NO. 88-36 to Little Peconic Yacht Club, Inc., Wooleys Drive, Southampton: Wooleys Pond, (10 stakes- 28 moorings)

NO. 88-37 to Samuel Margolis, North Sea Road, Southampton: North Sea Harbor.

NO. 88-38 to Daniel R. O'Connell, 1965 North Sea Road, Southampton: North Sea Harbor.

NO. 88-39 to Southampton Yacht Club, Inc., Little Neck Road, Southampton: Old Fort Pond (4).

NO. 88-40 to Peter R. Wandel, Glover Street, Sag Harbor: Upper Sag Harbor Cove.

NO. 88-41 to Richard Zaloga, 154 White's Lane, Southampton: Bullhead Bay.

POT PERMIT

NO. 1688 to Theodore Anderson, Lake Drive, Southampton.

MAY 2, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, MAY 2, 1988 AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, and Town Attorney John Bennett

The minutes of the meeting of April 18, 1988 were read, amended, then approved as amended.

A letter from Gordon Jackson, President of Jackson's Marina, Inc. was read. Mr. Jackson objects to the April 18th minutes being approved as written.

Mrs. Richard Botto advised the Board that she was present in the absence of her husband regarding the Genet Creek dock application. Edward Warner stated that the matter will have to be postponed due to the absence of Attorney John Wourgola who has been handling this matter.

Mr. John Downing asked if some of the people present could speak and he said he objects to the dock and asked for denial of a permit. He said this is residential property and the dock is for 11 to 12 boats. He gave the Board a copy of the By-laws of the Genet Creek Association which he says are being violated by the installation of the dock.

Attorney John Bennett suggested that this is a zoning matter for the Village of North Haven and should be referred to them.

(Continued, May 2, 1988, Board of Trustees)

Richard McCollom asked why this this Board issued permits in conflict with other laws? John Bennett replied that the Trustees use certain criteria in their determinations, and cannot be bound by other codes.

Mr. Warner stated he would like to confer with former Board President, Richard Corwith, on this before the next meeting. Any further discussion was postponed until May 16th.

John Battaglia was present to report the docks at Gateway of Flanders Marina have not been altered and until this is done he cannot get his permits resolved. Frank Smith replied that Mr. Battaglia should be required to remove his illegal docks also. Mr. Warner requested that Frank Smith go to Gateway tomorrow, with a Bay Constable, to demand the removal of the dock sections.

Charles Seaman was present regarding chowder clams for transplant. Mr. Warner stated that 165 bushel were purchased last week from Massachusetts. He ordered 40 bushel from Mr. Seaman.

Richard Hazel representing Charles Stevenson was present to explain his application for a small float for a canoe on Lake Agawam.

Ron Barnish of South Shore Docks was present regarding his applications on behalf of Scott Kaufman and Paul Cianci. Both permits will be issued.

Fourteen (14) applications for permit were approved.

Four (4) applications for permit were held.

(Continued, May 2, 1988, Board of Trustees)

The applications of Eastern Outboard Raceing Club were referred to the Town Board.

Thirteen (13) applications for Mooring Permits were approved.

One (1) application for a Pot Permit was approved.

One (1) application for a Pot Permit was denied.

Bruce Anderson, Natural Resources Dept., came before the Board to discuss purchase of a Refractometer for taking salinity tests. He had a price of \$235.00, plus \$3.50 for a compatible thermometer. The Board authorized the purchase from the Trustee's special account.

Mrs. Rosalie Black was present regarding the docks at Whaler's Marina in Sag Harbor which are encroaching on her property. She said that Richard Corwith had inspected several years ago and the agreement was the docks were to be shortened. They have been installed the same as before, with the dolphins two feet over onto her property. Sr. Bay Constable John Andersen was present and stated that the docks were 22' long and were to have been cut back to 20'. Mr. Andersen will hand deliver a letter to Mr. Carl Marino, the owner, instructing him to take care of this matter, or it will be done by the Town at his expense.

Mr. Warner congratulated John Andersen on his promotion to Sr. Bay Constable, and all Board members congratulated him and wished him well.

Suffolk County Civil Service has advised the Board that the two candidates for Bay Constable have passed their psychological tests. Interviews are to be set for

(Continued, May 2, 1988, Board of Trustees)

Tuesday, May 10th at 4 p.m.

CORRESPONDANCE: Debra A. Barnes, New York State Dept. of Environmental Conservation: Laboratory Report on Oyster Samples taken from Mecox Bay.

Bruce Anderson, Environmentalist II, Town Planning Board: Report on Mecox Bay.

Debra A. Barnes, New York State Dept. of Environmental Conservation: acknowledgement of report from Frank Smith on recent oyster transplant from Mecox Bay.

Fred W. Thiele, Jr., County Legislator re: Mecox Bay.

Kenneth H. Thommen, Town Clerk: Copy of resolution of Town Board appointing John R. Andersen to the position of Sr. Bay Constable.

Michael J. Cruise, President, Beaver Dam East Community Association re: problems with cigarette boat traffic on Beaver Dam Creek. Mr. Bennett replied to this letter, advising Mr. Cruise that additional patrols will be conducted and that the speed limit signs will be moved further out into the open bay as requested.

Gilbert S. Foster, Chairman, Southampton Town Conservation Board to Arnold M. Amster re: tick problem. Mr. Bennett stated he read an article which stated that mowing the lawn will not help alleviate ticks.

Kenneth H. Thommen, Town Clerk: Copy of resolution of Town Board boycotting the General Electric Co.

David Johns to Harold Berger, New York State Dept. of Environmental Conservation re: Middle Pond development.

(Continued, May 2, 1988, Board of Trustees)

A bill was received from Marian Phillips for summer dockage of a patrol boat, in the amount of \$600.00, which is \$100.00 more than last year. The Board agreed that the price was still reasonable and authorized payment.

Plans for signs at the boat basin at Road H, submitted by Parks & Recreation, were approved.

Frank Smith requested that a letter be sent to Mr. Battaglia advising him to remove his illegal docks within 30 days. The Board agreed.

William Frank stated that North Haven Village must reply to the environmental impact statement on West Banks by May 8th.

Edward Warner reported that 165 bushel of chowder clams have been purchased from Howard Malloes Co. and planted in East Shinnecock Bay, Heady Creek, Old Fort Pond, Sag Harbor Cove, Mill Creek, Noyac, North Sea and West Neck.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5245 is issued to Ed Konak, agent for JAMES ROSENBERG, Redwood Road and Dartmouth Road, Sag Harbor, to construct a dock consisting of a hinged ramp, 4' x 16'; a

(Continued, May 2, 1988, Board of Trustees)

fixed dock, 4' x 20' (4' above grade); a fixed ramp, 3' x 16' and a floating dock, 6' x 24' secured by 6"x6" posts, off owners property on lower Sag Harbor Cove, as per application and surveys submitted. \$10.00 fee rec'd."As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5246 is issued to En-Consultants, Inc. agent for JOHN MORGAN, Route 2, Box 363, Westwood Drive, Sag Harbor to construct a timber dock consisting of a 4' x 24' fixed elevated (4' above grade of marsh) walk; 4' x 12' ramp; 6' x 20' float secured by (2) 6" x 6" posts, off owners property on Paynes Creek, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5247 is issued to South Shore Docks, Inc. agent for SCOTT KAUFMAN, Private Road, Quogue to construct a dock consisting of a 4' x 80 catwalk; with a 12' ramp leading down to a 24' x 8' float in a "T" configuration secured by two mooring piles, off owners property on Penniman's Creek, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5248 is issued to South Shore Docks, Inc. agentfor PAUL CIANCI, Bay Avenue, East Quogue to construct a dock consisting of a 54' x 6' section and a 6' x 30'

(Continued, May 2, 1988, Board of Trustees)

"L", (overall length not to exceed 60'), with eight (8) mooring pilings. Dock is to be used for six (6) boats only. Project located off owners property on Shinnecock Bay, as per application and survey submitted. This replaces Permit No. 5062, issued on September 21, 1987. \$10.00 fee rec'd.

PERMIT NO. 5249 is issued to George H. Luce agent for RIVERHEAD LIONS CLUB, P.O. Box 846, Riverhead, N.Y. to hold canoe races at the Flanders Mens Club on July 10, 1988, as per application submitted.

PERMIT NO. 5250 is issued to En-Consultants, Inc. agent for GATEWAY OF FLANDERS MARINA, 1110 Flanders Road, Riverhead to install four (4) channel markers under the supervision of the Bay Constables, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5251 is issued to En-Consultants, Inc. agent for JOAN SHALOV, Hobart Lane, Quogue to expand previously approved boat slip (Permit No. 5093) from 20' x 30' to 26' x 30', as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5252 is issued to En-Consultants, Inc. agent for DONALD DENIHAN, 286 Dune Road, Westhampton Beach to construct a timber dock consisting of a 4' x 40' fixed elevated (3.5' above grade of marsh) walk; 4' x 12' hinged ramp; 8' x 20' float secured by two (2) 8" diameter pilings on owners property on Moriches Bay, as per application and survey submitted. NOTE: Steps are to be constructed on either side of the dock to allow the public

(Continued, May 2, 1988, Board of Trustees)

to pass and repass. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5253 is issued to Chesterfield Associates agent for Frank Savino (Hampton Research & Development Corp.), 110 Main Street, Westhampton Beach, to maintenance dredge an irregular area near the mouth of waterway to 4' below MLW. Approximately 200 cy of spoil will be placed on adjacent upland area to the east (Medina property), as per application and survey submitted. \$200.00 fee rec'd.

PERMIT NO. 5254 is issued to SUFFOLK COUNTY DEPT. OF PUBLIC WORKS, Yaphank Avenue, Yaphank to extend Permit No. 4953, issued on April 20, 1987 for one year. (Project: Stevens Lane Bridge).

PERMIT NO. 5255 is issued to Richard Hazel, agent for CHARLES STEVENSON, JR., South Main Street, Southampton to construct a floating dock, 20' x 6' and tied to bulkheading off owners property on Lake Agawam, for the purpose of securing a canoe, as per application and survey submitted. The Board vote on this application was 4 to 1, William Bennett voted NO. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5256 is issued to En-Consultants, Inc. agent for GERALDINE WEISS, Heady Creek Lane, Southampton to construct a timber dock consisting of a 4' x 20' fixed elevated (4' above grade of marsh) walk; 4' x 12' hinged ramp; 6' x 16' float secured by two (2) 8" diameter

(Continued, May 2, 1988, Board of Trustees)

pilings, off owners property on Heady Creek, as per application and survey submitted. \$10.00 fee due. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5257 is issued to En-Consultants, Inc. agent for WILLIAM LANE, r.o.w. on north side of Dune Road, Bridgehampton to construct a timber dock consisting of a 4' x 25' fixed elevated (4' above grade of marsh) walk; 4' x 12' hinged ramp; 8' x 20' float secured by (2) 8" diameter pilings, off a right of way on Mecox Bay, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5258 is issued to CHARLES B. NEWCOMBE, 142 Springville Road, Hampton Bays to replace 10' x 3' fixed dock, 4' x 8' ramp leading to a 4' x 10' floating section, off owners property on Smith's Creek, as per application and survey sub-mitted. \$10.00 fee rec'd.

The application of Marian, John, Ward and Bruce Phillips, Baycrest Avenue, Westhampton, to maintenance dredge was held.

The application of Walter Olsen, Flanders Road, Riverhead for a retaining wall, walkway and docks, was held for a full Board inspection.

The application of Glenn Just agent for Robert Grossman, r.o.w. off Aesops Neck Lane, Quogue for a dock was held.

(Continued, May 2, 1988, Board of Trustees)

The application of En-Consultants, Inc. agent for Gateway of Flanders Marina, Flanders for docks was held until the violation has been cleared.

The applications of Eastern Outboard Raceing Club, Inc. to hold outboard races at Cold Spring Pond on June 12th and North Sea Harbor on September 25th were referred to the Town Board.

The application of Eastern Outboard Raceing Club, Inc. to hold outboard races at Flanders on July 10th was returned as that is the same date as the Riverhead Lions

MOORING PERMITS

NO. 88-42 to Gene Curry, Box 1269, Hampton Bays: Red Creek Pond.

NO. 88-43 to John B. Douglas, 7 Trynz Lane, Hampton Bays: Shinnecock Bay.

NO. 88-44 to Edward T. Joyce, 24 Seagate Avenue, Westhampton: Bullhead Bay.

NO. 88-45 to Veronica Farrell, 57 Springville Road, Hampton Bays: Tiana Bay

NO. 88-46 to Donald C. Frye, Overlook Lane, Sag Harbor: Paynes Creek.

NO. 88-47 to David H. Foster, 60 Shinnecock Road, Hampton Bays: Shinnecock Bay.

NO. 88-48 to James A. and Carol F. Keillor, 5 Ring Neck Road, Remsenburg: Speonk Cove.

NO. 88-49 to Cesar Taormina, 277 Montauk Highway, Hampton Bays: Shinnecock Bay.

NO. 88-50 to DuPratt W. Taylor, Duck Point Road, Remsenburg: Speonk Cove.

NO. 88-51 to DuPratt W. Taylor, Duck Point Road, Remsenburg: Moriches Bay.

(Continued, May 2, 1988, Board of Trustees)

NO. 88-52 to DuPratt W. Taylor, Duck Point Road, Remsenburg: Moriches Bay.

NO. 88-53 to Richard Hagerman, Millstone Road, Noyac, Sag Harbor: Noyac Creek.

NO. 88-54 to Gary J. Valentine, 1384 Oak Drive, Noyac, Sag Harbor: Mill Creek.

POT PERMITS

NO. 1798 to William T. Crowley, Main St., Sagaponack

The application of William Babinski, Wainscott, for a Pot Permit was denied. Mr. Babinski is not a Southampton Town resident.

MAY 16, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, MAY 16, 1988 AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank and Deputy Town Attorney John M. Wourgola.

Bogart F. Thompson, Chairman of the South Fork Shelter Island Chapter and Sara Davison, chapter's Director, of the Nature Conservancy were present and presented the Board with a plaque which "acknowledges the Trustees of the Town of Southampton for the commitment to protect the Long Pond Greenbelt, an important part of New York's natural heritage". This is in conjunction with the Natural Areas Registry Program.

In regard to a dock dispute, Stanton Pohl, Attorney for Herb Obser was present. Mr. Obser had been issued a permit to install a dock off property at Quantuck Bay. Mr. and Mrs. Eli Rousso have complained that the dock was installed on a right of way belonging to them and they want the dock removed. Mrs. Rousso was present with her Attorney, Douglas Penny. Frank Smith who approved the permit, said he understood that the property was being purchased by Mr. Obser and did not realize there was a right of way involved as it did not show on the survey submitted with the application. Mr. Pohl said that Mr.

(Continued, May 16, 1988, Board of Trustees)

Obser had a verbal agreement with the Roussos to use the right of way for a dock. Mr. Warner said the Board always stands on the position that written consent is required from all users of the right of way, and the adjoining property owners. On advice of Attorney John Wourgola, the matter was held for a decision until the next meeting.

Douglas Penny was also present to represent John Battaglia of Flanders who has been ordered to remove his illegal docks. Mr. Penny said these docks may have been built before permits were required. The Board maintained their decision that the docks must be removed. However, Mr. Smith agreed to meet Mr. Battaglia on site on Tuesday.

A letter from Richard C. Botto was read, regarding the Genet Creek dock dispute. Mrs. Botto was also present. No decision was made this day.

Alan Birtwhistle, Attorney, representing the Whaler's Marina, was present in regard to the dispute between Whaler's Marina and their neighbor, Rosalie Black. The Trustees have studied a recent survey and photographs and are satisfied that the docks do not intrude on the Black property. Mr. Wourgola will send a letter to Mrs. Black.

A motion was made by Paul Parash, seconded by Edward Warner and duly carried to pass the following resolution:

RESOLVED, that Gerard W. Carpenter, 90 Squiretown Road, Hampton Bays, be hired to fill the position of Bay Constable, at a starting salary of \$21,985.00, effective May 27, 1988. Mr. Carpenter is #1 on Civil Service List No. 88S-219.

(Continued, May 16, 1988, Board of Trustees)

A copy of this resolution will be sent to the Town Board requesting that they approve for payroll purposes, the hiring of Mr. Carpenter.

CORRESPONDANCE: Conrad W. Teller, Chief of Police, Town of Southampton recommending that local government radios for the Bay Constables be included in the budget. It was agreed these items will be placed in the 1989 budget.

Vincent Macchirole, President, Gateway Marine, Flanders, advising Board that outer sections of docks have been removed as requested by the Board and requesting that nearby facilities be investigated. It was noted that Gateway has not yet removed the two pilings which held the floats.

Allyn F. Jackson, Superintendent, Parks & Recreation Dept. re: moorings for Sand Bar Beach Club.

James W. Fraser, Barclay Manor of North Haven, LTD. to Frank J. Bierne, President of the Noyac Civic Council re: West Banks Project.

George R. Stafford, Director, Division of Coastal Resources & Waterfront Revitalization, Department of State to Interscience Research Associates re: U.S. Army Corps of Engineers/New York District-Permit application of Northeastern Industrial Park.

Allen Hartvik, Suffolk County Dept. of Civil Service re: Bay Constable exam. Mr. Hartvik states that there are 78 names on the County wide list so there is no grounds for running another test at this time, as requested by Mr. Warner.

(Continued, May 16, 1988, Board of Trustees)

Martin R. Cantor, Director, Office of Economic Development, County of Suffolk inviting Edward Warner to participate as a standing member of the Suffolk County Fisheries Development Task Force. William Frank agreed to be the representative for the Board.

Sue Charney re: Middle Pond development.

Kenneth H. Thommen, Town Clerk: Resolutions of Town Board granting the Eastern Outboard Raceing Club permission to hold outboard races in Town waters.

Joseph R. Guarino, Attorney re: Jackson's Marina.

John M. Downing re: Genet Creek Association docks.

Ten (10) applications for permit were approved.

One (1) permit was re-instated.

One (1) application for permit was denied.

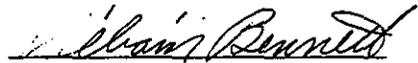
Three (3) applications for permit were held.

Eleven (11) Mooring Permits were approved.

One (1) Eel/Shellfish Pot Permit was approved.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5259 issued to Glenn E. Just agent for Louis Grossman, Bob White Lane, Remsenburg to renew Permit No. 5001 for one year.

(Continued, May 16, 1988, Board of Trustees)

PERMIT NO. 5260 issued to Marie Louise Carl, West End Avenue and Rugby Road, East Quogue to install a dock, 4' x 16', off owner's property on Dave's Creek. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5261 issued to Lloyd K. and Lillian V. Cowan, 103 Bonita Road, East Quogue to renew Permit No. 4982 for one year. .

PERMIT NO. 5262 is issued to Glenn E. Just agent for MURIEL KARASIK, 50 Dune Road, Westhampton Beach, to construct a dock consisting of a 4' x 60'* fixed portion (elevated 4' over grade of marsh); 4' x 12' ramp and 6' x 20' float, off owners property on Quantuck Bay. *denotes change to application submitted. NOTE: Dock must be positioned west of the deck on the north side of the house to allow Quantuck Yacht Club space for moorings. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5263 is issued to Arthur H. Haas, 27 Canoe Place Road, Hampton Bays to place a swim platform, 10' x 10' off owner's property. \$10.00 fee rec'd.

PERMIT NO. 5264 is issued to GLORIA AND WILLIAM MAY, 225 Towd Point Road, Southampton to construct a dock consisting of five (5) 4' x 6' removable platforms, secured with 4x4 poles, off owners property on Davis Creek, North Sea. DOCK MUST NOT EXCEED 30 feet in length.

(Continued, May 16, 1988, Board of Trustees)

\$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5265 is issued to Glenn E. Just agent for ROBERT FISHER, 394 Dune Road, Westhampton Beach, to construct a dock consisting of a 4' x 100'* fixed section (elevated 4' over existing grade of marsh); 4' x 12' ramp and 6' x 20' float, off owners property on Moriches Bay.

*denotes change from applicatin submitted (length was changed so as not to exceed length of neighbor's dock).

\$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5266 is issued to En-Consultants, Inc. agent for LAUREN COPEN, Bluff Point Road, Sag Harbor to construct a timber dock consisting of a 4' x 50' fixed elevated (4' above grade of marsh) catwalk; 4' x 12' hinged ramp; and 8' x 16' float secured by (2) 8" diameter pilings. Existing dock will be removed. Also, to replace existing stairway. Project located on owner's property on Morris Cove. Permit No. 5226 previously approved is voided."As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5267 is issued to En-Consultants, Inc. agent for NICHOLAS SCHICK, 19 Cold Spring Court, Southampton, to renew Permit No. 4856 for one year.

(Continued, May 16, 1988, Board of Trustees)

PERMIT NO. 5268 is issued to En-Consultants, Inc. agent for GATEWAY OF FLANDERS MARINA, 1110 Flanders Road, Riverhead to remove existing sections of floating docks and install two (2) 2' x 16' finger floats as shown on attached work plan. Project located off owner's property on Reeves Bay. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO: 5131, issued to En-Consultants, Inc. agent for KGR Realty d/b/a Conscience Point Marina, 1976 North Sea Road, Southampton on January 4, 1988, revoked on March 7, 1988, is hereby re-instated.

The application of En-Consultants, Inc. agent for Stanley and Jane Moss, Rose Hill Road, Water Mill to install 1000 linear feet of stone rip-rip along Hayground and Mecox Bays was denied. \$100.00 fee rec'd. \$90.00 fee returned.

The application of En-Consultants, Inc. agent for Walter Olsen, Flanders Road, Riverhead for a retaining wall and docks is held until a determination is made by the New York State DEC.

The application of Marian, John and Ward Phillips, Baycrest Avenue, Westhampton is held for a determination by the New York State DEC.

The application of Glenn E. Just agent for Don Hayden, 24 Cox's Curve Road, Westhampton Beach to reconstruct bulkheading is held. On inspection, a line running from the swimming pool to the bulkheading was found. Until this violation is cleared, the application will be held.

(Continued, May 16, 1988, Board of Trustees)

MOORING PERMITS

NO. 88-55 to Robert E. Bausch, 6 Cormorant Drive, Hampton Bays: Shinnecock Bay

NO. 88-56 to Jeanne Bernhard, PO Box 1518, Southampton: Bullhead Bay

NO. 88-57 to Steven M. Coen, Inlet Road East. Southampton: Cold Spring Pond

NO. 88-58 to John A. D'Urso, 53 Scrimshaw Road, Noyac: Mill Creek.

NO. 88-60 to M. Fitzgerald, 541 Pine Neck Avenue, Noyac: Mill Creek.

NO. 88-61 to Monika Kind, 24 Hampton Road, Hampton Bays: Cold Spring Pond

NO. 88-62 to John Luongo, 50 Hilltop Road, Hampton Bays: Red Creek Pond.

NO. 88-63 to Sal Migliorelli, 255 Hampton Road, Sag Harbor: Mill Creek.

NO. 88-64 to Nathaniel H. Sherman, 71 Island Creek Road, Southampton: Bullhead Bay.

NO. 88-65 to Henry F. Voll, Red Creek Road, Hampton Bays: Red Creek Pond.

EEL AND SHELLFISH POT PERMIT

NO. 1898 to Ralph Rana, Sr., 443 Noyac Avenue, Sag Harbor.

JUNE 6, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, JUNE 6, 1988 AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of May 16, 1988 were read, amended, then approved as amended.

Richard Botto was present to request re-instatement of the Genet Creek Association dock permit. Mr. Wourgola advised him that that the Board would consider re-issuing the permit for the existing facilities, and would then consider issuing a new permit for a change of configuration, less a 20 foot section. Mr. John Downing was present and stated he is opposed to any expansion. Mr. Drew also stated he is concerned with the size of the dock, and was informed it will be 110' long, and be limited to the use of seven (7) boats. John Frankemolle asked if an Environmental Impact statement was being required to which John Wourgola replied that Mr. Botto is required to get all necessary permits from other agencies. Robert Brauningner of North Haven told the Board to expect applications for moorings in the future, stating there is no room for moorings in

(Continued, June 6, 1988, Board of Trustees)

Genet Creek. A motion was made by William Frank, seconded by Paul Parash to re-instate Permit No. 5103 to the Genet Creek Association. The vote was three to two. Edward Warner and William Bennett voted no.

At the request of the Board, Ralph Smyle explained the formation of the Genet Creek Association. Four acres are owned by stockholders. A separate group of boat owners pay for the dock maintenance, the other Association members pay only for land maintenance.

Margaret Christy, representing the Hampton Point Association, was present regarding a dock permit issued to Thomas Monaghan, whose property is adjacent to a dock owned by the Association at the end of a right of way. She stated the Monaghan dock blocks the use of the Association dock which has been in existence since 1960. It was pointed out that the survey submitted with the Monaghan application did not show this right of way. Frank Smith stated that while the Association did have a permit for their dock, it did not call for tie off poles. Mrs. Christy said the dock has been there for 28 years with the poles. Why is it being questioned now? John Wourgola advised her that illegal does not enjoy the privilege of pre-existing law. Mr. Monaghan was present, and when asked by Edward Warner if he would consider moving his dock, he agreed to do so next season when he replaces the docks. He said it would be costly to do so now, unless the Association is willing to pay for the removal and re-installation.

(Continued, June 6, 1988, Board of Trustees)

Bruce Anderson, Natural Resources Dept., appeared before the Board to explain the salinity testing that is being done at Mecox Bay. He prepared a chart which shows a dramatic increase in the salinity since the dredging done April 1st. He stated that rainfall records will be kept and the Bay Constables are taking salinity tests every Wednesday with the new Refractometer recently purchased. Mr. Bennett requested that he notify the Board if the salinity drops down too low, so the State can be given 48 hours notice that the inlet should be opened.

Roy Haje of En-Consultants was present regarding complaints that the dock installed by Dr. Ruth Omabegho is blocking a right of way. This matter will be looked into.

Mr. Birol was present regarding Carter Creek. He said the north side of the creek is closing up and the brush jetties are in need of re-brushing. It was explained that permits have been applied for from the State and U.S. Army Engineer Corp. since last fall. Frank Smith said he has been trying to get someone to work on the existing jetty since March 1st and asked if Mr. Birol knew someone, to please call the office. Mr. Birol was advised to call and pressure the State about the permits. William Bennett then said that the last dredging at Carter Creek may have been done as the spoil area is a problem. He doubts if Mr. McChesney will accept any more on his property.

Thomas DeMayo, Attorney, representing John Battaglia, Flanders, was present. He said there was a dock on the property when Mr. Battaglia made the purchase. Frank

(Continued, June 6, 1988, Board of Trustees)

Smith then stated that he had met with Mr. and Mrs. Battaglia and had reached an agreement with them. He will not approve the application they have now submitted. Mr. DeMayo said the Battaglias were not aware of any agreement. John Wourgola advised the Board to look at the application as if it had been submitted today. Frank Smith made a motion that the application be denied. There was not a second to the motion. William Bennett made a motion the application be approved. It was seconded by William Frank and carried by a vote of 4 to 1. Frank Smith voted no.

In the matter of the Herb Obser dock, Attorney Douglas Penny had a medical emergency and requested an adjournment of the hearing until the June 20th meeting. At the request of Attorney, J. Stanton Pohl, a motion was made by William Frank, seconded by William Bennett that the hearing be re-opened. Motion carried. A motion was made by William Bennett, seconded by Paul Parash and duly carried to adjourn the matter for all purposes until June 20th.

Randall Parsons of Nature's Conservancy was present regarding a parcel of Trustee land known as Cedar Swamp at North Sea. He requested that the Trustees enter into a program with the Nature Conservancy on this parcel. John Wourgola will review the agreement before any commitment is made.

Roy Haje asked for reconsideration of the application of Stanley and Jane Moss to rip rap their property, which had been denied by the Board. William Bennett suggested short brush jetties to build up the land which he said the

(Continued, June 6, 1988, Board of Trustees)

owners could quit claim. Roy Haje said the State favors groins even less than rip rap. Catrione Glazebrook of Twomey Latham, Shea & Kelley was present with Mrs. Moss. She asked why this permit is being denied? The reply was that the land belongs to the Freeholders. Edward Warner suggested that the matter be held for the determination of the NYSDEC.

Frank Smith made a statement that he had put in a lot of time on the Battaglia application, and was upset with the Board voting against him in this matter.

Mr. Arthur Fasciani was present to request a 10' addition to his dock. He said the length originally approved was not sufficient. His request was approved.

Richard Dupler and Mr. Klastornick of Flanders were present to complain about dumping of concrete, a trailer, and other problems on the Arthur Sarno property on Pearson Road. Mr. Sarno has submitted an application for a dock. This Board has been advised that there are other violations with the Town and the DEC. Frank Smith stated that until these violations have been cleared, the Board will not act on the Sarno application.

Edwin Furman, President of the Southampton Town Baymen's Association was present to request a clam relay from the condemned area at Seatuck Cove to the seasonal area at Quantuck Bay. The Baymen's Association will supply 12 to 15 members with approximately 10 boats and will pay for the digging. The Trustees will provide transportation. Approximately 250 bushel will be transplanted. A call will

(Continued, June 6, 1988, Board of Trustees)

be made to Steve Hendrickson at the DEC tomorrow and an application submitted to the DEC as soon as possible.

Nineteen (19) applications for permit were approved.

Four (4) applications for permit were held.

Twenty Seven (27) Mooring Permits were approved.

CORRESPONDANCE:

Randall T. Parsons, The Nature Conservancy, re: parcel of land at North Sea known as Cedar Swamp.

Joseph Timpanaro re: problem with jet skis at Shinnecock Road, Hampton Bays. The Bay Constables have proposed a possible solution to this problem. John Wourgola will study the matter further.

George E. Butts, Jr., Mayor, Inc. Village of Sag Harbor re: dredging needed between the Redwood area and Bay Point in Sag Harbor Cove. A reply will be sent to Mayor Butts that our records show no evidence of previous dredging in this area. The request will be forwarded to the County for consideration as the area would require hydraulic dredging.

Vincent R. Macchirole, Gateway Marine, Flanders re: neighboring docks. Mr. Macchirole will be advised that this Board has issued a permit to John Battaglia for the existing docks to be used for four (4) boats only.

W. Philip Kraft, Jr. re: Middle Pond development. Acknowledgement will be sent.

Marietta Seaman re: Four Wheel Vehicles on beach. The Board suggests that vehicles be allowed west of the Shinnecock Inlet from September 15th to May 1st.

(Continued, June 6, 1988, Board of Trustees)

Kenneth H. Thommen, Town Clerk: Resolution of Town Board hiring Gerard W. Carpenter to the position of Bay Constable.

New York State Dept. of Environmental Conservation: Notice of violation, Jackson's Marina.

Robert N. Thurber, New York State Dept. of Environmental Conservation to Joseph Guarino, Attorney for Jackson's Marina.

J. Stanton Pohl, Attorney for Herb Obser requesting hearing. The hearing has been set for June 20th.

Shinnecock Yacht Club: Rent in the amount of \$125.00. It was noted that the Shinnecock Yacht Club lease expired in May. John Wourgola will study the lease to see if it should be renewed or cancelled.

Due to the many problems with incorrect surveys being submitted, a motion was made by William Bennett, seconded by William Frank and duly carried to pass the following resolution:

RESOLVED, that all applications for permits must be accompanied by a survey done by a licensed surveyor, updated no more than one (1) year prior to submitting application. The work proposed must be drawn, to scale, on the survey.

John Wourgola announced that the Port-O-Kai and Mariner's Cove houseboat cases both come to court this week.

John Wourgola questioned the Board on the ruling in 1981, by then Board Attorney, Edward P. Sharretts, Jr., in

(Continued, June 6, 1988, Board of Trustees)

regard to Co-op owners obtaining a shellfish permit. The Board agreed this ruling should stand.

A motion was made by William Frank, seconded by Paul Parash and duly carried to pass the following resolution:

RESOLVED, the Trustees of the Freeholders and Commonalty of the Town of Southampton hereby give notice that because a national holiday falls on the date of their regularly scheduled meeting, July 4, 1988, that meeting is changed to Wednesday, July 6, 1988 at 1 p.m. at Southampton Town Hall.

The meeting on motion was adjourned.

Respectfully submitted,

William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5269 is issued to William J. Soehl agent for JOHN S. and ROSEANN BATTAGLIA, 1040 Flanders Road, Flanders, to maintain existing docks, consisting of a 4' x 30.8' ramp leading to a 4' x 60.4' floating dock, with one (1) end section 2' x 16.3' and one (1) end section 2' x 20', off owners property on Reeves Bay, as per application and survey submitted. Dock is to be used for four (4) boats only. \$10.00 fee rec'd.

(Continued, June 6, 1988, Board of Trustees)

PERMIT NO. 5270 is issued to ARTHUR FASCIANI, 285 Pine Neck Avenue, Noyac, Sag Harbor, to extend dock approved on Permit No. 5190 by adding two (2) 3' x 10' sections, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5271 is issued to Glenn E. Just agent for JAMES H. FOGELSON, Hampton Close, Westhampton Beach, to reconstruct within 18", 213 lf of timber bulkhead and to backfill with approximately 200 cy of clean sand which is to be trucked in from an upland source. Project located on owner's property on Moneybogue Bay, as per application and survey submitted. \$21.30 fee rec'd.

PERMIT NO. 5272 is issued to SAM J. AND EILEEN POBAT, 85 Waters Edge Road, Southampton to construct 145 lf of timber bulkheading on owner's property on Fish Cove. Bulkhead is to be kept upland and in line with the neighboring bulkhead. NO WORK is to be done until Trustee Paul Parash is contacted to set the bulkhead line. Call 283-6000, ext. 259 to set appointment). \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5273 is issued to En-Consultants, Inc. agent for LOWAEC WATERFRONT VENTURES, INC., 32 Lighthouse Road, Hampton Bays to construct a 135' timber retaining wall between existing bulkhead and above line of MHW. Proposed wall is landward of former bulkhead. Maintenance dredge to 4' within irregular boat basin of maximum dimension, 67' x 40. Approx. 215 cy of spoil will be used to backfill

(Continued, June 6, 1988, Board of Trustees)

proposed retaining wall; any excess to be trucked off-site. Repair (as needed) 156 lf of existing bulkheads forming boat basin. Project is located on owner's property on Shinnecock Bay, as per application and survey submitted. \$29.00 fee due. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

Permit No. 5274 is issued to ALEXANDER R. and GRACE P. KISSEL, 33 Nautilus Drive, Hampton Bays, to install four (4) tie off poles off existing dock off owner's property on Wells Creek, as per application and survey submitted. \$10.00 fee rec'd.

Permit No. 5275 is issued to ALANSON MARINA, INC. d/b/a BLACK WHALE MOTEL, 23 Alanson Lane, Hampton Bays, to repair and replace existing dock, dimensions: 4' wide by 67' long with (4) 4' x 14' finger piers. Project located off owner's property on Foster Creek, as per application and survey submitted. \$10.00 fee rec'd.

Permit No. 5276 is issued to En-Consultants, Inc. agent for MARY BAUMBERGER, Meadow Lane, Box P, Southampton, to reconstruct an existing low-profile groin, 115' long, off owner's property on the Atlantic Ocean, as per application and survey submitted. \$10.00 fee rec'd.

Permit No. 5277 is issued to GEORGE J. MELLINA, 5 Hyler Drive, Hampton Bays, to maintenance dredge behind bulkhead, an area 100 ft. long by 8 ft. wide by 4 ft. deep. Spoil to be trucked to an upland site. Project located in a private lagoon off Tiana Bay, as per application and survey submitted. \$10.00 fee rec'd.

(Continued, June 6, 1988, Board of Trustees)

Permit No. 5278 is issued to MARGARET W. CIMILUCCA, 7 Hyler Drive, Hampton Bays, to maintenance dredge behind bulkhead, an area 102 ft. long by 8 ft. wide by 4 ft. deep. Spoil to be trucked to an upland site. Project is located in a private lagoon off Tiana Bay, as per application and survey submitted. \$10.00 fee rec'd.

Permit NO. 5279 is issued to Glenn E. Just agent for DON HAYDEN, 4 Cox's Curve Road, Westhampton Beach, to reconstruct within 18", approx. 132 lf of timber bulkhead and to backfill structure with approx. 100 cy of clean sand to be trucked in from upland source. Also, to construct a 4' x 40' elevated catwalk leading from the bulkhead to a 4' x 12' ramp and 6' x 20' floating dock with a Jet Ski ramp. Project located on owner's property on Quantuck Bay, as per application and survey submitted. Permit is subject to receipt of letter from contractor, stating pipe from pool has been removed. \$23.20 fee rec'd.

Permit No. 5280 is issued to En-Consultants, Inc. agent for MONIQUE ROMEO, 12 Cormorant Drive, Hampton Bays, to construct a timber dock consisting of a 4' x 80' fixed elevated (3.5' above grade) walkway; 4' x 14' hinged ramp; 6' x 16' float secured by (2) 8" diameter pilings, off owner's property on Shinnecock Bay, as per application and survey submitted. NOTE: Dock must be removed in winter months. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

(Continued, June 6, 1988, Board of Trustees)

Permit No. 5281 is issued to Jeff Florimont, agent for GEORGE AND EDITH PELLETIER, 26 Rampasture Road, Hampton Bays to extend existing dock, approved by Permit No. 5010, by adding a 14' gangway (ramp) and an 8' x 14' floating section, fastened by two (2) 4'x6'x14' poles. Project located off owner's property on Tiana Bay. \$10.00 fee rec'd.

Permit No. 5282 is issued to ALFRED R. HAVEL, 13 Carmel Lane, Hampton Bays, to construct seasonal stairs from bulkheading to the beach, on owner's property on Shinnecock Bay, as per application and survey submitted. \$10.00 fee rec'd.

Permit No. 5283 is issued to Tom Shima, agent for ANGELO CERVERA 25 Romana Drive, Hampton Bays, to place a 4' x 8' float in Tiana Bay off owner's property, for the purpose of mooring a 17' boat on week-ends, as per application and survey submitted. \$10.00 fee rec'd.

Permit No. 5284 is issued to En-Consultants, Inc. agent for JOHN T. SARGENT, Davids Lane, Water Mill, to replace within 18", 199 lf of existing timber bulkhead and backfill with 15 cy of clean sand and loam to be trucked in from upland source. NOTE: New bulkhead should be raised 6" to 8" above grade. Project located on owner's property on Mecox Bay, as per application and survey submitted. \$30.00 fee rec'd.

Permit No. 5285 is issued to IRMA CARL, Noyac Road, Southampton to construct a dock consisting of a walkway, 3' x 14' (3.5' above grade of marsh), a 3' x 6' ramp

(Continued, June 6, 1988, Board of Trustees)

leading to a 6' x 12' floating dock, in Wooleys Pond off owner's property, as per application and survey submitted. Note: This voids Permit No. 4775. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

Permit No. 5286 is issued to Harbor Marine Construction, Inc. agent for HELEN BARER, Brennan's Moor Road, Mecox, to construct a dock consisting of a 3' x 8' ramp (4' above grade of marsh), leading to a 6' x 18' floating dock in Hayground Cove, off owner's property as per application and survey submitted. \$10.00 fee rec'd "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

Permit No. 5287 is issued to Inter-Science Research Associates, Inc., agent for MARCEL DAMIECKI, Cliff Drive, Sag Harbor, to renew Permit No. 4920 for one year.

The application of Raymond Clair, Noyac Road, Southampton for a dock extension was held for an updated survey as well as deeds establishing the status of the parcel of property on which the dock is located.

The application of En-Consultants agent for Earl Nemser, Foster Lane, Quogue, for a dock was held for further information. John Wourgola will write the request.

The application of Arthur and Mary Ellen Sarno, Pierson Road, Flanders for a dock was held. Violations from the Town Building Dept. and NYSDEC have been reported to the Board.

(Continued, June 6, 1988, Board of Trustees)

MOORING PERMITS ISSUED

NO. 88-66 to M.C. Arnold, 1830 Beach Road, Southampton:
Shinnecock Bay

NO. 88-67 to Raquel M. Barnes, R.R. #2, Sag Harbor: Sag
Harbor Cove.

NO. 88-68 to Phillip Dana-Bashian, 350 Dune Road,
Westhampton Beach: Moriches Bay

NO. 88-69 to John B. Gallagher, 195 Mill Road, Westhampton
Beach: Shinnecock Bay.

NO. 88-70 to Alfred R. Havel, 13 Carmel Lane, Hampton
Bays: Shinnecock Bay.

NO. 88-71 to Donald James Hayden, 25 Cox's Curve Road,
Westhampton Beach: Quantuck Bay.

NO. 88-72 to William B. Hirsch, 24 Club Drive,
Southampton: Cold Spring Pond.

NO. 88-73 to Michael Horton, Noyac Road, Sag Harbor: Mill
Creek.

NO. 88-74 to Emily G. Jones, 10 Delafield Street, Quogue:
Quantuck Bay.

NO. 88-75 to Donald W. Kyle, 767 Maple Lane, Sag Harbor:
Noyac Creek.

NO. 88-76 to Donald E. Lamar, Hawthorne Road, Southampton:
Shinnecock Bay.

NO. 88-77 to Donald E. Lamar, Hawthorne Road, Southampton:
Shinnecock Bay.

NO. 88-78 to Richard Leeds, 38 Tuthill Lane, Remsenburg:
Moriches Bay.

NO. 88-79 to Marvin Leopold, 256 Dune Road (Yardarm
Apts.), Westhampton Beach: Moriches Bay.

NO. 88-80 to William Levick, 256 Dune Road (Yardarm
Apts.), Westhampton Beach: Moriches Bay.

NO. 88-81 to Brian J. Marbach, 27 West End Avenue, East
Quogue: North Sea Harbor.

NO. 88-82 to Douglas J. Miller, 55 Old Main Road, Quogue:
Quantuck Creek.

NO. 88-83 to Vincent Pepitone, 50 Lake Drive, Bay View
Oaks, Southampton: Fresh Pond (Herne Oaks).

(Continued, June 6, 1988, Board of Trustees)

NO. 88-84 to John Perretti, 18 E. Donellan Road, Hampton Bays: Shinnecock Bay.

NO. 88-85 to Merrill Roth, Clairedale Drive, Hampton Bays: Red Creek Pond.

NO. 88-86 to Marie & William Scharp, 53 Washington Heights Avenue, Hampton Bays: Sebonac Creek.

NO. 88-87 to Allan Silver, East Drive, North Haven Shores: Genet Creek.

NO. 88-88 to Ulf Skogsbergh, 653 Montauk Highway, Southampton: Wooley Pond.

NO. 88-89 to William Spink, Millstone Road, Noyac: Noyac Creek.

NO. 88-90 to Joseph Tribble, 40 East Point Lane, Hampton Bays: Shinnecock Bay.

NO. 88-91 to Chris Van Dyke, Hillside Avenue, Sag Harbor: Sag Harbor Cove.

NO. 88-92 to Carl Woronka, Tuttle Avenue, Eastport: Seatuck Creek.

POT PERMITS

NO. 1998 to William A. Babinski, PO Box 498, Wainscott

NO. 2098 to Albert E. Kenyon, 5 Nautilus Drive, Hampton Bays

JUNE 20, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, JUNE 20, 1988 AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, Paul W. Parash and William T. Frank, and Deputy Town Attorney John M. Wourgola. William Bennett was absent due to illness.

The minutes of the meeting of June 6, 1988 were read, amended, then approved as amended.

A motion was made by William Frank, seconded by Paul Parash and duly carried to amend the resolution passed at the June 6th meeting regarding applications for permits, as follows:

RESOLVED, that all applications for permits for new work or work involving proposed relocation of existing structures, will require a survey done by a licensed surveyor, updated no more than one (1) year prior to submitting application. The work proposed must be drawn, to scale, on the survey. Applications for repair or replacement will require a survey done by a licensed surveyor. All applications will require one (1) copy of the survey stamped with the Original seal of the surveyor.

Raymond Clair was present regarding his application for a dock permit. He was advised he must produce the deed to his property before any action is taken on the application.

(Continued, June 20, 1988, Board of Trustees)

Robert Tesori, Far Pond Road, Southampton, was present to request dredging of Honey Pot Pond. He stated that the filling in of Rosko Island and construction of ramps and the bridge to the island, had caused the pond to fill in and he can no longer get his boat in and out at low tide. Mr. Warner advised this area has never been dredged and would require a 4/5 vote of the Board. Mr. Warner also said that the spoil area would be the big problem. Mr. Tesori stated he owns a lot on which the spoil can be placed. Mr. Warner doubts if the DEC will allow this, but stated if Mr. Tesori can get a permit from the DEC, the Trustees would then discuss the proposal. Mr. Tesori asked if the Town purchases the island, could that be a spoil area? Mr. Warner said, "possibly". Mr. Tesori also suggested another area south of the pond, to which Mr. Warner replied to pump spoil there would be very expensive as the work would have to be done hydraulically. It would be a small job if a crane were used, and spoil placed nearby. John Wourgola suggested the Board meet informally with Mr. Tesori for further discussion.

H. Stanton Pohl and Douglas Penny, Attorneys, were present regarding the hearing on the Herb Obser dock. Due to the absence of William Bennett, the hearing was postponed until 1:30 p.m. at the July 6th meeting of the Board. (See minutes taken by public stenographer).

Michael Walsh, Attorney, representing Klaus Kirstein, was present regarding Mr. Kirstein's application for a dock which had been installed without a permit. The Board

(Continued, June 20, 1988, Board of Trustees)

agreed the permit will be issued for a 4' x 87' dock. The floaters attached will have to be removed and a separate application submitted at a later date. The permit will not be issued until the Bay Constable has reported the floats removed.

Bill Platt, Attorney, representing Gateway of Flanders Marina, was present. He showed the Board aerial surveys of Reeves Bay taken March 1984, and stated he felt the Board had been misled by the Battaglia application.

Glenn Just agent for Robert Grossman, was present regarding an application for a dock. This application will be approved.

James Flaherty, Hampton Bays, was present to ask that the Trustee dock at Smith's Creek which is enclosed by a locked fence, be re-opened to the public. He wants access to the dock for the purpose of hauling the engine from his boat. Mr. Warner stated there is a place at the boat basin at the Shinnecock Inlet for this purpose. Mr. Flaherty said this would not be convenient. Mr Warner then stated that the Bay Constables could open the Smith's Creek area, the engine could be hauled, and Mr. Flaherty's boat then removed immediately. John Wourgola stated proof of liability insurance would be required. Mr. Flaherty is to contact the Bay Constable's when he is ready.

Mr. Evermonde (Pete) Raynor was present regarding the Omabegho/Gullo dock. He showed a sub-division map proving the property the dock crosses is a right of way for the sub-division residents. John Wourgola stated that Martin

(Continued, June 20, 1988, Board of Trustees)

Gilmartin, Attorney for Dr. Gullo has instituted a title search and requested time to submit same. Mr. Albert Van Wagner was also present and asked to be notified when the matter will be reviewed.

Eleven (11) applications for permit were approved.

Two (2) applications for permit were held.

Permit No. 5103 was re-instated.

Eighteen (18) Mooring Permits were approved.

Two (2) Pot Permits were approved

CORRESPONDANCE: Thomas M. Thorsen, Director of Natural Resources to Supervisor and Town Board re: Quogue wetlands catwalk to be situated in the Village of Quogue. The Village is proposing a unified walkway to the bay, a small parking area and individual docks off the walkway. The Board has already issued a permit on this project, agreeing this is the practical way to go.

Rosalie J. Tutino, 18 Fairview Road, Hampton Bays re: Romana Drive, Tiana Shores, proposed dredging project. Ms. Tutino states she has not given permission to do anything on her property.

Kenneth H. Thommen, Town Clerk: Resolution granting Eastern Outboard Racing Club permission to hold an outboard regatta on July 10th at Flanders Bay.

Kenneth H. Thommen, Town Clerk: Resolution of Town Board re: proposal of Suffolk County to dredge at Mecox.

Village of North Haven Planning Board re: Decision statement and findings statement, West Banks Shorefront development and stabilization project.

(Continued, June 20, 1988, Board of Trustees)

James H. Rambo, Inc. to Senator Hugh Farley, State Senate, Albany re: Bill No. 7769, Amendment to Article 25, Part 661 Tidal Wetlands, Land Use Regulations.

John M. Wourgola, Deputy Town Attorney re: Stamped plans and surveys to be required.

New York State DEC: Permit for County to dredge at Mecox Bay. The Board is still waiting for the Army Corp. approval. Bay Constable John Andersen met with a representative of U.S. Fish and Wildlife at Mecox on Monday, and was assured the application will be approved.

En-Consultants, Inc: Bill for work done to date in attempt to obtain permits from the DEC on Sagaponack Pond, in the amount of \$367.94. A motion was made by William Frank, seconded by Frank Smith and duly carried to pay this bill from the Trustee's Special Checking Account.

Bruce Anderson, Natural Resources Dept., Town of Southampton re: New York State study of the mud turtle at Wehrmann Pond in Red Creek, Hampton Bays. Mr. Anderson describes the project as "nonsensical", and feels the tagging procedures may be harmful to the turtles. He recommends the Trustee object. John Wourgola will handle the letter to the State and Mr. Anderson.

Supervisor DiPirro joined the meeting to discuss a proposal by the 10 Towns of Suffolk to impose a 45 MPH speed limit for boats in County waters. Edward Warner explained to her that in the Town of Southampton, there is a 5 MPH speed limit within 500 feet of the shore, unless otherwise posted. Bay Constables John Andersen and Ted

(Continued, June 20, 1988, Board of Trustees)

Sadleir were present. While the Bay Constables agree with the 45 MPH, they stated it will be difficult to enforce, but the law would certainly be a step in the right direction. The Bay Constables have one hand held radar unit at present. One for each sector would be desirable.

Mrs. DiPirro stated, possibly stopped speeders could be checked for DWI and other violations. John Andersen explained the difficulties with enforcing the State drinking boater law. He said State law allows for an arrest only when an accident or death occurs. He said also only two Constables have been trained and are qualified with the radar. Schooling for the others will be checked into. John Andersen said the Town should urge the State to issued licenses to boaters, then violations could be shown on the license, the same as a motor vehicle license. The Board agreed the Town should endorse the 45 MPH proposal.

A motion was made by Paul Parash, seconded by William Frank to renew the Shinnecock Yacht Club lease, which expired on April 30, 1988, for one (1) year at the same rent of \$125.00. John Wourgola will prepare the lease.

Frank Smith reported an illegal dock on Reeves Bay between Battaglia and Gateway. He asked that the owner, Mr. Carl Austin, be advised to apply for a permit.

The balance of the seed clam order is due in this week.

William Frank requested that a letter be sent to Glenn Paul, c/o Sag Harbor Village Police Dept., giving him thirty (30) days to remove an illegal dock on his property off Noyac Road, Sag Harbor, which is occupied by his tenants, Engel and McNamara.

(Continued, June 20, 1988, Board of Trustees)

Mr. Warner reported Mecox Bay needs to be opened as soon as possible.

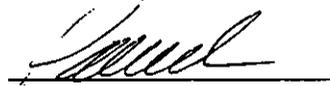
The salinity reports at Mecox show the count is up.

It was reported the transplant from Speonk Cove to Quantuck Bay is scheduled for June 27th, pending approval of the permit from the DEC.

A motion was made by Paul Parash, seconded by Frank Smith and duly carried that the maintenance crew be required to check in mornings and out evenings on a time clock.

The meeting on motion was adjourned.

Respectfully submitted,



Paul W. Parash

Acting Secretary

PERMITS ISSUED

Permit No. 5288 is issued to Glenn E. Just agent for ROBERT GROSSMAN, Private r.o.w. off Aesops Neck Lane, Quogue, to construct a 4' x 99' fixed dock (elevated a minimum of 4' over marsh), a 4' x 12' ramp, 8' x 20' float and 5' x 28' float, as per application and survey submitted. Project is located off owner's property on Quantuck Bay. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

(Continued, June 20, 1988, Board of Trustees)

PERMIT NO. 5289 is issued to Seashore Permits Unltd. agent for JAMES J. BOYLE, Ogden Lane, Quogue to construct a dock consisting of a 5'x 60' catwalk (elevated a minimum of 4'* over the marsh), a 4'*x 40' fixed dock, a 4'*x 12' ramp attached to two (2) 6'x 20' floating docks, and two (2) mooring poles. *denotes changes to application and survey submitted. Project located off owner's property on Ogden Pond. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5290 is issued to Seashore Permits Unltd., agent for DOUGLAS J. MILLER, 55 Old Main Road, Quogue to construct a dock consisting of a 5'x 16' catwalk (elevated a minimum of 4'* above grade of marsh), a 4'*x 32' fixed dock and 4'*x 12 ramp attached to a 6'x 20' floating dock. Project located off owner's property on Quantuck Creek. *denotes changes to application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5291 is issued to Seashore Permits Unltd. agent for LIEBERT TURNER, 1 Quogue Street, Quogue to replace 224 lf of existing timber bulkheading and to add a 6' return on the south and a 5' return on the north, as per application and survey submitted. Project located on owner's property on Quantuck Bay. \$23.50 fee rec'd.

PERMIT NO. 5292 is issued to Michael Sylvester agent for FRANK ANTONELLI, 21 Tarpon Road, East Quogue to resheath

(Continued, June 20, 1988, Board of Trustees)

75 ft. of existing timber bulkhead, on owner's property on a private lagoon off Shinnecock Bay, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5293 is issued to PATRICK INTRIERI, 25 Leeward Lane, Quogue to reface 146 lf of existing timber bulkheading, construct 121 lf of new bulkheading, including boat slip, and to dredge approximately 210 cy in boat slip, to be used as backfill. Also, to remove an existing rubble wall and place upland. Project located on owner's property on the Quogue Canal, as per application and survey submitted. \$10.00 fee rec'd. \$26.70 due.

PERMIT NO. 5294 is issued to MARY PAPPAS, N/S Noyac Road, Sag Harbor to construct a dock consisting of a 75' x 3' catwalk (elevated a minimum of 4' above grade), a 4' x 6' ramp leading to a 8' x 6' floating dock, off owner's property on Ligonee Brook, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5295 is issued to McNulty, DiPietro & Spiess, Esqs. agents for KLAUS KIRSTEIN, 580 Wooleys Drive, Southampton, to maintain an existing dock, consisting of a floating section, 4' wide by 87' long, off owner's property on Wooleys Pond, as per application and survey submitted. Permit is granted subject to removal of existing floats. \$10.00 fee rec'd.

PERMIT NO. 5296 is issued to Jeremy S. Penna agent for DR. AND MRS. VITO SCARDINO, 512X Inlet Road, Southampton to

(Continued, June 20, 1988, Board of Trustees)

construct a dock consisting of a fixed walkway, 4' x 14' (elevated a minimum of 4' above grade of marsh), a ramp 4' x 12' and a floating section, 5' x 20', off owner's property on Cold Spring Pond, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5297 is issued to THOMAS J. AND BEVERLY A. SMITH, Cold Spring Point Road, Southampton to reface approximately 75 lf of existing timber bulkheading, on owner's property on a dredged channel off Cold Spring Pond, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5298 is issued to WILLIAM JACKMAN, ANGELO SICURANZA AND ELMO W. HOOSER, 95, 97 and 101 Little Neck Road, Southampton, to construct 172 lf of timber bulkheading, tying into neighboring bulkhead return at the north end, on owners' properties on Middle Pond, as per application and survey submitted. (Permit is granted subject to letter of consent from neighbor to the north). \$17.20 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5103 was re-instated.

The application of Inter-Science Research Associates, Inc. agent for Charles Dewey, Shinnecock Avenue, Quogue to construct approx. 510 lf of bulkheading, a boat slip and dredge, was held for a full Board inspection.

(Continued, June 20, 1988, Board of Trustees)

The application of Arthur and Mary Ellen Sarno is held for clearance of violations.

MOORING PERMITS ISSUED

NO. 88-93 to John M. Anderson, Wildwood Road, Sag Harbor: Noyac Creek.

NO. 88-94 to Thomas F. Berg, 592 Dune Road, Westhampton: Moriches Bay.

NO. 88-95 to Barbara Berger, Bayview Drive, Sag Harbor: Noyac Creek.

NO. 88-96 to David Brown, Millstone Drive, Southampton: North Sea Harbor.

NO. 88-97 to Robert F. Derry, 224 Cedar Avenue, Sag Harbor: Mill Creek.

NO. 88-98 to Dennis M. Garstang, 101A Old Riverhead Road, Hampton Bays: Red Creek Pond.

NO. 88-99 to John C. Henderson, 5 Woodedge Trail, Quogue: Red Creek Pond.

NO. 88-100 to Jeffrey J. Margolis, Lake Drive North, Southampton: Fresh Pond (Bay View Oaks).

NO. 88-101 to Maurice & Jeannette Mayleas, 14 Columbine S., Hampton Bays: Red Creek Pond.

NO. 88-102 to Vincent Massarotti, 85 Middle Pond Road, Southampton: Far Pond.

NO. 88-103 to Thomas M. Mulrooney, 7 Westbury Road, Hampton Bays: Shinnecock Bay.

NO. 88-104 to Donald P. Finamore for Riverhead Estates Civic Association: 19 moorings in Silverbrook Creek.

NO. 88-105 to Paul L. Robinson, 128 Elm Street, Southampton: North Sea Harbor

NO. 88-106 to Perry P. Schaefer, Carroll Street, Sag Harbor: Sag Harbor Cove.

NO. 88-107 to Vernon P. Schaefer, Carroll Street, Sag Harbor: Sag Harbor Cove.

NO. 88-108 to Mark C. Sinclair, 93 Squiretown Road, Hampton Bays: Red Creek Pond.

(Continued, June 20, 1988, Board of Trustees)

NO. 88-109 to James E. Spooner, Walnut Street, Noyac:
Noyac Creek.

NO. 88-110 to Kenneth C. Skidmore, 184 Lynn Avenue,
Hampton Bays: Shinnecock Bay

POT PERMITS ISSUED

NO. 2198 to Thomas A. LaVista, Bayview Drive, Westhampton
Beach.

NO. 2298 to Fred Thode, Jr., 34 Gravel Hill Road, Hampton
Bays.

TOWN OF SOUTHAMPTON
BOARD OF TRUSTEES

-----x
In the Matter of the Public Hearing
held by the BOARD OF TRUSTEES of :
the TOWN OF SOUTHAMPTON with :
respect to the dock application of :
Herb Obser. :
-----x

Southampton Town Hall,
116 Hampton Road,
Southampton, N. Y.,
June 20, 1988
1:30 P. M.

Before

EDWARD WARNER, President
FRANK SMITH, Trustee
WILLIAM BENNETT, Trustee (absent)
PAUL PARASH, Trustee
WILLIAM FRANK, Trustee

Board of Trustees
Town of Southampton.

Joan Behrle, Senior Clerk.

APPEARANCES:

JOHN M. WOURGOLA, ESQ.
Deputy Town Attorney
Town of Southampton.

WEBER & POHL, ESQS.
Attorneys for Applicant
Patio Building
Sunset Avenue P. O. Box 1749
Westhampton Beach, N. Y. 11978
By: Stanton Pohl, Esq.

DOUGLAS PENNY, ESQ.
Attorney for Elliah Rousso
140 Montauk Highway West
Hampton Bays, N.Y.

Suffolk Reporters, Inc.
P. O. Box 163
Southampton, NY 11968
509-3622-283-1578

MR. WARNER: On the Herb Obser case, are the parties involved here, Stanley Pohl and Doug Penny?

MR. WOURGOLA: On the record, a revocation hearing took place on May 16, at which time both Mr. Penny and Mr. Pohl presented testimony on behalf of their clients.

At that time, by resolution the hearing was closed and held for determination only on the June 6 meeting. Mr. Pohl appeared and made application to the Board to reopen the hearing in order that he might put in additional testimony. That application was granted.

A subsequent motion was made to adjourn the matter until today due to Mr. Penny's illness. So the hearing is now open for additional testimony to be presented.

We are lacking one Board member, Mr. Bennett. I would ask if you would want to proceed in light of that.

MR. POHL: I discussed the matter with my client, and I think it would be in the best interests of my client if the full Board was present.

I make an application to adjourn to the next meeting, if that's acceptable to the Board.

MR. PENNY: If I could comment on that, I feel we have a stenographer and we could present the testimony today. We have all the witnesses here, and Mr. Bennett then could review the stenographer's transcript and we would hold it for a decision. We wouldn't make a decision today without a full Board. Whatever your decision is -

MR. WOURGOLA: If Bill should have any questions on the testimony that's being introduced -

MR. PENNY: We can leave the hearing open. I'm not asking that it be closed today. My clients are both here from the

City and Star has the applicant's agent here to explain the application.

MR. WARNER: Are you ready to present your case?

MR. POHL: I would be ready to go forward with Mr. Just today, but I would request that the hearing be held open for the next meeting.

MR. WOURGOLA: You want to proceed today?

MR. POHL: I will then proceed with Mr. Just today, with his presentation. Of course, if Mr. Bennett does have any questions, he could come back and he could question at the additional time. We're going to be coming back, any way. I would prefer to do it all in one day, but -

MR. WARNER: We couldn't give a decision today; we couldn't, without a full Board.

MR. POHL: I do have to return; I'm sure Mr. Penny would be here. I would

prefer to proceed with a full Board at that time. It seems to make sense to me.

MR. PENNY: I leave it up to the Board. I'm not going to sit here and strenuously object to the application. I wasn't here two weeks ago. We've got everybody here and we have a stenographer and Mr. Bennett can review it. It's whatever the Board wants to do.

MR. WARNER: What do you think, John?

MR. WOURGOLA: I think we should hold it over.

MR. PARASH: It's all right by me.

MR. FRANK: I go along with that.

MR. SMITH: Yes.

MR. WARNER: all right. The Board's decision is we'll hold the whole thing until the next meeting. We'll schedule it at 1:30, and that would be on the 6th of July. That's a Wednesday.

MR. FRANK: Because of the holiday,
the 4th of July.

(Whereupon the hearing was
concluded at 1:45 P. M.)

- - - - -

I, Mildred T. Duttonow, Certified Shorthand
Reporter, do hereby certify that the foregoing is a
true and accurate transcript of the minutes taken by me
at the above hearing before the Town of Southampton
Board of Trustees on June 20, 1988.

Mildred T. Duttonow

JULY 6, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, JULY 6, 1988 AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of June 20, 1988 were read and approved as read.

Mr. Warner reported that the clam transplant was not successful and had to be cancelled. He feels it was too late in the season.

Mr. Spier of East Quogue was present to discuss Carter Creek. He said the depth was down to three to four feet at high tide and the width only four feet. Mr. Warner stated the full Board made an inspection today and the existing brush jetty will be repaired. Permits for another jetty were applied for from the DEC in September of 1987, and have not been received. Also, finding a spoil area for dredging is going to be a problem. Mr. Birol and John Blaney were also present and were urged to call the DEC.

Mrs. Reinecke of the Water's Edge Civic Association in Flanders, and several other ladies, were present to ask what can be done to save their beach from further erosion. Mr. Smith had met with them and advised them to apply for

(Continued, July 6, 1988, BOARD OF TRUSTEES)

a brush jetty, but they said Mr. Haje of En-Consultants advises that the DEC does not favor rock or brush jetties. Mr. Warner suggested that Mr. Haje apply for a "low profile wooden groin" and see what the DEC reply would be. Frank Smith stated that a DEC representative should be asked to look at a brush jetty and then they might understand how they work.

Roy Haje was present and stated that the area at Burnett's Creek that Clifford Parker wants dredged, has never been dredged and would require new permits. William Frank will inspect the area with Mr. Haje before applying for the permits.

H. Stanton Pohl and Douglas Penny, Attorneys, were present regarding the dispute between Herb Obser and Eli Rouso. The minutes were recorded by the Public Stenographer (attached). A motion was made by Paul Parash, seconded by William Frank and duly carried to hold the matter for a determination only, at the next meeting of the Board.

Mrs. Roseanne Battaglia was present and was told her application for finger piers to be added to the dock, will be approved.

William Esseks and William Bates, Attorneys, were present regarding the dispute between Barry Beil and Sheldon Tannen. The minutes were recorded by the Public Stenographer (attached).

Raymond Clair was present regarding his application

(Continued, July 6, 1988, BOARD OF TRUSTEES)

for a dock. Judith Calamandrei, the property owner has objected to the application. John Wourgola will meet with Mr. Clair on this matter.

Carl Schwartz, North Atlantic Diver's Association, gave a presentation on a proposal to do an "Aquatic Study of Shinnecock Inlet". His proposal was to take a "baseline inventory" of marine life in the inlet. He stated he was funding the project personally. He stressed that the study needs to be done quickly, as the inlet is due to be dredged this fall. He requested that one dive weekly be allowed, at a time specified by the Board. Records would be kept in a Nassau County computer. The Board pointed out that there is a Town ordinance against diving in the inlet and high insurance would be required. The Board stated they will confer further with the Bay Constables and get back to Mr. Schwartz.

Chris Peterson was present to show the Board a sample of recycled material which he states is used in place of CCA treated materials for marine construction. He spoke briefly on the subject and was asked for more literature. He admitted that the material is quite expensive at this time.

Bennett Krasner, Attorney for Levy in the Bell dispute, arrived late. He was requested to return to the next meeting. He is to be advised of the time.

Byron Hero of Water Mill was present to request permission to install a temporary slalom course for a

(Continued, July 6, 1988, BOARD OF TRUSTEES)

water skiing club in Mecox Bay. The course had been installed and one of the Bay Constables stopped and advised them a permit was necessary. He stated the buoys are safer than those used for lobster pots, etc. Mr. Warner stated that Mecox is a small bay and a busy summer recreational area. If the Trustees issue a permit, they are accepting responsibility and leaving themselves open to possible law suits in the event of an accident. Mr. Hero stated there is a million dollar insurance policy available. William Bennett said he cannot see how water skiing enhances the bay and to issue a permit would be granting use of a portion of the bay to one interest group. Mr. Warner then suggested a more suitable location at Flanders Bay, but Mr. Hero stated that the club members all live around Mecox Bay. Mr. Wourgola suggested Mr. Hero submit an application to the Board for consideration.

Tom White, Jim McLaughlen, Larry Cavolina and Anthony D'Italia were present to submit a petition with over 200 signatures, requesting the Board safeguard the rights of beach vehicle owners for access to the beaches. They presented maps proposing two locations for daytime access in vehicles, one at Mecox Inlet, the other at Sagaponack Pond. Also present was Mrs. Janice Kreymborg who suggested the Trustees take a more active stance with the Village of Southampton in the matter of keeping the existing vehicle area open. Mrs. Kreymborg also submitted a letter.

Eight (8) applications for permit were approved.

(Continued, July 6, 1988, BOARD OF TRUSTEES)

Four (4) applications for permit were held.

Sixteen (16) Mooring Permits were approved.

Two (2) Mooring applications were denied.

A report from Gilbert Foster that helicopters are landing on the beach, in addition to the pad at the Shinnecock Inlet, will be checked by Paul Parash.

Bruce Anderson reported that the salinity count at Mecox is down today.

CORRESPONDANCE: Byron A. Hero, President, Southampton Ski Club, Inc. re: Slalom course at Mecox Bay. This matter was addressed earlier in the meeting.

James H. Rambo, Inc. re: Senate Bill 7769, Article 25 Tidal Wetlands regulations.

Town Planning Board re: Road review application - Susan Rubin. A motion was made by William Bennett, seconded by Paul Parash and duly carried to grant permission to Susan Rubin, W/S Noyack Path, Bridgehampton to build on the unimproved Trustee road, subject to the recommendations of the Southampton Town Road Review Committee as per their letter dated June 7, 1988.

Gordon Jackson, Jackson's Marina, Inc. to Legislator Fred Thiele re: shoaling conditions in Intercoastal waterway south of the Shinnecock Canal. A letter will be sent to the Department of the Army, Corps. of Engineers calling attention to the problem and requesting something be done or the area will soon be unavigable. Copies will be sent to County Executive Patrick Halpin; Legislator

(Continued, July 6, 1988, BOARD OF TRUSTEES)

Fred Thiele; Robert Green, NYSDEC; Supervisor Mardythe DiPirro; NYS Assemblyman John Behan and Mr. Jackson.

New York State Dept. of Environmental Conservation: Objections to project as proposed to dredge at Silverbrook Canal off Dam Trail. A motion was made by Frank Smith, seconded by William Bennett and duly carried to advise Roy Haje to withdraw the application.

New York State DEC re: coastal erosion hazard area map for the Town of Southampton officially filed.

Suffolk Reporters, Inc.: Bill for appearance of reporter at Public Hearing held on the application of Herb Obser on June 20th, in the amount of \$84.00. A motion was made by William Frank, seconded by William Bennett and duly carried to pay this bill from the Trustee's Special Checking Account.

Southeastern Massachusetts University to Northeast Region Aquaculture Center re: nomination of select conference participants.

James H. Rambo, Inc. to Senator Hugh T. Farley, Chairman, Senate Environmental Conservation Committee re: 57769, Notice of Pendency.

Eugene V. Pizzo, East Drive, North Haven re: fencing off of Genet Creek Beach and Yacht Association, Inc. property. John Wourgola will study this matter.

Rambo will be requested to open Mecox again next week. Also, John Guldi has stated it would be preferable to do the inner dredging at Mecox in the fall when the equipment could be left for a longer time. The Board agreed.

(Continued, July 6, 1988, BOARD OF TRUSTEES)

Frank Smith reported on the unsuccessful clam transplant and the new order of seed clams. A motion was made by William Frank, seconded by William Bennett to pay the balance of the seed clam bill from the Trustee's Special Account.

Letters are to be sent to the Bay Constables and maintenance men for their work on the clam projects.

William Frank stated that he and Bay Constable Kohnken had checked on a complaint of digging being done at the Archibald Sub-division at Haynes Pond in Sag Harbor. They were informed that "test holes" were being dug. If the persons can be identified, a summons will be issued.

Edward Warner requested that a letter be sent to Charles deQuillfeldt of the DEC requesting Mill Creek, Birch Creek and Goose Creek in Flanders be placed on the conditional shellfishing program for the fall. Also, Mr. Bennett would like an area in Moriches Bay opened, and requests a meeting with Mr. deQuillfeldt.

Edward Warner reported that the full Board made an inspection at Honey Pot Pond in Shinnecock Hills today. They unanimously agree that dredging should not be allowed as this is a "pristine area", with shellfish, Spartina Alterniflora, fiddler crabs, etc. Also, the spoil would damage the nesting bird areas. Mr. Robert Tesori who requested the dredging, will be advised of the Board's decision.

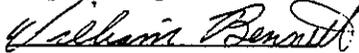
A motion was made by Edward Warner, seconded by

(Continued, July 6, 1988, BOARD OF TRUSTEES)

William Bennett and duly carried to request that the Town Board set a date for a public hearing in the matter of allowing vehicles on the beaches from Flying Point Road to east of Mecox Inlet which is approximately 750 feet overall and in front of Sagaponack Pond, an area of approximately 2200 feet.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

PERMITS ISSUED

NO. 5299 to William J. Soehl, Architect, agent for John S. and Roseann Battaglia, 1040 Flanders Road, Flanders, to add two (2) 2' x 12' finger piers inside dock (approved by Permit No. 5269), off owner's property on Reeves Bay. \$10.00 fee rec'd.

NO. 5300 to En-Consultants, Inc. agent for Small Potatoes, Inc., c/o Anthony A. Dreyspool, Bayview Drive, Quogue to modify Permit No. 5161, issued March 7, 1988, to allow for expansion of the size of the boat slip to dimensions of 40' (west side); 27' (north side); and 32' (east side). Project located on owner's property on the Quogue Canal. \$10.00 fee rec'd.

NO. 5301 to En-Consultants, Inc, agent for Alhet Ertegun,

(Continued, July 6, 1988, BOARD OF TRUSTEES)

Halsey Lane, Bridgehampton to construct a timber dock consisting of a 4' x 130' fixed elevated (4' above grade of marsh) walkway; 4' x 12' hinged ramp; 6' x 16' float secured by two (2) 8" diameter pilings, off owner's property on Taylor's Creek. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

NO. 5302 to D. J. Whelan Marine Construction, Inc. agent for Cyril C. Baldwin, Jr., Northampton Shores, Peconic Avenue, Noyac, to replace within 18" of existing, 192 lf of timber bulkheading and to backfill with clean fill to be trucked in from an upland source, on owner's property on Little Peconic Bay. \$19.20 fee rec'd.

NO. 5303 to Glenn E. Just agent for Louis Grossman, Bob White Lane, Southampton, to amend Permit No. 5259, issued May 16, 1988, to allow raising existing bulkheading by 12". Project located on owner's property on Speonk Cove. \$10.00 fee rec'd.

NO. 5304 to Kurt Gardner, Sandpiper Lagoon, Westhampton Beach, to maintenance dredge existing canal with land crane, approximately 200' long by 10' wide by 48" deep at mean low water. To remove 300 cy of spoil and truck it from the east side to the west side of the canal to be placed on Lot #15 at Bay Meadows Sub-division. Amount of spoil will not exceed 20% coverage of Lot #15 (as per covenant). This replaces Permit No. 5045.

NO. 5305 to Ronald J. Arcate, 9 Canoe Place Road, Hampton

(Continued, July 6, 1988, BOARD OF TRUSTEES)

Bays to maintenance dredge access to boat basin on west side to 4' below MLW. Spoil to be carted away to upland site. Project located off owner's property on Shinnecock Bay. Estimated 100 cy to be taken. 1/2 from Town waters. \$50.00 fee rec'd.

NO. 5306 to Mary and Joseph Aragona, 4 Sun Valley Road, Hampton Bays to construct a dock consisting of nine (9) 4' x 12' sections and one (1) 4' x 12' section in an "L" configuration, (total length of dock from shoreline, 112'), off owner's property on Shinnecock Bay. Dock must be 10' inside property lines. \$10.00 fee rec'd.

The application of En-Consultants, Inc. agent for Fred Brotherton, Bay Road, Quogue, for replacement bulkheading is being held for a decision by the NYSDEC.

The application of Timothy Collins, Inter-Science Research Associates, Inc. agent for Charles Dewey, Shinnecock Avenue, Quogue, to construct bulkheading is held for a decision by the NYSDEC.

The application of Victor A. Amass, 7 East Beach Drive, Southampton, for restoration of an existing floating dock and maintenance dredging is held. The dock extends too far over the neighbors' properties. Mr. Amass is asked to cut the dock back and submit a new survey.

The application of Mary and Joseph Aragona, 4 Sun Valley Road, Hampton Bays to construct bulkheading is held for an inspection.

(Continued, July 6, 1988, BOARD OF TRUSTEES)

MOORING PERMITS ISSUED

NO. 88-111 to Nabil Bahi, 3 Lynn Avenue, Hampton Bays: Shinnecock Bay

NO. 88-112 to Brahim Bahi, 3 Lynn Avenue, Hampton Bays: Shinnecock Bay

NO. 88-113 to Steven Bolton, 45 Cove Road, Sr., Southampton: Shinnecock Bay. (One year only)

NO. 88-114 to William T. Frank, 563 Pine Neck Avenue, Sag Harbor: Mill Creek.

NO. 88-115 to James M. and Dolores Furey, Halsey Neck Lane, Southampton: Taylor's Creek

NO. 88-116 to Matthew Iacobazzo, Fern and Bayview Roads, Southampton: Fresh Pond (Herne Oaks)

NO. 88-117 to Philip D. Kaplan, East Drive, Sag Harbor: Genet Creek

NO. 88-118 to Edward P. Kelly, 176A Bay Avenue E., Hampton Bays: Shinnecock Bay

NO. 88-119 to Alexander Koslow, 69 Point Road, Flanders: Red Creek Pond

NO. 88-120 to Jack Maginsky, 338 Millstone Brook Road, Southampton: Bullhead Bay

NO. 88-121 to Raymond J. Mahan, 57 Peconic Hills Drive, Southampton: Noyac Creek

NO. 88-122 to David & Sandra Meinertzhagen, Sheridan Road, Hampton Bays : Cold Spring Pond

NO. 88-123 to Barbara & John Nickonovitz, 16 Rampasture Road, Hampton Bays: Tiana Bay

NO. 88-124 to Alan Pellegrino, Widener Lane, Southampton: Fresh Pond (Herne Oaks)

NO. 88-125 to Brian E. Ulrich, Rural Route 1, Sag Harbor: Noyac Creek

NO. 88-126 to Edward Walicki, 27 Carter Avenue, Hampton Bays: Shinnecock Bay.

The applications of Arne Skilbred, West Drive, North Haven and Richard J. Holwell, South Drive, North Haven for moorings in Genet Creek were denied. The boats are too large for the area.

1 TOWN OF SOUTHAMPTON
2 BOARD OF TRUSTEES

3 -----X
4 In the Matter of the Public Hearing
5 held by the BOARD OF TRUSTEES of the :
6 TOWN OF SOUTHAMPTON on the application :
7 of HERB OSBER proposing to add an :
8 additional 4' x 32' section to a :
9 floating dock. :
10 -----X

11 Southampton Town Hall,
12 116 Hampton Road,
13 Southampton, N. Y.,
14 July 6, 1988
15 1:30 P. M.

16 Before

17 EDWARD J. WARNER, President
18 WILLIAM H. BENNETT, Secretary-Treasurer
19 FRANK L. SMITH, Trustee
20 PAUL W. PARASH, Trustee
21 WILLIAM T. FRANK, Trustee

22 Board of Trustees
23 Town of Southampton.

24 JOAN BEHRLE, Clerk.

25 APPEARANCES:

26 JOHN M. WOURGOLA, ESQ.
27 Deputy Town Attorney
28 Town of Southampton.

29 WEBER & POHL, ESQS.
30 Attorneys for Applicant
31 Patio Building
32 Sunset Avenue
33 P. O. Box 1749
34 Westhampton Beach, New York 11978
35 By: STANTON POHL, ESQ.

36 DOUGLAS PENNY, ESQ.
37 Attorney for Elliah Rousso and Patricia Rousso
38 140 West Montauk Highway
39 Hampton Bays, New York

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2 MR. POHL: I see Mr. Just hasn't arrived
3 yet. I don't want to hold the Board up.

4 MR. WARNER: We have you planned for 1:30.
5 Barry Beil isn't here, either. I think you want
6 Mr. Just here.

7 MR. POHL: We'd like to have him here. I
8 could give you the preliminary alternative, which
9 I have here, and Mr. Just, I'm sure he's going to
10 arrive at some point in time. Whatever the
11 Board's pleasure is. I don't want to hold the
12 Board up.

13 MR. WARNER: We can get started. We'd like
14 to take care of it and finalize it.

15 MR. FRANK: Is there any way you can contact
16 him?

17 MR. POHL: He confirmed he was going to be
18 here. I could call his office to see if he has
19 left. I'll call right now.

20 (Whereupon there was a brief pause in the
21 proceeding.)

22 MR. POHL: He should be here. He left the
23 office in plenty of time to be here. He should be
24 here momentarily.

25 MR. WARNER: Is there something you could

1
2 start with?

3 MR. POHL: Yes, I could start with
4 explaining.

5 MR. WARNER: Let's get the thing going.

6 MR. POHL: On May 31 of 1988, I submitted a
7 letter to the Trustees, a copy to Doug Penny, and
8 also to Mr. Wourgola, concerning some additional
9 facts which I wanted to bring before the Board in
10 connection with this application, which was under
11 review after the permit had been granted.

12 In it, of particular importance, was two
13 things. One, Mr. Just had handled the application
14 and there was some discussions - apparently there
15 was some alleged discussions concerning the dock
16 application down at the property which apparently
17 Mr. Just didn't recall or wasn't aware of, because
18 there was some indication by - I think Mr. Smith
19 had made an indication the people wanted to buy
20 the property. That was one thing.

21 The second thing I think most importantly is
22 that I contacted the property owners to the north,
23 which is Sandacres. I'd like to show you a copy
24 of the map, which Mr. Just had prepared at my
25 direction, and the property to the north,

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Sandacrez, is right here. I contacted John Petitt and Mr. George Potts. George Potts is the owner, and John Petitt is the attorney.

This is the dock we're talking about now. I indicated the difficulty we were having, and he sympathized with us, and I asked him if we could move the dock over an additional four feet so it would be one foot off the Sandacrez property line, and then that would then give the needed ten feet from the Rouso property line, who are the parties that are objecting at this point in time. That was done to make up for the fact that this wasn't a 25-foot right-of-way; instead, it was a 15-foot right-of-way.

I did review the file in the Town Attorney's office. The amended application did indicate it was a 15-foot right-of-way, and that was submitted prior to the granting of the amended permit. So there wasn't any attempt by any party here to deceive anybody, and I'm sure Mr. Just will confirm that when he comes here.

The property owners to the north said that they will issue approval in writing to the Board of Trustees that that dock be placed one foot off

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2 the property line and moved over. And I'm asking
3 the Board to consider this as an alternative pro-
4 posal to the revocation of the dock permit because
5 there are a number of extenuating circumstances
6 here.

7 When this dock was about to be constructed,
8 the oral approval was given by the Roussos on the
9 indication that this dock be bent over to this way
10 to further accommodate them, to the north, which
11 was an accommodation in itself. We are further
12 now accommodating by moving over an additional
13 four feet to the one-foot off the Sandacres prop-
14 erty line. The dock would be ten feet from the
15 property line. But understand, this is a deeded
16 right-of-way. The fee ownership is not owned by
17 the two people who own the right-of-way. It is
18 included in their right-of-way, a deed down to
19 Quantuck Bay.

20 In order to satisfy that objection, we have
21 moved it over as far as we can to be ten feet off
22 that right-of-way line.

23 MR. BENNETT: There's two people that can
24 use the right-of-way?

25 MR. POHL: Yes. I represent Mr. Obser, who

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2 is here today, and also Mr. Dix, who have spent
3 the money to construct the dock, and are asking
4 that the Board approve or ratify or reconfirm the
5 issuance of the permit. Written permission to
6 move it over to the ten feet has been agreed to by
7 the owners of Sandacres. Of course, the Roussos
8 are here and they're objecting to this, and they
9 do not want to issue the written permission.

10 MR. WOURGOLA: Who owns that fee strip?
11 Rouso owns that, correct?

12 MR. POHL: Owned by Rouso subject to the
13 right-of-way.

14 MR. WOURGOLA: Any compromise you might
15 reach, I think, is something that your client and
16 Mr. Penny's client will have to work out. The
17 issue before the Board here, right now, is whether
18 that dock can stay where it is under that permit.

19 MR. BENNETT: No, that dock can't stay where
20 it is. It's not legal.

21 MR. WOURGOLA: I think the best way to
22 handle it is, depending on the outcome of the
23 hearing, is to come back with a new application.

24 MR. BENNETT: First we definitely need the
25 letter from this property owner that you can go

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2 over onto his property.

3 MR. FOHL: It's not onto his property. It's
4 still on the right-of-way.

5 MR. BENNETT: Okay. But he will let you
6 have that ten feet we require on the other side of
7 the dock for repairing.

8 MR. WOURGOLA: Mr. Penny's clients are the
9 owners of that strip, this dock strip. Mr.
10 Penny's client owns the strip. And these two
11 people own the property.

12 MR. BENNETT: The person with the right-of-
13 way has as much interest as the person who owns
14 it.

15 MR. WARNER: If Doug's client owns this
16 right-of-way -

17 MR. BENNETT: I see. That's right. There
18 are three parties. You said two. Now there's
19 three.

20 MR. WARNER: One person owns it.

21 MR. FRANK: They could put a fence across
22 it.

23 MR. BENNETT: He had the same rights as the
24 person who had the right-of-way - no more, no
25 less.

1
2 MR. FOHL: I think you indicated, or someone
3 did, he could put a fence across it. He can't do
4 that, absolutely not.

5 MR. BENNETT: He has to pay the taxes on it.
6 He has a burden more than the person with the
7 right-of-way, because he pays the taxes. He is
8 burdened with the same rights.

9 MR. FOHL: As I indicated to the Board, the
10 dock has been constructed, the permit had been
11 granted, and in view of the circumstances, there
12 are extenuating circumstances here where the
13 revocation of the document seems to be a drastic
14 remedy. I'm trying to -

15 MR. BENNETT: Could you actually move that
16 dock ten feet over on that person's property?

17 MR. FOHL: No. Sandacres will not consent
18 to go onto this property, per se. But it is ten
19 feet from the southerly edge of the right-of-way
20 line, which would be in conformance -

21 MR. BENNETT: But you have an individual
22 objecting.

23 MR. FOHL: That's correct. Originally, when
24 this was put together, it was orally approved
25 because that was the condition of this man buying

1
2 the land. And we even accommodated them by bend-
3 ing them this way. But to come in now, it seems
4 to me, something seems to be drastically wrong.

5 MR. PARASH: You have nothing in writing,
6 and we've got to have something in writing.

7 MR. POHL: I didn't want to go to Sandacres
8 and say will you issue me this letter in writing
9 prior to coming to the hearing, because if there
10 was some changes or modifications, if the Board
11 was going to say yes, we would go along with that,
12 I didn't want to have to go back to them a second
13 time. If the Board says that they will or you
14 would accept this as an alternative solution to
15 this problem, then I would get the permission in
16 writing subject to their -

17 MR. WOURGOLA: That's not the issue before
18 the Board.

19 MR. BENNETT: The problem is, if you can
20 come down, you've got a right to come down your
21 right-of-way. When you come down here to where
22 you want your dock, move that over -

23 MR. PARASH: They're not going on that prop-
24 erty at all.

25 MR. BENNETT: If you go, jog over ten feet

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1
2 onto that individual's property, and he will give
3 you a letter -

4 MR. POHL: He's not going to do that.

5 MR. PARASH: He's talking about getting
6 within one foot of his property.

7 MR. BENNETT: That's the only way I would
8 allow you to go down.

9 MR. SMITH: One of the correspondence said
10 that this right-of-way was owned by this person,
11 Gross, I think. It was private owned. Now, the
12 way I understood it, to begin with, was Mr. Obser
13 got verbal permission to put his dock here. Now,
14 to look at this, it seems to me that other people
15 have the use of this right-of-way. So now, tell
16 me, is this private owned?

17 MR. POHL: Yes. It always has been.

18 MR. JUST: Mr. Dix also has permission.

19 MR. SMITH: No one but Mr. Gross.

20 MR. POHL: Dix and Obser, the two people who
21 own these two lots. We have the exclusive right
22 to the use of this right-of-way.

23 MR. SMITH: It can't be private owned if
24 these people have the use of it.

25 MR. BENNETT: He owns the underlying land.

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2 He has a deed for the underlying land.

3 MR. PENNY: I'd like to make a statement.

4 MR. POHL: Mr. Penny's client, who owns the
5 property to the south, who is the objectant here,
6 with the permission - it will be one foot off this
7 property owner and ten feet from this property
8 line.

9 MR. WARNER: We'll hear from Mr. Penny now.

10 MR. PENNY: It is our position that every
11 bit of the testimony that you've taken thus far,
12 not only is it complete and total hearsay, but
13 it's totally irrelevant to the issue that's before
14 your Board right now. The issue before your Board
15 is whether or not the rules and regulations of the
16 Town Trustees were followed in the issuance of
17 this permit. The answer to the question is very
18 simply, no, they were not. The reason they were
19 not is that you require, and rightfully so, writ-
20 ten consent from the owner of the property to con-
21 struct a dock. The owner of the property from
22 this northerly lot line to this lot line over here
23 is Elliah and Patricia Rousso. They are the
24 owners. And they have never given written permis-
25 sion for the construction of this dock.

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We also dispute the statements made before this Board a couple of minutes ago that we ever gave oral permission for this dock. This was presented to my clients as an absolutely done deal. I have all the permits I need. This is the dock I'm going to build at the end of the right-of-way.

It is true that two parties have the right to use this 15-foot strip as access to Quantuck Bay. That is the extent of the right-of-way. Nowhere in that right-of-way does it say that they have permission to construct a dock. There is case law in the State of New York, and I've researched it and provided copies to Mr. Pohl, state that you do not have the right to construct a dock simply because you have access to water. This was called a pathway on the surveys, it was called a pathway on the filed map. My clients understood it to be a pathway. It has now been cleared for vehicular traffic to this dock that was issued by your Board in total error.

Until the time comes when an application comes in, an honest application stating the owners of the property to be the Roussos, not the owner to be Mr. Obser, as the application stated before,

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2 completely false, and I've given you a copy of our
3 deed to prove we are the owners.

4 Until such time as we give written consent
5 for a dock, your rules and regulations apply. If
6 you choose not to follow your rules and regula-
7 tions, there will be litigation from my clients.
8 If you choose to follow them, there will be liti-
9 gation from the applicant. The rules are there
10 for a very good reason, to avoid this kind of
11 scene. Oh yes, he told me I could build it. You
12 want it in writing so you can prove it. You have
13 a reason for your rules. They're valid and
14 they're valid in the State of New York, and they
15 have to be upheld. It's as simple as that.

16 MR. JUST: I'm sorry I am late. Glenn Just.
17 I take a little bit of offense at what Mr. Penny
18 said as far as a false application. First of all,
19 as the Trustees know, I have been submitting
20 applications for the last four or five years, I
21 have handled literally hundreds of them throughout
22 Long Island that deal with right-of-ways and
23 don't. Only until the last few months has the
24 Trustees required anything in writing, as far as
25 right-of-ways.

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MR. WARNER: Oh, no.

MR. JUST: Oh, yes.

MR. BENNETT: Ever since I have been a member of this Board.

MR. JUST: I have had numerous applications.

MR. BENNETT: Then you had consent.

MR. JUST: And I supplied a copy of the deed with this application that showed ingress and egress off this right-of-way, and that's how the application read for Stuart Dix and Mr. Obser.

MR. PENNY: There was no copy of that deed in your files until such time as I supplied it to prove the owners were the Roussos. The application, which is in your file and which I have a copy of here, states very clearly, adjoining owner, Elliah Rouso. He's not an adjoining owner; he is the owner.

The application states: Owner of property, Herb Obser. Not true - false. Maybe mistaken. Maybe not intentionally done. No one says it was intentionally done.

MR. JUST: As far as my experience has been, if you have a copy of the deed that gives ingress and egress - I'm not an attorney, I never claimed

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2 to be - that gives you a right to ingress and
3 egress. In my mind and in the minds of the State
4 DEC and numerous other agencies -

5 MR. BENNETT: To walk, not to construct.

6 MR. PARASH: Nobody denies the fact that you
7 can walk back and forth.

8 MR. JUST: That's what I stated the applica-
9 tion on. I have done numerous amendments to the
10 Board, as well, to extend the dock.

11 MR. PARASH: Somebody was misled by the
12 ownership part of it, because if it were in owner-
13 ship by the person who built the dock, there would
14 be no question. Now, the question seems to be in
15 ownership. Perhaps not true, by the person you
16 represented.

17 MR. BENNETT: Three individuals would have
18 to be in harmony over the dock.

19 MR. JUST: All three of these individuals
20 were contacted via registered mail by the Corps of
21 Engineers. Why didn't they object then?

22 MR. BENNETT: You would have to submit to us
23 the three letters from the three individuals that
24 own this property, that they were in harmony over
25 putting the dock out, or it would be a jointly-

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2 owned dock between the three, or one of them could
3 do it if the other two gave a letter of consent
4 for mister so and so to have the dock. Other than
5 that, all three have to be in agreement. Or you
6 move that dock ten feet over and put your dock
7 out ten feet on somebody else's property.

8 MR. JUST: That's what the applicant is
9 willing to do.

10 MR. PENNY: What Mr. Bennett has said is to
11 move it onto Sandacres property. As Mr. Pohl
12 stated before, they won't give permission. They
13 don't want the dock on their property, nor do my
14 clients.

15 MR. WOURGOLA: As I stated before, this map
16 here is really irrelevant. That's something Mr.
17 Pohl and Mr. Penny can work out. They can file a
18 new application here if he can provide the proper
19 consents.

20 MR. WARNER: Your recommendation to us?
21 What's your recommendation to us?

22 MR. WOURGOLA: My recommendation is that you
23 hold the matter for determination only for the
24 next meeting and give them a decision.

25 MR. WARNER: Okay.

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2 MR. POHL: We have heard it stated here it's
3 rules and regulations requiring the consent of the
4 underlying owner of the fee to the right-of-way.
5 Is that a published rule and regulation, or a
6 policy of the Board?

7 MR. WARNER: Policy of the Board.

8 MR. PENNY: And also published on the
9 reverse side of the application, itself.

10 MR. WARNER: Any dock can be built on any
11 piece of property. If they want to come closer
12 than ten feet, they have to have written permis-
13 sion from the adjoining property owner.

14 MR. POHL: Right-of-ways included?

15 MR. WARNER: Same thing.

16 MR. BENNETT: With right-of-ways, whoever
17 has use of the right-of-way - suppose a develop-
18 ment here with 30 lots with a 40-foot right-of-way
19 going to the bay, for all the lot owners all the
20 way up, each one of them has an equal share in
21 that right-of-way. When it's going to be some-
22 thing constructed, they either have a meeting and
23 vote on it, and they would either get their con-
24 sent that way through an association, or as indi-
25 viduals, over the right-of-way in their deeds, or

1
2 whatever, plus the person who owns it, the same
3 thing. Then they have to be in harmony. Espe-
4 cially here, in this case you have to be in har-
5 mony because there's a limited amount of people
6 that have access over that. It's not a communal
7 type thing for a major subdivision.

8 MR. WARNER: Okay. We've heard both sides
9 here. We'll take it into consideration.

10 MR. JUST: Do you want extra copies?

11 MR. POEL: I brought this. I would like to
12 have this into the record.

13 MR. WARNER: Will someone make a motion we
14 hold this for determination?

15 MR. PARASH: I make a motion we hold this
16 for determination only for the next meeting.

17 MR. FRANK: I'll second it.

18 MR. WARNER: All in favor. Carried.

19 MR. PENNY: What date is that?

20 MR. WARNER: That will be the 18th.

21 MR. POHL: Thank you very much.
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2 I, MILDRED T. BUTTOW, Certified Shorthand Reporter, do
3 hereby certify that the foregoing is a true and accurate tran-
4 script of the minutes taken by me at the hearing held by the
5 Town of Southampton Board of Trustees on the Application of
6 Herb Obser on July 6, 1988.

7 Mildred T. Buttow
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1 TOWN OF SOUTHAMPTON
2 BOARD OF TRUSTEES

3 -----X
4 In the Matter of the Public Hearing held
5 By the BOARD OF TRUSTEES of the TOWN OF :
6 SOUTHAMPTON on the application of BARRY
7 REIL for a permit to install off existing :
8 bulkhead, a 4' x 12' hinged ramp and
9 5' x 20' float secured by two 3-inch :
10 diameter pilings off owner's property on
11 Quantuck Bay. :
12 -----X

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10 Before

11 EDWARD J. WARNER, President
12 WILLIAM H. BENNETT, Secretary-Treasurer
13 FRANK L. SMITH, Trustee
14 PAUL W. FARASH, Trustee
15 WILLIAM T. FRANK, Trustee

16 Board of Trustees
17 Town of Southampton.

18 JOAN BEHRLE, Clerk.

19 APPEARANCES:

20 JOHN M. WOURGOLA, ESQ.
21 Deputy Town Attorney
22 Town of Southampton.

23 ESSEKS, HEFTER & ANGEL, ESQS.
24 Attorneys for Applicant
25 108 East Main Street
Riverhead, New York
By: WILLIAM W. ESSEKS, ESQ.

WILLIAM F. BATES, ESQ.
Attorney for Sheldon & Ellen Tannen, Complainants
120 Court Street
Riverhead, New York

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MR. BATES: I spoke to a Mr. Krasner, who is the attorney for Mr. Levy, who is the neighbor to the west, and he told me at 11:30 he was leaving New York and he intended to be here.

MR. WARNER: We'll wait a few minutes and hear this gentleman here.

(Whereupon there was a brief pause in the proceeding while the Board heard an unrelated matter.)

MR. WARNER: He hasn't arrived yet. Can we proceed without him?

MR. ESSEKS: I was given notice to be here at two, and I was. Mr. Bates is here.

MR. WARNER: Okay.

MR. WOURGOLA: This is in reference to Permit 5229, issued to Barry Beil on April 18, 1988. Subsequent to the issuance of the permit, we received correspondence from Mr. Bates, William Bates, Attorney, requesting that the permit be revoked, and requesting the opportunity to be heard on that issue. Accordingly, we asked Mr. Esseks to be here on behalf of his client, and Mr. Bates to be here to present his story.

MR. ESSEKS: I wonder if I couldn't give the

1
2 background and the legal basis for our understand-
3 ing of how the permit should have been issued and
4 was issued, and with your permission, I'll go
5 ahead and do that.

6 MR. WOURSOLA: Why don't we see what the
7 objection is first, from Mr. Bates, if you don't
8 mind?

9 MR. BATES: I'll follow whatever procedure
10 you wish.

11 My name is William F. Bates, my office is at
12 120 Court Street, Riverhead, and I represent
13 Sheldon and Ellen Tannen, who are the owners of
14 the property immediately to the east of the Beil
15 right-of-way.

16 Mr. and Mrs. Tannen object to the construc-
17 tion of a dock or a pier on this seven-foot right-
18 of-way for obvious reasons. The seven-foot or so
19 frontage on Quantuck Bay is just not sufficient to
20 justify this type of construction. There is no
21 conceivable way that Mr. Beil or Mrs. Beil, who-
22 ever the owner of it is here, can utilize this
23 proposed dock without infringing upon the riparian
24 rights, the rights to use the water, of both of
25 his neighbors.

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2 For example, he has proposed a six-foot-wide
3 dock. Where is the boat going to go? Will the
4 boat be on top of the dock? There is no way that
5 this particular dock can be used without stepping
6 on the rights of his neighbors.

7 I think the example is your rights to swing
8 your fist stops at the end of my nose. This goes
9 beyond the end of my nose. It hurts Mr. Tannen.
10 It denies Mr. and Mrs. Tannen the right to use
11 their bay frontage.

12 The problem here we have is the balancing of
13 rights. Mr. Bell, the Tannens and the Levies, the
14 people to the west, all have frontage on the bay.
15 They all have a right to use the bay. In some
16 way, their rights must be balanced equitably. In
17 my mind, seven feet does not provide Mr. Bell with
18 sufficient rights to do what he is proposing and
19 what he has secured your permission to do. We can
20 get into all kinds of formulas to balance these
21 rights.

22 At this point, I think it's clear just by
23 comparing the six-foot-wide dock to the seven-
24 foot-wide frontage, there is no way that Mr. Bell
25 can use this property without infringing upon the

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2 rights of his neighbors.

3 We also have to consider the unique shape of
4 the property. We have an L-shape or a bowl-shaped
5 frontage here. We must consider the frontage of
6 the Tannens in addition to the frontage of the
7 Levics and Mr. Beil.

8 A further problem we have here with Mr. Beil
9 is that Mr. Beil owns at least two lots on the
10 other side of Dune Road. If he is allowed to con-
11 struct a dock here on the bay, does that mean that
12 the owners of both new lots have a right to use
13 this dock, or more?

14 In short, by any reasonable method of bal-
15 ancing the rights of the various property owners
16 on the bay, there is no way that the six-foot-wide
17 floating dock 25 to 30 feet long represents a
18 reasonable balance. And it's unreasonable because
19 it infringes upon the rights of the neighbors.

20 MR. PARASH: Whose right-of-way is it?

21 MR. BATES: Beil's, I believe.

22 MR. PARASH: Who has a right over it? Any-
23 body?

24 MR. ESSEKS: May I explain it? Bill Esseks,
25 I'm attorney for the Beils.

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Mr. Bates has perhaps inadvertently misrepresented the state of facts that exists, and that there are facts that are of record and not subject to dispute.

First of all, it is not a right-of-way. It's in fee ownership, the same fee ownership to the center of the earth. The Tannens own to the east and Levy owns to the west. The difference is the extent of the frontage.

I have written a letter to your attorney, and I asked that that letter be made a part of the record that sets forth what I believe is the clear understanding of the law, that when you are a fee owner facing on a navigable body of water, you have the right, the absolute right, to wharf out and build a pier and a dock. That was litigated in the Town of Brookhaven; it's been litigated in a case I mentioned in my letter. It's been litigated in the Town of Southampton in Heilner against the The Trustees.

I put in evidence a deed from Kermit Axel to Barry Beil, Liber 9975, at Page 104, dated January 21, 1986, and that covers property shown on this survey, the survey by Squires & Holden

1
2 rights of his neighbors.

3 We also have to consider the unique shape of
4 the property. We have an L-shape or a bowl-shaped
5 frontage here. We must consider the frontage of
6 the Tannens in addition to the frontage of the
7 Levies and Mr. Beil.

8 A further problem we have here with Mr. Beil
9 is that Mr. Beil owns at least two lots on the
10 other side of Dune Road. If he is allowed to con-
11 struct a dock here on the bay, does that mean that
12 the owners of both new lots have a right to use
13 this dock, or more?

14 In short, by any reasonable method of bal-
15 ancing the rights of the various property owners
16 on the bay, there is no way that the six-foot-wide
17 floating dock 25 to 30 feet long represents a
18 reasonable balance. And it's unreasonable because
19 it infringes upon the rights of the neighbors.

20 MR. PARASH: Whose right-of-way is it?

21 MR. BATES: Beil's, I believe.

22 MR. PARASH: Who has a right over it? Any-
23 body?

24 MR. ESSEKS: May I explain it? Bill Esseks,
25 I'm attorney for the Beils.

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Mr. Bates has perhaps inadvertently misrepresented the state of facts that exists, and that there are facts that are of record and not subject to dispute.

First of all, it is not a right-of-way. It's in fee ownership, the same fee ownership to the center of the earth. The Tannens own to the east and Levy owns to the west. The difference is the extent of the frontage.

I have written a letter to your attorney, and I asked that that letter be made a part of the record that sets forth what I believe is the clear understanding of the law, that when you are a fee owner facing on a navigable body of water, you have the right, the absolute right, to wharf out and build a pier and a dock. That was litigated in the Town of Brookhaven; it's been litigated in a case I mentioned in my letter. It's been litigated in the Town of Southampton in Heilner against the The Trustees.

I put in evidence a deed from Kermit Axel to Barry Beil, Liber 9975, at Page 104, dated January 21, 1986, and that covers property shown on this survey, the survey by Squires & Holden

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2 dated April 21, 1988, and it shows the fee owner-
3 ship seven feet wide from Dune Road to the bay.
4 It shows the Tannen property to the east, and what
5 used to be Poulos to the west, and it shows to the
6 south side of Dune Road two parcels. There was a
7 proposed third parcel to be divided in a realign-
8 ment, but I represent to you that today, in fact,
9 there are a total of three parcels, two where it
10 says Parcel 3, and one where it says Parcel 1.
11 There is an application to sell these two parcels,
12 where it says three, as one parcel, to a gentle-
13 man, whose name I can't remember, but there's a
14 contract to sell it.

15 The second deed, which is a deed from Barry
16 Beil, September 29, 1986, to Judith Beil, is for
17 the westerly parcel, Parcel Number 1, and that
18 deed says, and I'll read it: "The purpose of this
19 deed is to transfer the fee ownership of the
20 subject parcel" - that's the seven-foot parcel -
21 "being a seven-foot strip of land running from
22 Dune Road to Quantuck Bay so that it no longer
23 provides access for other property of the party of
24 the first part." Mr. Beil also owned that. "But
25 instead, the premises being conveyed" - that's the

1
2 seven-foot parcel -- the only right over that seven-
3 foot parcel will be from Parcel 1.

4 The records from the County Clerk's office
5 reveal Mr. Beil has given to his wife the sole
6 ownership of this seven-foot-wide strip, so the
7 only parcel that can use this strip is this one.
8 So when Mr. Bates raises the question as to can
9 other lots use this, the answer is no. That's
10 what it says in the County Clerk's record, that's
11 what it says in the deed I prepared and recorded,
12 and that's what I state on the record here.

13 Besides the first deed of January 21, 1986,
14 I ask that the second deed, dated September 29,
15 1986, Liber 10141 at Page 363, also be admitted
16 into evidence, as well as the survey of Squires &
17 Holden. Now, the letter that I wrote, a copy of
18 which you have and which I've asked be made part
19 of the record, is a letter I sent to the DEC. Mr.
20 Bates, on behalf of the same people, wrote to the
21 DEC as to why they shouldn't give this permit.
22 They replied, we've already issued the permit. I
23 won't say more as to why they issued the permit.
24 The permit should speak for itself.

25 I have here from Mr. Haje a copy of what

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was annexed to his application. It shows the seven-foot-wide area. I represent to you, as an officer of the court, that it's the fee ownership, the deed shows it, the title report shows it, and I don't think anyone questions it. It shows Levy on the west, Tannen on the east. My letter sets forth copies of the appropriate deeds. The deeds show that Poulos, Levy over here and over there has a hundred feet, and that Tannen had two deeds acquired at two different times. The first deed gives him 96.4 feet along here, and the second deed gives him 23 feet. So Tannen has a total of 119 feet of frontage.

The other alleged complainant, Mr. Levy, has 100 feet of frontage, and they're complaining about Mr. and Mrs. Beil using seven feet of frontage. I believe they have the right to use the seven feet of frontage to wharf out. Now, if there is a question as to the Beils' boat interfering with Levy, the way to take care of that is to make the dock a couple of feet shorter and make your boat facing out. You can have a boat stern-to to the dock, and I submit at that point that a boat, unless it's more than seven feet in beam,

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2 is going to lie in the extension seaworthy of the
3 seven-foot fee access.

4 MR. PARASH: The only question is he can't
5 keep ten feet from the property line.

6 MR. WARNER: He's right in front of this
7 property here.

8 MR. PARASH: He can't keep ten feet away.

9 MR. WOURGOLA: The Board's policy is that
10 any dock must be at least ten feet from an
11 adjoining owner. Otherwise, the consent of that
12 owner is required. It may have been looked over
13 in this instance. It doesn't appear that that's
14 possible.

15 MR. BENNETT: I'd like to say something
16 else, Mr. Esseks. There was a misunderstanding
17 on my part when I went down and reviewed this
18 application. I went to 73 Dune Road, which, if
19 you are aware, when the location is put on a map,
20 there's just an X where the location is. And I
21 went to 37 Dune Road, which has the identical con-
22 figuration of the shoreline as your client.

23 MR. ESSEKS: I don't dispute it. I'll take
24 your word for it.

25 MR. BENNETT: I issued the permit under the

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2 misunderstanding that it was the other. When I
3 was called a week ago by Mr. Bates, I went down
4 and I said what's the number? And he told me.
5 Mr. Tannen was 66 Dune Road, and I went to 66 Dune
6 Road, and I had never been there before. So the
7 letters of consent that I looked at were not from
8 the property owner on the other one that I had
9 looked at. I would not have issued that permit to
10 you, sir, because if you want to talk about ripar-
11 ian rights, which there aren't any more by Supreme
12 Court decision, if you want to talk about riparian
13 rights, Mr. Tannen has riparian rights, also. He
14 has a corner lot.

15 MR. ESSEKS: Are you suggesting to me that
16 his rights are paramount to and extinguishes the
17 Beil rights?

18 MR. BENNETT: Not at all.

19 MR. ESSEKS: Then we're entitled to have
20 some access, and I submit you have a duty to give
21 us access.

22 MR. BENNETT: Your boat is still going to
23 impede.

24 MR. ESSEKS: They each have a hundred feet.
25 You're saying those two -

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2 MR. BENNETT: I don't care if they had a
3 mile, and you only had seven feet. There isn't
4 any difference.

5 MR. ESSEKS: I submit, sir, there is.

6 MR. BENNETT: I don't.

7 MR. WOURGOLA: The bottom line is the Board
8 requires ten feet from each adjoining property
9 line or the owner's consent. Mr. Bennett had con-
10 sents on a similar property, which he assumed
11 belonged to this project.

12 MR. BENNETT: This is a free country.

13 MR. ESSEKS: I know it's a free country.
14 You can't cut these people off. The riparian
15 rights have a right to wharf out. You should
16 consider this and consult your lawyer before
17 making a decision. Don't turn us down for lack of
18 riparian rights.

19 MR. BENNETT: Forget the riparian rights.
20 The seven feet that you own, I personally would
21 have denied you a structure. You could have a
22 mooring, but with a stern of the boat tied to your
23 seven feet, that wouldn't - there's other methods
24 of getting a boat down there.

25 MR. ESSEKS: We're going to find out.

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MR. BENNETT: Other than a structure.

MR. ESSEKS: We're going to find out.

MR. WOURGOLA: If the application had come in with written consent of the two adjoining owners, would you have considered issuing the application?

MR. BENNETT: Then, definitely. If they had consent from one of the property owners or they could have gotten ten feet away, no problem.

MR. WOURGOLA: What's the name of the application on the property similar to Mr. Beil's property that you are referring to?

MR. BENNETT: It was 37 Dune Road, just down the road about seven houses, about the same configuration as Mr. Beil. I assumed it was the same permit.

MR. ESSEKS: I ask that my letter of June 30, 1988 to Mr. Bennett, be made, together with a letter to the DEC, which is attached, of June 29 of one, two, three, four pages, a survey, two tax maps and the two Tannen deeds, be made part of the record.

MR. WOURGOLA: This letter was received by me this morning, when I spoke to Mr. Esseks about

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2 10:00 A. M., and I clearly want time to review the
3 cases in here and to comment on his state of the
4 law.

5 MR. ESSEKS: That's to be expected, and
6 obviously, I think the permit should stand as is.
7 I can represent to the Board that we will test the
8 issue if our permit is removed or we're not given
9 an alternate dock to give us the right to moor our
10 boat there. We'll find out who is right and who
11 is incorrect.

12 MR. PARASH: You understand our position.
13 We have regulations from the State, you have to be
14 at least ten feet from the property line of the
15 adjoining owner, and there's no way in this that
16 it can happen.

17 MR. BENNETT: You can't get your ten feet.

18 MR. ESSEKS: I'm saying we have the right to
19 it, and I intend to find out, and I believe the
20 Town of Brookhaven case versus Smith and Heilner
21 versus the Town of Southampton both stand for that
22 proposition. Both say the right to construct a
23 dock. And that's what we intend to do, if not
24 with your permission, with the Court's permission.
25 I say that helpfully rather than harshly.

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2 MR. PARASH: Will you check that and see if
3 our regulations are lawful?

4 MR. WARNER: Is there any rebuttal?

5 MR. BATES: Again, in the spirit of being
6 helpful, I understand the Army Corps of Engineers
7 has not issued their permit, and one of the rea-
8 sons they have not is that they were requested by
9 the Coastal Zone Management Department to obtain
10 the consent of the neighboring property owners
11 before the permit was issued.

12 MR. WARNER: Right.

13 MR. BATES: And I know you have in your
14 files a copy of the letter, dated June 7, from the
15 State of New York Department of State, the Coastal
16 Zone Management people, and in addition, I under-
17 stand that in the application to the Corps of
18 Engineers, the applicant must state that he has
19 satisfied the Coastal Zone Management require-
20 ments. Apparently, he hasn't, because the letter
21 from the Coastal Zone Management people says they
22 will require the consent of the adjoining property
23 owners. Obviously, he does not have it. And I
24 believe that's -

25 MR. ESSEKS: That presumes neighbors who

1
2 don't want anyone else using the water, will never
3 give consent and put a premium on people being
4 obstructed.

5 MR. WARNER: I'm going by our regulations.

6 MR. ESSEKS: I understand. I think you hit
7 the nail on the head as to whether that consent
8 requirement is authorized. We'll find out.

9 MR. PARASH: That's the only thing we have
10 to go by to make our decision. I don't see where
11 we have any latitude here.

12 MR. WARNER: Suppose we reserve this to the
13 next meeting?

14 MR. WOURGOLA: Keep it open.

15 MR. BENNETT: I make a motion to keep it
16 open.

17 MR. PARASH: I'll second that.

18 MR. WARNER: All in favor. Carried.

19 MR. WOURGOLA: Mr. Bates, do you intend to
20 address the contents of Mr. Esseks' letter?

21 MR. BATES: Yes, I do.

22 (Whereupon the hearing was concluded at 2:30
23 P. M.)

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I, MILDRED T. BUTTONCW, Certified Shorthand Reporter, do hereby certify that the foregoing is a true and accurate transcript of the minutes taken by me at the hearing held by the Town of Southampton Board of Trustees on the Application of Barry Beil on July 6, 1988.

Mildred T. Buttencw

JULY 18, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, JULY 18, 1988 AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank and Deputy Town Attorney John M. Wourgola.

The minutes of July 6, 1988 were read and approved as read.

Edward Warner stated that the brush jetty at Carter Creek has not been done as of today. There is a problem with access to the jetty and Mr. Shultz has been advised to get in by boat.

William Frank reported that he has inspected the area at Burnett's Creek that Clifford Parker wants dredged. Bud Burnett, the owner of the area is adamantly opposed to the dredging. A motion was made by William Frank, seconded by William Bennett and duly carried to take no further action in this matter.

John Wourgola read "Findings of Fact" in the matter of Heribert Obser:

In the matter of a determination hearing for Permits #4749 and #5032 for Heribert Obser held on July 18, 1988 at 1:15 p.m., by the BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. at Town Hall:

(Minutes, July 18, 1988, Board of Trustees)

FINDINGS OF FACT

1. Heribert Obser is the owner of a parcel of land on Wildwood Lane in the Village of Quogue which benefits from an easement for ingress and egress to Quantuck Bay over property owned by Eli Rousso and Patricia Ann Rousso. The Obser parcel has no frontage on Quantuck Bay.

2. Heribert Obser, through his agent Glenn E. Just of The Land Use Company, made applications to the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton on or about June 1, 1986 and June 14, 1987 for the construction and enlargement of a private dock on Quantuck Bay at the foot of the aforesaid easement area.

3. Both of the aforesaid applications stated that Heribert Obser was the owner of the property on Quantuck Bay abutting which the dock was to be constructed and both applications contained sketches which indicated Obser to be the owner and Rousso to be an adjoining property owner.

4. During an on-site inspection of the property by a member of the Board of Trustees in connection with the application, agents for Obser indicated him to be the owner of the property.

5. Based upon the facts set forth in the applications and

(Minutes, July 18, 1988, Board of Trustees)

the representations made during the on-site inspection, the Town Trustees issued Permit #4749 on August 18, 1986 and Permit #5032 on August 3, 1987.

6. The rules and regulations of the Town Trustees, set forth on the reverse side of the application, clearly state that permit applications and permits issued as a result thereof) are to be made out by and for the owner of the property involved.

7. The rules and regulations of the Town Trustees further provide for minimum setback requirements and maximum widths for the construction of private docks. There are special rules with regard to construction of docks on rights-of way.

8. The owners of the property involved in both of the aforesaid applications are Eli Rousso and Patricia Ann Rousso by virtue of a deed from Leonard Riggio dated November 30, 1981 and recorded in the Office of the Clerk of the County of Suffolk on May 12, 1982 in Liber 9181 cp. 329.

9. Eli Rousso and Patricia Ann Rousso have never made application to construct or enlarge the aforesaid dock nor are they willing to consent to the aforesaid applications filed on behalf of Heribert Obser.

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10. At a public hearing before the Town Trustees on May 16, 1988, it was first learned that Heribert Obser was not the owner of the property involved in the aforesaid applications and permits, that Eli Rouso and Patricia Ann Rouso are the owners of the property, that neither Heribert Obser nor Glenn Just of the Land Use Company were authorized to file the aforesaid applications or obtain the aforesaid permits on behalf of the owner of the property, and that the original applications contained misstatements of material facts which were relied upon by the Town Trustees in the issuance of the aforesaid permits.

11. The private dock has been constructed and enlarged pursuant to the permits. The dock does not meet the setback requirements contained in the rules and regulations of the Town Trustees with regard to construction on rights-of-way nor do either of the applications contain written consent from the owners of the property involved in these applications.

CONCLUSIONS

1. Town Trustee Permits #4749 and #5032 were not issued in accordance with the Rules and Regulations of the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton.

2. The issuance of the permits resulted from reliance upon

(Minutes, July 18, 1988, Board of Trustees)

information submitted by the applicant which has been found to be inaccurate.

3. Neither permit would have been issued if the Town Trustees had been aware that the owner of the involved property did not consent to the application or that the dock was to be constructed on a right-of-way without the required setback from adjoining properties.

4. Town Trustee Permits #4749 and #5032 are invalid and should be revoked.

MOTION

A motion was made by William T. Frank, seconded by Paul W. Parash and duly carried that the following resolution be passed:

IT IS HEREBY RESOLVED THAT, IN ACCORDANCE WITH THE FINDINGS OF FACT AND CONCLUSIONS CONTAINED IN THE RECORD IN CONNECTION WITH THE APPLICATION FOR DOCK PERMITS BY HERIBERT OBSER FOR PROPERTY BENEATH THE WATERS OF QUANTUCK BAY OFF WILDWOOD LANE IN THE VILLAGE OF QUOGUE, PERMITS 4749 AND 5032 ARE HEREBY REVOKED AND HERIBERT OBSER IS HEREBY ORDERED TO REMOVE THE EXISTING DOCK NO LATER THAN JULY 31, 1988 AND, FAILING SAID REMOVAL, THE DOCK SHALL BE REMOVED BY THE TOWN OF SOUTHAMPTON WITH ALL COSTS CHARGED TO HERIBERT OBSER.

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IT IS FURTHER RESOLVED THAT NOTICE OF DETERMINATION BE FORWARDED TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION IN CONNECTION WITH PERMIT #10-86-0888, THE ARMY CORPS OF ENGINEERS IN CONNECTION WITH PERMIT #14203 AND THE VILLAGE OF QUOGUE IN CONNECTION WITH PERMIT ISSUED ON APRIL 17, 1987.

NOTHING CONTAINED IN THIS DETERMINATION SHALL BE INTERPRETED TO PROHIBIT THE FILING OF A NEW APPLICATION FOR THE AFORESAID DOCK IN ACCORDANCE WITH ALL APPLICABLE RULES AND REGULATIONS OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON.

Ida Pecorini was present regarding the Omabegho/Gullo dock problem. She gave facts concerning the property, stating the property on which the dock was built is not owned by the permittees. Mr. Wourgola explained that the ownership of the property is what is holding up the decision. Mr. Martin Gilmartin, Attorney for Mr. Gullo has completed the title search and will be submitting a written report at the next Trustee meeting on August 1st. Mr. Albert VanWagner was also present and both he and Mrs. Pecorini stated their main objections was to the walkway leading to the dock which blocks access both by boat and by persons wanting to pass along the beach. Mrs. Pecorini was also concerned about liability problems if the land owners agreed to allowing the dock.

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Richard Green and Ben Foster appeared before the Board to speak about a "Wave Abatement Device" they have invented. They showed photographs of models already built. They said the idea is to meet "environmental protection requirements". The units are portable and are meant to reduce the wave action, not to affect the litoral drift. Frank Smith doubted the ability of the device to stop erosion, but Mr. Green stated it will by not only changing the wave action but the size of the waves. His purpose in bringing this before the Trustees is to have them agree to issue a permit if applied for. A Trustee permit would be required as it is necessary to anchor the device.

Chris Peterson presented his recycled bulkheading material but was told that the Natural Resources Dept. should be approached first. The Trustees stated they are impressed with the idea and suggested he take it to local contractors for trial.

Susan Carney and Dr. Seth Black inquired about requirements for opening a "Hoverjet" dealership and rental business. They explained that the boats are powered by air, floating on a cushion of air, and are very safe. Mr. Warner mentioned that the Hampton Bays Fire Dept. has one as a rescue craft. They were advised to go to the Town Planning Board for approval of the business. As far as the Trustees are concerned, the Town Waterways Ordinance would have to be observed as these are licensed motor boats.

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Elmo Monfried of Quogue was present to request prohibition of all boats in the Quantuck Creek Sanctuary. He stated he owns most of the shoreline along the east side and has kept it clean over the years. A neighbor on the west side has a rowboat, and he is concerned that one boat may attract more. Mr. Bennett explained that Trustee sanctuaries are declared for the purpose of eliminating shooting, but not fishing, shellfishing, trapping, etc. It was the feeling of the Board that the landowner is entitled to have a small boat and dock, and if in the future, the number of boats increases to a problem proportion, the Board would consider some action at that time.

Tom White and a delegation were present regarding the vehicle access to the beaches. William Bennett read the resolution passed at the last Board meeting, requesting the Town Board to hold a public hearing on the matter. Councilperson Pat Neumann joined the meeting and stated she is strongly opposed to the idea and will not propose a public hearing. Councilperson Marietta Seaman was also present and advised the group she does not object to putting a resolution before the Town Board for a public hearing. In reply to a question from Tim McCulley, Pat Neumann replied that they can come to the Town Board at any time. Edward Warner then stated the matter is now in the hands of the Town Board as the request will require a change to the Town Ordinance.

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James Cavanagh of the Saben Conservation Fund submitted an application for the study being done at Wehrmann's Pond in Hampton Bays on the mud turtle. He showed the radio transmitter that is attached to the turtles. Ed Warner informed him that the Board was angry that the study had been started without permission from the Trustees. Mr. Cavanagh apologized stating he was unaware a permit was needed.

Ten (10) applications for permit were approved.

One (1) application for permit was denied.

One (1) application for permit was held.

Six (6) Mooring Permits were approved.

CORRESPONDANCE:

Randall Parsons, The Nature Conservancy re: North Cedar Swamp (Trustee land). A motion was made by Paul Parash, seconded by William Frank and duly carried to include the property owned by the Trustees at North Cedar Swamp, further identified as Suffolk County Tax Map Parcel 0900-77-5-31, in the Natural Areas Registry Program.

Larry Penny, Chairman, Peconic Bay Task Force re: State of the Peconic Bays Conference to be held at Southampton College on July 29th. Mr. Warner is scheduled to serve on the panel of experts.

John F. Reiser, Mayor, Village of North Haven re: 90 day moratorium on the building of docks imposed by the Village. William Frank has spoken to the Mayor on this matter and will keep in touch with the situation.

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Chalmers Hardenburgh, Quogue, commending Bay Constable Ted Sadleir, for keeping waterskiing problems at Quantuck Creek to a minimum.

Norman L. Stiansen, C & N Fisheries, Inc. re: proposed extension of pier on west side of C & N Fisheries. Mr. Warner has talked to Mr. Stiansen and assured him his objections would be taken into consideration if an application comes before this Board.

Suffolk Reporters, Inc.: Invoice for recording of minutes at public hearings on July 6th, in the amount of \$196.00. A motion was made by Paul Parash, seconded by William Bennett and duly carried to pay this bill from the Trustee's Special account.

Roy L. Haje, En-Consultants, Inc. re: Dredging at Dam Trail, Flanders.

Ronald J. Arcate, Counselor at Law: Request to be notified of any Town of Southampton business pertaining to personalized watercraft, etc. Mr. Arcate will be advised his request is out of the question and it will be suggested he keep informed by studying the Public Notices of public hearings placed in the Southampton Press, Hampton Chronicle-News and L.I. Traveler Watchman.

James H. Rambo, Inc re: Senate Bill 7769

John I. Johnsen to Allyn Jackson, Dept. of Parks & Recreation re: Permits for work to be done at Trustee Boat Basin at Shinnecock Inlet.

Edward Warner discussed a referral from the Town Planning Board for Penny Point Estates, which includes the

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Trustee road, Hildreth Road. The Board will recommend to the Planning Board that Hildreth Road be improved in accordance with specifications normally adopted by the Town in connection with major sub-divisions.

Paul Parash stated that the Village of Southampton has approached him with a proposal to re-route the road south of Agawam Lake and to realign the parking areas. Trustee property is involved. The Board did not favor the proposal.

A letter is to be sent to the Village of Southampton, requesting that the walkway east of the David Smith property, be built as agreed upon when the agreement was formed.

William Bennett said he had attended a meeting of the Shorefront Revitalization Program Committee and stated he would like the Board members to read the program, and some portions of it may be in conflict with the Trustees. Mr. Bennett will obtain copies for the Board members.

It was the decision of the Board that referrals to the Town Conservation Board will now be sent only at the discretion and directions of each Trustee.

William Frank attended the Suffolk County Fisheries Task Force organizational meeting. He gave a short report. One item mentioned was a proposal to open a fish processing plant at the Suffolk County Airport.

John Wourgola announced that the Town Board had enacted two new ordinances at their last meeting, one creating a 45 MPH speed limit on Town waters and the other limiting the launching of Jet Skis to Town ramp areas only.

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Sr. Bay Constable John Andersen was present and requested that a letter of thanks be sent to the Shinnecock Coast Guard Unit for their assistance with removing the boat damaged in the accident this past Sunday.

The Board set a time for Thursday, July 21st at 7:00 p.m. in the office to work on the 1989 budget.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5307 is issued to James J. Ash agent for FREDERICK KELLING AND BARBARA LERNER, 70 Main Street, Westhampton Beach (Project location: Plume Grass Way, Westhampton), to construct a dock consisting of a 4' x 34' section; 4' x 12' ramp leading to a 6' x 16' floating section, off owner's property on Beaver Dam Creek, as per application and survey submitted. NOTE: The 75' Surface Water Quality Control Buffer must be protected. All clearing for access path shall be limited to no more than four (4') wide maximum. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

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PERMIT NO. 5308 is issued to John J. and Diane V. Hayes, 41 Peconic Trail, Flanders, to renew Permit No. 5006 for one year.

PERMIT NO. 5309 is issued to En-Consultants, Inc. agent for EDWIN MELLOR, 16 Mill Pond Lane, Southampton to place rip-rap in an area 10' x 8' to prevent erosion. Project located on owner's property on Lake Nowedonah, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5310 is issued to Ed and Necla Konak, 468 Hampton Road, Sag Harbor to renew Permit No. 5025 for one year.

PERMIT NO. 5311 is issued to Bertram & Eleanor Alper, Crescent Street, Sag Harbor to add a floating section, 4' x 12' off existing dock as approved under Permit No. 5077, as per application and survey submitted. Project location: Upper Sag Harbor Cove. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5312 is issued to CAROL B. KIETZMAN, Woodcock Lane, Remsenburg to renew Permit No. 5023 for one year.

PERMIT NO. 5313 is issued to PHYLLIS JEWELL, 38 Aqua Drive, Southampton to replace an existing staircase to beach on southerly side of owner's property and deck, located on Shinnecock Bay, as per application and survey

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submitted. NOTE: If any of this staircase should exist on Shinnecock Beach Road, a Trustee road, and in the future the public demands the restoration of this road, the staircase may have to be removed. \$10.00 fee rec'd.

PERMIT NO. 5314 is issued to En-Consultants, Inc. agent for HAMPTON BOAT WORKS, Springville Road, Hampton Bays to maintenance dredge an area up to 10' off existing bulkheads (614 lf) to maximum depth of 5' below MLW. Approximately 400 cy of spoil will be removed to upland site (Town dump or similar). Project is located off owner's property on Smith's Creek, Hampton Bays. Permit is valid for one (1) year only. \$410.00 fee rec'd.

PERMIT No. 5315 is issued to VICTOR A. AMASS, 7 Beach Drive Southampton to restore the existing floating docks and re-align same closer to south property line (letter of consent from property owner attached), keeping docks at least 10' inside north property line. Also, to maintenance dredge approximately 100 cy of sand from under the existing docks. Project located off owner's property on Wooleys Pond Channel, as per application and survey submitted. \$110.00 fee rec'd.

Permit No. 5316 is issued to JAMES CAVANAGH, SABEN CONSERVATION FUND, Maidstone Lane, Southampton to conduct a survey of turtles at Wehrmann Pond, Red Creek, Town of Southampton, by placing ten (10) fykes, radio tagging and telemetry tracking.

(Minutes, July 18, 1988, Board of Trustees)

The application of Joseph and Mary Aragona, Sun Valley Road, Hampton Bays to construct bulkheading is held for letter of consent from adjoining property owner to tie into their bulkheading, also for the addition of a return on the north side.

The application of Timothy Rumph agent for Al Barone, Basket Neck Lane, Remsenburg to construct a fence in the waters off his property in Fish Creek was denied "without prejudice". As the fence is existing, Mr. Barone has ten (10) days in which to remove same or it will be removed at his expense.

MOORING PERMITS

No. 88-127 to Louis & Delia Cornacchia, 222 Towd Point Road, Southampton: North Sea Harbor.

NO. 88-128 to Anthony DePhillips & Glen Appelbaum, 15 Tiana Circle, Hampton Bays: Shinnecock Bay.

NO. 88-129 to Kathleen Hamilton, 108 Middle Pond Road, Southampton: Far Pond.

NO. 88-130 to Walter Kronimus, 34 Roses Grove Road, Southampton: North Sea Harbor.

NO. 88-131 to Brian McGrath, Montauk Highway, Bridgehampton: Noyac Creek.

NO. 88-132 to Barbara Peltz, Hillover Road, Noyac: Sag Harbor , Cove.

AUGUST 1, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, AUGUST 1, 1988 AT 1 P.M.

PRESENT WERE: President: Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of July 18, 1988 were read and approved as read.

Edward Warner reported that the Carter Creek jetty is scheduled to be done this week, the hold up being Eric Shultz was on vacation.

Mary Jane Asato, representing Arnold Amster was present to request approval of the Board to construct a berm on the Amster property to prevent run off into Calf Creek. The Board agreed this was a good idea. Ms. Asato will submit a declaration for approval at the next Board meeting.

Six (6) applications for permit were approved.

Ten (10) Mooring Permits were approved.

CORRESPONDANCE:

Raymond Hendrickson re: Jet Ski problems. A reply will be sent to Mr. Hendrickson. There was further discussion on the growing Jet Ski problem. A letter will be sent to the Mayors of North Haven, Sag Harbor, Westhampton Beach, and Quogue, requesting the Villages

(Continued, August 1, 1988, Board of Trustees)

give consideration to the hiring of a Bay Constable and placing a patrol boat in the Village waters to supplement the Town Bay Constables whose number is limited. Quogue and Westhampton Beach had units years back.

Ida Pecorini re: Omabegho/Gullo dock. A hearing will be held on this matter at the next meeting of the Board, and all parties will be notified to be present.

Department of the Army, New York District, Corps of Engineers: Permit to dredge at Mecox Bay.

Shinnecock Fishermen's Cooperative Association, Inc. to Charles Hamilton, NYSDEC re: dock extension proposal by James Coronese d/b/a Shinnecock Fish Dock, Inc. Mr. Warner stated he had calls from Legislator Fred Thiele and De Witt Davies of Suffolk County Planning on this matter. To date, there have been no applications submitted for this project.

Robert A. Roessle, Little Fresh Pond Association re: testing of Little Fresh Pond to be done by the Town Natural Resources Dept.

Henry Plemper, Pawnee Street, Hampton Bays, was present to explain the construction of a stone revetment in front of the bulkheading under construction on his property on Shinnecock Bay. While the revetment was not mentioned in the permit, it did show on the plans submitted. Mr. Warner recommended its approval. Also, 300 cy will be dredged from the man made canal adjoining the Plemper property and used as backfill. It was agreed Mr. Plemper would pay 1/2 the yardage or \$150.00.

(Continued, August 1, 1988, Board of Trustees)

The Board went over the proposed 1989 budget. A motion was made by Paul Parash, seconded by William Frank and duly carried to submit the budget as approved today.

Edward Warner reported that John Guldi of Suffolk County Dept. of Public Works wants the Board's approval to proceed with bids for dredging at Sebonac Inlet. A motion was made by Paul Parash, seconded by William Frank and duly carried to authorize Mr. Guldi to proceed.

Mr. Frank stated that a portion of Sag Harbor Cove from the bridge west to the little narrows is shoaling. A request will be made to the County to survey this area.

Frank Smith reported that the shellfish killed by the Brown Tide appear to be spawning and returning to Town waters. He mentioned the conchs and spider crabs.

William Bennett reported that Moriches Bay has a heavy algae bloom due to the unusually warm weather spell.

Paul Parash asked the Board to sit down with the Southampton Village Board regarding their request for re-routing the roads around Lake Agawam and the walkway at the David Smith property. He feels the Town might be able to acquire something more beneficial to the public in negotiating with the Village. Mr. Warner stated the Board wants the walkway built as per the 84 agreement, before any meeting with the Village.

William Frank reported that he and Sr. Bay Constable Andersen met with the Mecox Bay Association last Saturday. He felt it was a very interesting and productive meeting.

(Continued, August 1, 1988, Board of Trustees)

Paul Parash was informed of problems at Old Town Pond by the Southampton Village Maintenance Dept. The water level in the pond is very low and as a result the aerator installed by the Village has fallen over. He questioned a pond being dug on the Pheasant Pond Subdivision above Old Town Pond, and wonders if that could be causing the water level in Old Town Pond to drop. He will investigate further.

Mr. Warner stated he participated in the Peconic Bay panel at Southampton College on the 29th and was very disappointed with the material discussed. He didn't feel there was much pertinent to the Brown Tide problem or Peconic Bay.

Mr. Warner reported finding one (1) large healthy scallop in Shinnecock Bay, a good sign he said.

The meeting on motion was adjourned.

Respectfully submitted,

William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5317 is issued to En-Consultants, Inc. agent for JERRY COHEN, Weesuck Lane, East Quogue to renew Permit No. 4838 for one year.

PERMIT NO. 5318 is issued to Harbor Marine Construction

(Continued, August 1, 1988, Board of Trustees)

Co. agent for TOM HARRINGTON, River Avenue, Eastport to renew Permit No. 5049 for one year.

PERMIT NO. 5319 is issued to En-Consultants, Inc. agent for PHILIP DANA BASHIAN, 350 Dune Road, Westhampton Beach to lengthen an existing boat slip by 10' on s/s. Overall, now bulkheading will be 35' (10' on w and e sides, 15' on s/s). Approximately 30 cy of spoil will be removed by digging to 4' below MLW. Spoil to be trucked to an upland site, as per application and survey submitted. Project located on owner's property on Moriches Bay. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5320 is issued to Ken Hahn d/b/a Tidewater Construction Co. agent for SHINNECOCK SHORES ASSOCIATION, P.O. Box 692, East Quogue (William Kohler, President) to replace existing deteriorated A-frame 50' jetty at mouth of canal #5 on east side. Also, to resheath west side of 35' jetty on west side of canal #5, as per application and survey submitted. Project located on private canals off Shinnecock bay. \$10.00 fee rec'd.

PERMIT NO. 5321 is issued to Ken Hahn d/b/a Tidewater Construction Co. agent for SHINNECOCK SHORES ASSOCIATION, P.O. Box 692, East Quogue (William Kohler, President) to replace 115' of deteriorated bulkheading and to backfill with 130 cy of clean fill to be trucked in from upland source, as per application and survey submitted. Project

(Continued, August 1, 1988, Board of Trustees)

located on private canal #3 off Shinnecock bay. \$10.00 fee rec'd.

PERMIT NO. 5322 is issued to John R. Guldi, Waterways Division, Suffolk County Dept. of Public Works, Yaphank to perform maintenance dredging at Mecox Bay, Town of Southampton as per permits issued by the New York State Dept. of Environmental Conservation and the U. S. Army Engineer Corp.

MOORING PERMITS ISSUED

NO. 88-13 to Edward V. Anderson, 336 E. Montauk Highway, Hampton Bays: Shinnecock Bay.

No. 88-13 to Edward V. Anderson, 336 E. Montauk Highway, Hampton Bays: Shinnecock Bay.

No. 88-13 to Edward V. Anderson, 336 E. Montauk Highway, Hampton Bays: Shinnecock Bay.

No. 88-136 to Gerard R. Boll, 34 Tiana Circle, Hampton Bays: Tiana Bay

NO. 88-137 to Vito Camperlengo & David Hallinan, 48 Knoll Road, Southampton: North Sea Harbor

NO. 88-138 to Gregg Griffin, 44 Squiretown Road, Hampton Bays: Red Creek Pond.

NO. 88-139 to John P. Havens, 321 Montauk Highway, Hampton Bays: Shinnecock Bay.

NO. 88-140 to B. Steele Magill, Jr., Indian Run, East Quogue: Shinnecock Bay.

No. 88-140B to James O'Shea, Peconic Bay Avenue, Southampton: North Sea Harbor

No. 88-141 to Nelson J. Rich, Jr., RRI, Noyac: Mill Creek

AUGUST 15, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, AUGUST 15, 1988 AT 1 P.M.

PRESENT WERE: President: Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of August 1, 1988 were read, amended, then approved as amended.

Martin Gilmartin, Attorney, was present with his clients Dr. Ruth Omabegho and Mr. Steven Gullo regarding the dock constructed at Towd Point. Mr. Gilmartin requested that the discussion be informal, to which the Board agreed. Also present were Mrs. Ida Pecorini, Mr. Albert Van Wagner and Mr. Robert Helland who are objecting to the walkway and dock as it blocks access to the water. Mr. Gilmartin had a filed map obtained from Suffolk County records and maintained that the road is owned by the adjoining property owners. Mrs. Pecorini and Mr. Van Wagner had older maps which did not conform to Mr. Gilmartin's map. Mr. Helland submitted letters from twelve (12) other area residents who are objecting. After a lengthy discussion, the Board stated they would make an inspection following the meeting.

(Continued, August 15, 1988, Board of Trustees)

Nine (9) applications for permit were approved.

Two (2) applications for permit were denied.

Thirteen (13) applications for Mooring Permits were approved.

CORRESPONDANCE: State University of New York: Notice of program on "Causes and Impacts of Recurrent Brown Tides and Other Unusual Blooms" being held on October 27 and 28.

Ida Pecorini: information re: the Gullo/Omabegho dock.

Lee E. Koppelman, Director, Long Island Regional Planning Board to Norman Stiansen re: expansion of dock facilities at Shinnecock Inlet.

Bay Haven Association requesting dredging of Great Pond Creek. The letter will be acknowledged. William Frank will inspect the pond and take the matter under consideration.

T. Decker Orr, Mayor, Village of Quogue re: Police Patrol Boat in Quogue waters.

Lt. Brian K. McCreedy, Officer in Charge, Police Dept., Inc. Village of Westhampton Beach re: Patrol Boat in Village waters.

Group for the South Fork, Inc. to New York State DEC: objection to Trustee application to dredge an area adjacent to a road drain at Silverbrook Canal.

Judith Calamandrei, North Sea re: Jet Skis problems. Ms. Calamandrei enclosed the article from the Wall Street Journal. This letter will be acknowledged.

Bruce Anderson, Natural Resources Dept.: Report on Algae Bloom/ Sagaponack Pond.

(Continued, August 15, 1988, Board of Trustees)

Fred W. Thiele, Jr., County Legislator re: new Fishing Industry law. John Wourgola will reply to Mr. Thiele.

A motion was made by William Frank, seconded by Paul Parash and duly carried to change the next meeting date of the Trustees which falls on Labor Day, to Wednesday, September 7, 1988. Notice will be published.

William Bennett reported receiving complaints about boats traveling too fast west of the West Bay Bridge, causing erosion to the shoreline. He was authorized to have the Maintenance Dept. put up two more 5 M.P.H. signs in the area.

Paul Parash stated the Village of Southampton is discussing the walkway installation as requested by the Trustees. They would like some input from the Trustees.

Mr. Parash also said the Village is looking into the problem of low water at Old Town Pond. They may request the sub-division developer north of the pond, stop pumping until there is more rain.

John Shea, Attorney and Sheldon Tannen, his client, were present regarding the Beil dock dispute. Shortly after two, a call was received from Mr. Esseks, Attorney for Beil, requesting a postponement. Mr. Warner suggested that the Attorneys for both parties try to get together and reach some kind of a settlement prior to the next meeting of the Board. Mr. Tannen was annoyed at having the matter further delayed. Mr. Shea said he had photos he wished to submit, so will introduce those at the next meeting.

(Continued, August 15, 1988, Board of Trustees)

William Frank reported that a group of twelve or thirteen Power Squadron boats, had moored in Sag Harbor Cove opposite Whaler's Marina over the weekend and left behind a lot of pollution. He intends to find out who the Squadron was. He also has received complaints about speeding boats under the Sag Harbor Bridge and stated this was Sag Harbor Village territory.

Edward Warner said he had been contacted by John Guldi, of the Suffolk County Dept. of Public Works. The County dredge will be brought to Mecox Bay on Wednesday. Mr. Warner and Bay Constable Andersen met with Mr. Guldi. The dredging will commence this week and will continue until the ice forms on the bay.

Mr. Warner reported that the Town Highway Dept. has put up a guard rail on the Stachecki property at Pointe Road, Flanders.

Mr. Warner requested a letter be sent to Thomas Lavelle, Superintendent of Highways, requesting that two piles of sand on Hildreth Road, near to Penny Pond, be removed.

William Bennett reported the jetty at Baycrest Avenue has been repaired, so Carter Creek should be next.

A call will be made to Charles deQuillfeldt of the NYSDEC to find out about Conditional shellfish areas for this fall.

The meeting on motion was adjourned.

Respectfully submitted,

William Bennett

(Continued, August 15, 1988, Board of Trustees)

PERMITS ISSUED

PERMIT NO. 5323 is issued to Eugene Francolini, Attorney, acting as agent for GERALD HART, Indian Run, East Quogue for 118 lf of timber bulkheading (installed prior to 1967), on owner's property on Shinnecock Bay, as per application and survey submitted. \$12.00 fee rec'd.

PERMIT NO. 5324 is issued to En-Consultants, Inc. agent for JEAN CARBONE, Ogden Lane, Quogue, to replace (3' landward of existing bulkheads) 248 linear feet of timber bulkhead. Also, to dredge an irregular-shaped boatslip plus 20' beyond to a depth of 4' below mean low water to remove approximately 60 cy of spoil which will be used as backfill for new bulkheads. Project located on owner's property on Ogden Pond, as per application and survey submitted. This permit replaces Permit No. 4900 previously issued. \$10.00 fee rec'd.

PERMIT NO. 5325 is issued to En-Consultants, Inc. agent for AL CALABRO, 22 Dolphin Road, East Quogue to resheath 75 lf of existing timber bulkhead. Also, to dredge up to 10' off bulkhead to maximum depth of 4' below MLW. Maximum of 10 cy to be used as backfill. Project located off owner's property on a private lagoon off Shinnecock Bay, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5326 is issued to Glenn E. Just agent for JAMES H. FOGELSON, Hampton Close, Westhampton Beach, to reconstruct within 18" approximately 213 lf of deteriorated timber bulkhead and to dredge an area of an

(Continued, August 15, 1988, Board of Trustees)

existing boat basin to 3' at MLW. The resultant spoil (approximately 150 cy) of clean sand shall be used as backfill for bulkheading. Project located on owner's property on Moneybogue Bay, as per application and survey submitted. This replaces Permit No. 5271 previously issued. \$10.00 fee rec'd.

PERMIT NO. 5327 is issued to En-Consultants, Inc. agent for JOHN T. FOLKS, Atlantic Farms, Lot 15, Pine Tree Lane, Remsenburg to renew Permit No. 5029 for one year.

PERMIT NO. 5328 is issued to Floyd Jones, agent for JAMES GROOME, Cobb Road, Water Mill, to construct a dock, consisting of a 4' x 12' ramp, 10' x 10' floating section held in place by (2) 6 x 6 pilings, off owner's property on Burnetts Creek, as per application and survey submitted. Dock must be kept at least 10' inside property line. \$10.00 fee rec'd."As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5329 is issued to BERTRAM & ELEANOR ALPER, Crescent Street & Linda Lane, Sag Harbor, to add a floating section, 5' x 23' off existing dock. Also, two (2) mooring pilings for mooring a sailboat, off owner's property on Upper Sag Harbor Cove, as per application and survey submitted. This replaces Permit No. 5311, previously issued.

PERMIT NO. 5330 is issued to GEORGE RE, Canoe Place Road, Hampton Bays, to renew Permit No. 4491 for one year. To install a dock, consisting of a 16' x 14' ramp above MHW and three (3) 4' x 16' floating sections held in place by posts on each corner. Dock to be removed in winter

(Continued, August 15, 1988, Board of Trustees)

months. Project located off owner's property on Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5331 is issued to En-Consultants, Inc. agent for CHARLES ABRAMOVITZ, 33 Canoe Place Road, Hampton Bays, to repair and reinforce an existing 275' x 4' fixed dock by adding a third splice under the first 60' of dock, off owner's property on Shinnecock Bay, as per application and survey submitted. \$10.00 fee rec'd.

The application of Thomas E. Samuels agent for Charles Stevenson, Jr., S. Main Street, Southampton to enlarge a dock on Lake Agawam was denied. It is the Board's feeling that the Lake should be kept as natural as possible and the 20' x 6' floating dock previously approved is sufficient.

The application of En-Consultants, Inc. agent for Stanley Zinberg, Stokes Lake, Remsenburg to maintenance dredge was denied. To the knowledge of the Board, this area has never been dredged.

MOORING PERMITS ISSUED

NO. 88-142 to David W. Apicella, 81 Red Creek Road, Hampton Bays: Red Creek Pond

NO. 88-143 to Benjamin F. Barnes, 130 Scotts Road, Southampton: North Sea Harbor

No. 88-144 to Charles Barnett, 48 Lilac Road, Westhampton Beach: Red Creek Pond.

NO. 88-145 to Richard J. Conover, 2004 North Sea Road, Southampton: North Sea Harbor

NO. 88-146 to Alex Demetriades, Clam Road, Southampton: Cold Spring Pond

SEPTEMBER 7, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON WEDNESDAY, SEPTEMBER 7, 1988 AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of August 15, 1988 were read and approved as read.

Edward Warner reported on the inspection made of the Omabegho/Gullo dock after the last meeting. No decision on this matter is to be made until the property has been staked out by the owners.

Mr. Warner reported that permits have been received from the State and Army Corp. for dredging at Silverbrook Canal at Dam Trail and for the dredging at Romana Drive. A motion was made by Edward Warner, seconded by William Frank and duly carried to have these projects done. A letter will be sent to the Town Highway Dept. requesting these projects be done by them.

William Frank reported he made an inspection at Great Pond, North Haven and a second one on flood tide. He observed a good flushing action. He contacted Mary Anne McLaughlin of the Bay Haven Association and suggested that they hold a hearing on this matter as there is controversy on whether the dredging should be done.

(Continued, September 7, 1988, Board of Trustees)

William Frank stated he located the Power Squadron responsible for the problems at Sag Harbor, and is handling the matter.

Mr. Frank reported contacting the Village of Sag Harbor. There will be no cooperation forthcoming with the speeders and bay problems this year.

Eric Corwith, former Southampton Town Trustee and his daughter, Melissa, were present. First, he questioned the Board on the problems at North Haven, in particular the West Banks project and proposed dock. Mr. Corwith stated the Trustees have the right to legislate over the foreshores, within 500 feet of the shoreline. Mr. Warner stated that as per Judge Edward P. Sharretts, whose opinion he greatly values, the Trustees have no rights beyond the foreshores in this area.

Mr. Corwith then said he feels the Board should assert their rights, that all of the Inc. Villages are taking over Trustee rights. He referred to the beach vehicle problem in the Village of Southampton and said, again the Village is overpowering the rights of the Town Trustees. He mentioned the Beers decision of the 1930's, which he says established the beach as a right of way. He criticized the Board for delegating authority over the ocean access roads to the Village. Mr. Bennett and Mr. Warner both replied that this had been done many years ago by a previous Board. Paul Parash stated that he has checked all the roads along Dune Road and at this time all

(Continued, September 7, 1988, Board of Trustees)

are passable. He agrees the error was made in 1962 in deeding these roads to the Village and he has requested the Village to mark the roads properly as called for in the deed.

Mr. Corwith then reported that the Town Highway Dept. has been placing piles of road scrapings at the end of Mohawk Avenue and Horsemill Lane, close enough to run into Mecox Bay. What sense does this make when the Board is taking samples and trying to improve the bay. He strongly criticized the Bay Constables for not doing something about this. Melissa Corwith stated she also had observed the sweepings.

Mr. Corwith spoke about the dock at North Sea and reprimanded Trustee Parash for issuing the permit. Mr. Parash explained that the application had been submitted with false information as to the road along the water.

David Whelan, Marine contractor spoke about Great Pond at North Haven. He said he doesn't feel the pond should be dredged, that this request comes from people inside the pond who would like to bring a boat in. Until a study is made proving dredging would improve the pond, it should not be done. William Frank again stated that he feels there is a good exchange of water. Mr. Whelan said he would like the pond monitored as to water temperature, algae growth, etc. Paul Parash said the Town Natural Resources Dept. is proceeding with such a program. Mr. Frank said he feels the pond is "in good health".

(Continued, September 7, 1988, Board of Trustees)

There was discussion on the crab population at Mecox and Sagg.

Eric Corwith also called the Board down on the sale of the Bald Hill property and the taking of parklands in Flanders by the County. Again, both were done years back, but Mr. Corwith was informed the Trustees did regain title to the Flanders property.

Mr. Warner thanked Mr. Corwith for coming and said he "roasted the Board pretty well!".

David Whelan was present regarding an application for John Lucas for additional bulkheading at Northampton Shores. The permit will be approved.

Eight (8) applications for permit were approved.

Three (3) applications for permit were held.

Eleven (11) Mooring Permits were approved.

CORRESPONDANCE: SUNY at Stony Brook: Notice of Brown Tide Conference to be held on October 27 and 28.

Marie Bencivengo, East Quogue, thanking Bay Constable Ken Malone for assistance.

The Flying Point Association re: Dune buggies on Southampton Town beaches. The Association is opposed to the inclusion of Flying Point Beach as well as the beach at the Mecox Bay cut for use of vehicles. A copy of this letter will be given to the Supervisor and the Town Board.

Thomas A. Lavelle, Superintendent, Town Highway Dept. re: sand piles on Hildreth Road. Mr. Lavelle states the sand piles have been removed, and had been placed to

(Continued, September 7, 1988, Board of Trustees)

prevent dumping on the roads. The Town Highway will no longer be responsible for garbage dumped on these roads.

Thomas M. Cramer, Chief, Operations Division, Department of the Army, New York District, Corps of Engineers re: shoaling condition off Cormorant Point in the L.I. Intracoastal Waterway. He reports that the spoil site is still the problem.

James H. Rambo, Inc. to N.Y.S.D.E.C. re: Horn, Sawyer, Naftali, MacFarland applications to bulkhead along ocean. Paul Parash noted a recent Court decision taking away all rights of the DEC on bulkhead applications, if there is an erosion problem.

New York State Dept. of Environmental Conservation: Notice of Public Hearing on application of Charles & Helen Zebrowski, Crestview Drive, Remsenburg, to be held at Town Hall on September 29th. John Wourgola will appear for the Board.

Village of North Haven: Notice of Public Hearing on proposed Local Law No. 3.

New York State Dept. of Environmental Conservation to En-Consultants, Inc. re: application for brush jetty at Carter Creek approved.

En-Consultants, Inc.: DEC permit for Carter Creek brush Jetty. Invoice in the amount of \$160.00, balance due for services rendered. A motion was made by Frank Smith, seconded by William Bennett and duly carried to pay this bill from the Trustee Special Account. In regard to this

(Continued, September 7, 1988, Board of Trustees)

permit, William Bennett stated that the requirement of the DEC to use locust posts is creating a problem and will make the project very expensive. An estimate will be obtained before proceeding with the work. Also, Frank Smith suggests holding the project until spring, doing the dredging at the same time.

En-Consultants, Inc.: DEC permit for dredging at Dam Trail, Flanders in Silverbrook Canal. Invoice in the amount of \$330.00 for services rendered. A motion was made by Frank Smith, seconded by Paul Parash and duly carried to pay this bill from the Trustee Special Account.

Joseph B. Hall, Environmental Analyst, NYSDEC to Michael Bottini, Group for the South Fork re: Dam Trail project. Mr. Hall bypassed the objections of the Group, stating the permit will be issued subject to a report each time the project is undertaken.

En-Consultants, Inc.: DEC permit and COE applications to be signed for dredging off Romana Drive, Hampton Bays. Invoice in the amount of \$100.00, balance due for services rendered. A motion was made by William Frank, seconded by Paul Parash and duly carried to pay this bill from the Trustee Special Account.

A motion was made by William Bennett, seconded by William Frank and duly carried to pass the following resolution:

RESOLVED, that Edward J. Warner, President of the Board of Trustees be authorized to sign Application No.

(Continued, September 7, 1988, Board of Trustees)

88-0470-LI for a Department of the Army permit to dredge with ten years maintenance, an area of 35 feet by 20 feet to a depth of 4 feet below mean low water at a canal off Tiana Bay at Romana Drive, Hampton Bays, Town of Southampton.

RE: Omabegho/Gullo dock: Joan Abrahams, Wendy Burnett, Mr. and Mrs. James Pecorini and Elizabeth Wolfenden.

The Board made an inspection of the Ortman property at Sunset Avenue, East Quogue prior to today's meeting. John Wourgola will write a letter to Ortman and to the DEC.

William Bennett reported the fence in Fish Creek has been removed by Al Barone.

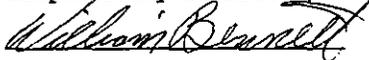
William Frank reported the Suffolk County Dept. of Public Works is having problems in the reconstruction of the Sagg Bridge and would like the inlet opened to lower the water in the pond. The Board does not feel this would help at this time. Mr. Frank will talk to the Public Works Dept. again and request they hold the work until October.

Mary Jane Asato has submitted an agreement for Arnold Amster. John Wourgola will look it over.

John Wourgola requested a special meeting to go over the Board's rules and regulations and stated he is requesting the Bay Constables submit any proposed changes also. It was agreed a meeting will be scheduled in October.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

(Continued, September 7, 1988, Board of Trustees)

PERMITS ISSUED

PERMIT NO. 5332 is issued to Glenn E. Just agent for KENNETH CARMEL, 15 Beach Lane, Westhampton Beach, to dredge an existing 85' x 95' bulkheaded lagoon to a depth of 3' at MLW. The resultant spoil, (approx. 45 cy of sand) will be trucked to an upland disposal site. Project located off owner's property on the Quantuck Canal, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5333 is issued to En-Consultants, Inc. agent for STANLEY ZINBERG, Stokes Lane, Remsenburg, to maintenance dredge an area approximately 25' x 30' to maximum depth of 4' below mean low water. Approximately 50 yards of spoil will be removed to the town dump or similar upland facility. Project located off owner's property on a dug canal off Moriches Bay, as per application and survey submitted. \$10.00 fee rec'd. \$50.00 fee is due.

PERMIT NO. 5334 is issued to ROBERT S. MILANO, 183 Dune Road, Westhampton Beach to maintenance dredge an existing 16'x30' bulkheaded boat basin to a depth of 3' at MLW. The resultant spoil (approximately 55 cy of sand) will be trucked to an upland disposal site. Project is located off owner's property on Moneybogue Bay, as per application and survey submitted. \$55.00 fee rec'd.

PERMIT NO. 5335 is issued to D. J. Whelan Marine Construction agent for JOHN LUCAS, Peconic Avenue, Noyac, to amend Permit No. 5225 to allow for construction of 195

(Continued, September 7, 1988, Board of Trustees)

lf of timber bulkheading, going around the boat house following a line set by the NYSDEC, on owner's property on Peconic Bay, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5336 is issued to MAXIMILIAN & BETTY PAUL, Noyac Road, Noyac, Sag Harbor, to construct a dock consisting of a 3' x 23' walkway, 4' above grade of marsh, 8' x 10' floating dock, to be located 24'6" inside applicants property line, off owner's property on Ligonee Brook, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5337 is issued to En-Consultants, Inc. agent for HENRY WELT, Bluff Point Road, Sag Harbor, to replace within 18", 86 lf of existing retaining wall and add a new 28 lf section on n/s. Approximately 45 cy of clean fill will be trucked in for backfill. Wall will be above MHW on owner's property on Morris Cove, as per application and survey submitted. \$11.40 fee rec'd.

PERMIT NO. 5338 is issued to McNulty, DiPietro & Spiess, Esqs., agents for KLAUS KIRSTEIN, 580 Wooleys Drive, Southampton to install a floating dock section, 10' x 20' and two (2) pilings, off existing dock on Wooleys Pond, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5339 is issued to Ken Hahn agent for JAGANNATH & PENELOPE JAYASWAL, 478 Montauk Highway, Hampton Bays to construct 105 lf of timber bulkheading, 3 ft. above grade

(Continued, September 7, 1988, Board of Trustees)

and to truck in 90 cy yards of clean fill for backfill, on owner's property on Shinnecock Bay, as per application and survey submitted. NOTE: "If any of the bulkheading should be located on a Trustee's right of way known as Shinnecock Beach Road, and in the future, the public demands the restoration of this road, the bulkheading may have to be removed." Permission from neighbor to the west (Cenzoprano), to tie into their bulkheading is attached. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

The application of Steven L. Maresca agent for Robert Carmel, 24 Shinnecock Road, East Quogue to construct a boardwalk and dock was held for more information.

The application of En-Consultants, Inc. agent for Brian Gallagher, East Beach Drive, Southampton Shores to construct a timber groin was held for a full Board inspection.

The application of Edward V. Anderson, 336 E. Montauk Highway, Hampton Bays for renewal of a dock permit was held. A new application must be submitted.

MOORING PERMITS ISSUED

NO. 88-147 to Claire Buda, 12 Ocean View Drive,
Southampton: Shinnecock Bay

NO. 88-148 to Alfred D'Allesandro, 46 Atterbury Road,
Southampton: Shinnecock Bay

NO. 88-149 to William Evert, 542 Montauk Highway,
Southampton: Shinnecock Bay

(Continued, September 7, 1988, Board of Trustees)

NO. 88-150 to Thomas Good, 18 Bittersweet Avenue, Hampton
Bays: Red Creek Pond

NO. 88-151 to Glenn King, Shinnecock Road, Hampton Bays:
Shinnecock Bay

NO. 88-152 to Robert Lohman (tenant), Roy Micallif
(owner), 293 Towd Point Road, Southampton: Davis Creek.

NO. 88-153 to Michael P. Maloney, 13A Lighthouse Road,
Hampton Bays: Shinnecock Bay

NO. 88-154 to Charlotte & Stephen McLaughlin, 1064 Noyac
Road, Sag Harbor: Noyac Creek

NO. 88-155 to Alan Parker, Cooper Lane, Southampton:
North Sea Harbor

NO. 88-156 to Anthony Pisani, Oak Grove Road, Southampton:
Fresh Pond (Herne Oaks)

NO. 88-157 to Louis A. Schmutz, Noyac Harbor Road, Sag
Harbor: Noyac Creek

SEPTEMBER 19, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, SEPTEMBER 19, 1988 AT 1 P.M.

PRESENT WERE: President: Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of September 7, 1988 were read and approved as read.

Edward Warner reported he had given a copy of page 181 of the minutes to Deputy Town Highway Superintendent, Michael Zarro and he promised to look into the matter of road sweepings being piled at the end of Mohawk Avenue. In regard to this, Eric Corwith, who was present, stated that the sweepings had been cleared away prior to the last meeting.

Mr. Warner received a call from Legislator Fred Thiele, looking for information on the Intra-Coastal waterway and the need for dredging near the Shinnecock Canal. Mr. Warner called the New York State DEC and they have indicated they will send a copy of their letter dated September 1987, in which they objected to the spoil being placed in the area of Peconic Road, citing eel grasses growing in the bay. The letter will be forwarded to Mr. Thiele.

(Continued, September 19, 1988, BOARD OF TRUSTEES)

William Bennett announced that the New York State DEC Public hearing on the Zebrowski property has been cancelled at the request of the applicant.

William Frank reported that the Bay Constables took salinity tests at Great Pond and Fresh Pond in North Haven and all tests were good.

Mr. Frank stated the Town of Sag Harbor is giving serious consideration to the request of the Board to provide a patrol boat and Constable in their waters next year.

Eric Corwith questioned the Board regarding the fresh water pond case with the State and was told it is still in litigation.

Mr. Corwith was present as he was upset with an article written in the Southampton Press about the last Board meeting. Dean Schabner, the Press reporter was present and was questioned on some of the statements in the paper. He was requested to correct the statement that Mr. Warner said the roads along the ocean in Southampton Village had been given to the Village in Mr. Corwith's term as Trustee. Mr. Warner is well aware this was done in 1962.

Mr. Corwith then brought up the jurisdiction of the Trustees over the foreshores in Peconic Bay. He began to read off a list of permits that had been issued by the Trustees in that area. Ed Warner stopped him and said he believes that Peconic Bay is State waters, that the Trustees have no jurisdiction and that those permits never should have been issued.

(Continued, September 19, 1988, BOARD OF TRUSTEES)

Eric Corwith disputed the rights of the Trustees in Reeves Bay, citing the "Downs law case".

Attorney William Bates spoke about the concerns of the residents of western Southampton Town about the overlapping jurisdiction of the Villages and the Town in regard to boat traffic, noise, etc. He stated he hopes the Board will address this problem over the winter.

Mr. Bates was present to represent Sheldon Tannen in the Barry Beil dock dispute. He presented a set of photographs and stated that the issuance of a dock permit would infringe on the riparian rights of his client. He feels the neighbor's consent should be required before a permit is issued. Edward Warner explained that Mr. Tannen's front yard is on the bay, and the area where the dock would go is his side yard. Mr. Bennett stated that Mr. Beil owns the seven feet of property and cannot be denied the right to have a dock. Inasmuch as the parties involved could not reach a mutual agreement, Attorney John Wourgola read the following prepared statement:

In the matter of Trustee Permit No. 5229 issued to Barry Beil, a public hearing was held by the Board on July 6, 1988 to consider revocation and/or modification of the existing permit. On that date William Esseks appeared on behalf of the permittee Barry Beil and William F. Bates appeared on behalf of the adjoining property landowners, Sheldon and Ellen Tannen. Based on the testimony presented by counsel for both sides, the Board makes the following findings of fact:

(Continued, September 19, 1988, BOARD OF TRUSTEES)

1. Judith Beil is the owner in fee of a 7' wide by 275' long strip of land on the north side of Dune Road, Westhampton Beach, N.Y all as shown on survey of Squires, Holden, Weisenbacher and Smith dated 4/21/88.
2. Said parcel of property has frontage of 7' on Quantuck Bay.
3. In April of 1988, Beil applied for and obtained from this Board, a permit (No. 5229) for construction of a 4'x12' ramp leading to a 6'x20' floating dock.
4. Said dock has not been constructed.
5. William Bates, Esq. appeared on behalf of the adjoining landowner to the east and argued that construction of the dock as proposed, would seriously interfere with his clients' riparian rights.
6. Trustee William Bennett stated that he mistakenly issued the permit in that he thought that the adjoining owners of the Beil property on both sides had consented and perhaps if he was aware that there was no consent, the permit may have been issued differently.

Based on the foregoing finding of fact this Board makes the following conclusion:

1. By virtue of the fee ownership of a 7' strip fronting on Quantuck Bay, Beil is entitled to certain rights.
2. Notwithstanding Beils' rights, the rights are clearly subject to reasonable regulation in order to preserve the rights and property value of adjoining owners fronting on Quantuck Bay.
3. Construction of the dock as proposed would clearly interfere with the riparian rights of the adjoining owner.
4. Modification of the existing permit is necessary in order to allow Beil to construct a reasonable size dock while reducing the interference with the rights of the adjoining owner.

Now therefore based on the foregoing finding and conclusions, a motion was made by William Frank, seconded by William Bennett and duly carried that Permit No. 5229 be modified as follows:

(Continued, September 19, 1988, BOARD OF TRUSTEES)

Permission be granted to applicant to construct a 3'x 6' ramp leading to a 4' x 10' floating dock.

Nothing in this decision shall be construed to allow use beyond that of a dock.

Mr. Bates then made the statement that it will be impossible to use this dock without interfering with the neighbor.

Charles Stiansen was present as an observer only.

Eric Corwith said he would like to see the Town of Southampton have something remaining of the things he was able to enjoy.

There was discussion on the use of Town ramps and docks and Mr. Corwith was critical of the use of the boat basin at Shinnecock Bay. Edward Warner explained that this basin has been turned over to Parks & Recreation to administer the same as the new commercial dock with an area on the south end being left open for loading and unloading. Mr. Corwith stated a boat from Babylon is in one of the slips, that this facility is supposed to be for Southampton Town residents only. Mr. Bennett explained that due to numerous problems and expenses, there is a fee being charged for the slips now.

Mr. Corwith said he would like to see an area of the Trustee property at Lake Nowedonah (which he donated) cleared out so the public could have access to the lake. William Bennett promised to have the maintenance department take care of this.

(Continued, September 19, 1988, BOARD OF TRUSTEES)

Twelve (12) applications for permit were approved.

Three (3) applications for permit were held.

One (1) application for permit was denied.

Three (3) Mooring Permits were approved.

CORRESPONDANCE: Village of North Haven: Notice of Adoption of Local Law No. 3 of 1988, a local law amending sections pertaining to "Accessory Use, Building and Structure", "Interpretation of District Boundaries" and "The Zoning Ordinance and Code of the Village of North Haven".

Roy L. Haje, En-Consultants, Inc. to New York State DEC re: Extension of Permit for Maintenance Dredging of Carter Creek. It is proposed to dredge Carter Creek next spring, then construct the new brush jetty.

Village of Sag Harbor re: Village's authority to patrol waterways and hiring of Bay Constable.

Fred W. Thiele, Jr., County Legislator to Department of the Army, New York District, Corps of Engineers re: problems of dredging Intra-Coastal Waterway at Shinnecock Bay. Hydrographic surveys of the area are included.

Mrs. Alfred deRopp re: Sanctuary at Weesuck Creek. Mrs. deRopp would like the sanctuary boundaries expanded. A reply will be sent to Mrs. deRopp advising her the Board will take this matter up with the Bay Constables. William Bennett stated there are definately problems.

Greg Robins, East Shore Road, Southampton re: rights along the Peconic Bay beach in area of Bay View Oaks Association property. John Wourgola will reply.

(Continued, September 19, 1988, BOARD OF TRUSTEES)

Frank Smith reported a large number of Blowfish in Quantuck Bay north of the West Bay Bridge. He said this is a good sign as Blowfish eat mud crabs which are a predator of the baby clam. He also reported taking eleven small striped bass in his eel pots, another good sign.

William Bennett reported the Baymen's Association has located oysters in Connecticut available for transplant for \$7.00 per bushel. They would be willing to finance the project if the Trustees can handle the permit process. Mr. Bennett will contact Steve Hendrickson at the DEC to see if this will be feasible.

Paul Parash reported that Glen Hitt has requested more dredging at Fish Cove. He will advise that permits must be applied for.

William Frank stated the Suffolk County Dept. of Public Works wants the Sagg Pond inlet opened to lower the pond for their bridge project. He has advised them that the pond is not high enough at this time to warrant spending money to open the pond. If the County is willing to pay the bill, it might be done.

Mr. Frank stated he plans on attending a public hearing at East Hampton regarding their proposal to try to eliminate Jet Skis. Mr. Bennett expressed an interest in attending this meeting also.

Mr. Warner called a special Board meeting for Wednesday, October 19th at 1 P.M. to work on the Rules and Regulations

(Continued, September 19, 1988, BOARD OF TRUSTEES)

Mr. Warner met with Supervisor DiPirro in regard to dumping of waste in Town waters. He wants a letter to go out to State officials, requesting they introduce legislation requiring pump-out stations for all marinas. John Wourgola will prepare the letter. A memo will go to the Supervisor requesting she also endorse this request.

Mr. Warner said he wants the Omabegho/Gullo dock matter settled at the next meeting.

Mr. Warner requested a letter be sent to Suffolk County asking for a patrol boat in the Shinnecock Canal next year.

John Wourgola reported the Obser dock is removed.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5340 is issued to John T. DiLeva, agent for RIVERHEAD ESTATES CIVIC ASSOCIATION to maintenance dredge the mouth of the Silverbrook Canal at Flanders Bay. The dredged material to be used for beach nourishment, as per application and survey submitted.

PERMIT NO. 5341 is issued to En-Consultants, Inc. agent for WALTER SCHUMACHER, 51 Romana Drive, Hampton Bays, to replace within 18", 100 lf of existing timber bulkhead and to dredge up to 10 feet off bulkhead to maximum depth of 4

(Continued, September 19, 1988, BOARD OF TRUSTEES)

feet below MLW. Maximum of 10 cys of spoil will be removed and supplemented with 5 cys to be trucked in from upland source for backfill, as per application and survey submitted. Project located on a man made lagoon owned by the Town of Southampton, off Tiana Bay. \$10.00 fee rec'd.

PERMIT NO. 5342 is issued to William W. Esseks, Esq., agent for BARRY AND JUDITH BEIL, 73 Dune Road, Westhampton to install off the existing bulkheading, a 3' x 6' ramp leading to a 4' x 10' floating dock secured by (2) 8" diameter pilings, off owners property on Quantuck Bay, as per determination of the Board of Trustees made on September 19, 1988. Nothing shall be construed to allow use beyond dock. Permit No. 5229 previously issued is void.

PERMIT NO. 5343 is issued to En-Consultants, Inc. agent for PHILIP MELITO, Fiddler Crab Trail, Westhampton to renew Permit No. 5007 for one year.

PERMIT NO. 5344 is issued to Glenn E. Just agent for WALTER P. MARGULIES REVOCABLE TRUST, 178 Dune Road, Westhampton Beach, to reconstruct within 18", approximately 254 lf of deteriorated timber bulkhead and to construct two (2) 6' returns. Also, to maintenance dredge an existing 34' x 42' boat basin to a depth of 4' at MLW. Resultant spoil (approx. 137 cy of sand) will be used as backfill. Estimated 50 cy to be taken from Town bottom. Project located off owner's property on Moneybogue Bay, as per application and survey submitted. \$26.60 fee rec'd. \$50.00 yardage fee is due.

(Continued, September 19, 1988, BOARD OF TRUSTEES)

PERMIT NO. 5345 is issued to Ken Hahn agent for Joe Rhodie, Property Manager of LAZ REALTY, INC., 28 Halsey Avenue, Westhampton, to replace 420 lf of deteriorated bulkhead, to be constructed within 18" of existing. No dredging to be done. Approximately 300 cy of clean backfill to be trucked in. Project located on owner's property on Oneck Canal, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5346 is issued to Glenn E. Just agent for ELIZABETH A. FOLEY, 284 Pine Neck Avenue, Noyack, to reconstruct in kind/in place, approximately 70 lf of deteriorated bulkhead and an 11' return. Said structure shall then be backfilled with approximately 75 cy of clean sand which shall be trucked in from an upland source. Project located on owner's property on Ruggs Creek, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5347 is issued to En-Consultants, Inc. agent for TERENCE CULLEN, Seaweed Road, Southampton, to construct a 4' x 260' pedestrian walkway over Davis Creek to grant access to beachfront parcel also owned by applicant. Walk will be similar in design and use to several existing structures on creek. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5348 is issued to En-Consultants, Inc. agent for OLGA CARRERAS, Sandgate Lane, Southampton, to construct 168 lf of stone rip-rap revetment landward of

(Continued, September 19, 1988, BOARD OF TRUSTEES)

mean high water. Approximately 150 cy of stone will be used. Project is located on owner's property on Cold Spring Pond, as per application and survey submitted. \$17.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5349 is issued to En-Consultants, Inc. agent for DAVE BOFILL MARINE, INCORPORATED, 1810 North Sea Road, Southampton, to construct 300 lf of timber bulkhead generally along line of MHW. To remove and replace in same location, an existing 14.5' bulkhead section on n/s of marina. To dredge an area 10' x 240' in front of proposed bulkhead to maximum depth of 4' below MLW. Place approximately 175 cy of spoil behind bulkheads and on parking area for backfill. Also, relocate floating docks 10' landward to accomodate larger boats. Project to be in accordance with NYSDEC Permit No. 10-87-0769 dated 6/10/88. \$206.00 fee is due. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5350 is issued to C. Roger Meeker, Chief Engineer for the SUFFOLK COUNTY DEPARTMENT OF PUBLIC WORKS, Yaphank, N.Y., to renew Permit No. 5074 for one year. Project: Stone Slope Protection on Montauk Highway, CR 80, Shinnecock Hills, Hampton Bays, Town of Southampton.

PERMIT NO. 5351 is issued to EDWARD V. ANDERSON, 336 E. Montauk Highway, Hampton Bays, to construct a dock, overall length of 150 feet, width 4 feet, to include a

(Continued, September 19, 1988, BOARD OF TRUSTEES)

floating section, 6' x 8'. Proof of liability insurance has been provided. Dock must start at MHW and have a sign placed "Private dock - Trespassers will be prosecuted to the fullest extent of the law". \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

The application of En-Consultants, Inc. agent for Rita Perna, Duck Point Road, Remsenburg to construct a boat slip on applicant's property was "denied without prejudice". The Board suggests a dock or mooring be installed. Also, attention will be called to the deteriorating existing bulkheading and suggestion made it should be repaired soon.

The application of Ralph Nine agent for Peter Santulli, 44 Club Lane, Remsenburg to reface existing bulkheading was held. Mr. Bennett found lines running from a swimming pool into the bay upon making his inspection. The applicant is to be advised that this is a violation which must be corrected before this application can be approved.

The application of Arthur and Mary Ellen Sarno, Pierson Road, Flanders to install rip-rap and floating docks was held for referral to the Town Planning Board. The dock is large enough for six boats, which suggests commercial use in a residential area.

The application of Glenn E. Just agent for Lynne DeDwiatowski, Seafield Lane, Westhampton Beach to install rip-rap is to be held and referred to the Conservation Board.

(Continued, September 19, 1988, BOARD OF TRUSTEES)

MOORING PERMITS ISSUED

NO. 88-158 to Douglas M. Dolliver, Southampton: Bull Head Bay.

NO. 88-159 to Vincent Liot, Cedar Point Lane, Sag Harbor: Noyac Creek.

NO. 88-160 to John E. Sacher, East Shore Road, Southampton: Fresh Pond (Herne Oaks).

OCTOBER 3, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, OCTOBER 3, 1988 AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of September 19, 1988 were read, amended, then approved as amended.

It was noted that the special meeting scheduled for October 19th will be changed to October 26th.

William Bennett reported that the area at Lake Nowedonah has been cleared.

Mr. Bennett reported that the oyster transplant will not take place. The oysters were not available for sale as previously reported by the Baymen's Association.

William Frank reported that Sagaponack Inlet is open. Suffolk County has agreed to pay the bill.

Bill Luhrs, Zoe deRopp and Henry Appel of East Quogue were present to request Weesuck Creek be made a wildlife sanctuary from the Town dock at Bay Avenue to Pine Neck Point. They told of many problems with hunters. Mrs. deRopp stated the hunters drive the ducks into the hunting area with their boats and then slaughter them. They brought with them, a petition from the East Quogue Civic Association, Inc. with 132 signatures. Edward Warner

(Continued, October 3, 1988, Board of Trustees)

stated a public hearing would be required to get input from both sides. Frank Smith said his idea would be to extend the present Sanctuary from the Town dock to the spit of land opposite the deRopp property, to which all agreed. A motion was made by William Frank, seconded by Frank Smith and duly carried to set the date for the public hearing for November 7, 1988 at 2 p.m. Notice will be published.

Mr. Appel questioned the Board on the new 45 MPH speed limit on Town waters. He said it should be lower.

Thirteen (13) applications for permit were approved.

Three (3) applications for permit were held.

Four (4) applications for Mooring Permits were approved.

CORRESPONDANCE: Bruce Anderson, Southampton Town Planning Dept. to New York State Dept. of Environmental Conservation re: possible wetland violation along the eastern bank of Weesuck Creek. It was noted that this matter is in the hands of the DEC.

Town Clerk's Office: Notice that Local Laws No. 13 and 14 are now effective in the Town of Southampton. (13-amendment to Chapter 20 re: launching and retrieval of boats).(14-amendment to Chapter 20 re: speed limits in local waters).

Donald Brennan, Flanders to New York State Dept. of Environmental Conservation re: proposal of Walter Olsen to build a new marina.

Mrs. Irving Jagoda to Supervisor DiPirro. A reply will be sent to the Supervisor that several years back, as a

(Continued, October 3, 1988, Board of Trustees)

settlement of a dispute between the County of Suffolk and Mr. and Mrs. Jagoda, the County constructed bulkheading on the Jagoda property. This bulkheading is on the Jagoda's private property and the Town of Southampton has no responsibility to do any work on it.

Joseph P. Hurley, Commissioner, County of Suffolk Dept. of Public Works. Mr. Hurley states that as per a legal opinion of the Suffolk County Attorney made in 1986, the Town of Southampton is legally responsible for the enforcement of pertinent regulations on the waters of the Shinnecock Canal. Therefore, the County will not provide a patrol boat in the canal next summer.

David J. Gilmartin, Attorney: Final draft of proposed Cooperative Agreement and Lease Agreement with the New York State DEC in the fresh water fishing law suit. William Bennett stated it is acceptable, is as discussed with the Mr. Gilmartin.

A motion was made by Paul Parash, seconded by William Bennett and duly carried by a vote of 4-1, (William Frank abstained), to pass the following resolution:

RESOLVED, that for the purpose of granting permission to build on a lot fronting on an unimproved road, the specifications recommended by the Road Review Committee for a portion of Little Noyac Path, situate north of Bridgehampton, in connection with the application of Thomas O. Conklin, are approved, pursuant to the provisions of Chapter 24 of the Code of the Town of Southampton.

(Continued, October 3, 1988, Board of Trustees)

A motion was made by Paul Parash, seconded by William Bennett and duly carried by a vote of 4-1, (William Frank abstained), to pass the following resolution:

RESOLVED, that for the purpose of granting permission to build on a lot fronting on an unimproved road, the specifications recommended by the Road Review Committee for a portion of Noyack Path, situate north of Bridgehampton, in connection with the application of David Schiavoni, are approved, pursuant to the provisions of Chapter 24 of the Code of the Town of Southampton.

A motion was made by Paul Parash, seconded by William Bennett and duly carried by a vote of 4-1, (William Frank abstained), to pass the following resolution:

RESOLVED, that for the purpose of granting permission to build on a lot fronting on an unimproved road, the specifications recommended by the Road Review Committee for a portion of Noyack Path, situate north of Bridgehampton, in connection with the application of David T. Schiavoni & Christopher R. Cunningham, are approved, pursuant to the provisions of Chapter 24 of the Code of the Town of Southampton.

The Omabegho/Gullo dock dispute will be heard at the next meeting of the Board on October 17th. Attorney Martin Gilmartin is to be advised to have his clients present if they wish to present additional evidence.

William Bennett read a letter he has written to the Westhampton Yacht Squadron, requesting they use caution when sailing in fog conditions. He stated a very large regatta is scheduled for Moriches Bay next season.

(Continued, October 3, 1988, Board of Trustees)

William Frank said he had seen an exceptionally nice map of eastern L.I. at Southampton Coal & Produce and would like to get a copy for the Trustee's office.

Edward Warner reported a call from Charles Hamilton, NYSDEC, requesting the recommendations of the Trustees in the matter of Jack Ortman, Sunset Avenue, East Quogue. A letter will be sent to Mr. Ortman asking for restoration of the rocks behind the mean high water mark to allow the public to pass and repass. This would be as per the original permit issued.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5352 is issued to Raymond F. Nine agent for PETER SANTULLI, 44 Club Lane, Remsenburg, to reface 167 lf of existing timber bulkheading and to backfill with 20 cy of spoil to be trucked in from upland source. Project located on owner's property on a dug canal off Moriches Bay, as per application and survey submitted. \$16.70 fee rec'd.

PERMIT NO. 5353 is issued to En-Consultants, Inc. agent for GELSOMINA LOFARO, Little Pine Lane, East Quogue, to replace within 18", 281 lf of existing timber bulkhead and to dredge up to 10' off bulkheading to a maximum depth of

(Continued, October 3, 1988, Board of Trustees)

3' below mean low water. Approximately 50 cy of spoil will be used as backfill. Project located on owner's property on Dave's Creek, as per application and survey submitted. \$28.00 fee rec'd. \$50.00 yardage fee is due.

PERMIT NO. 5354 is issued to En-Consultants, Inc. agent for ALICE TARAFKA, Bay Road, Quogue, to construct a timber dock consisting of a 4' x 100' fixed elevated (4' above grade of marsh) walkway; 4' x 14' hinged ramp; 6' x 20' float secured by (2) 8" diameter pilings, off owner's property on Stone Creek, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5355 is issued to En-Consultants, Inc. agent for JOAN SHALOV, Hobart Lane, Quogue, to replace within 18", 130 linear feet of existing timber bulkhead and to backfill with 10 cy of clean material to be trucked in. Project is on owner's property on Quantuck Bay, as per application and survey submitted. \$13.00 fee rec'd.

PERMIT NO. 5356 is issued to Glenn E. Just agent for CONSTANCE FAGAN RUSSE, r.o.w. off Quaquanantuck Lane, Quogue, to reconstruct within 18", approximately 15 lf of existing timber bulkhead and to reconstruct an existing 16' timber return. Said structure to be backfilled with approximately 10 cy of clean sand to be trucked in from upland source. Project located on owner's property on Ogden Pond, as per application and survey submitted. \$10.00 fee rec'd.

(Continued, October 3, 1988, Board of Trustees)

PERMIT NO. 5357 is issued to En-Consultants, Inc. agent for GEORGE DANDRIDGE AND MARCOS TYCHBROJCHER, Brennan's Moor, Mecox, to construct a timber dock consisting of a 4' x 60' fixed elevated (4' above grade of marsh) walkway; 4' x 12' hinged ramp' and 6' x 16' float secured by (2) 6" x 6" posts, off owner's property on Calf Creek, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5358 is issued to SANFORD GOLDSTEIN, Morris Cove Lane, Sag Harbor, to construct an irregular shaped upland walkway approximately 4' x 235' leading to a 4' x 18' fixed elevated (4' above grade of marsh) dock; 4' x 12' hinged ramp; and 6' x 18' float secured by (2) 8" diameter pilings, off owner's property on a canal off Sag Harbor Cove, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO 5359 is issued to Mockridge General Contracting Inc. agent for ADRIAN VITTADINI, Rose Hill Road, Water Mill, to extend Permit No. 5080 for one year.

PERMIT NO. 5360 is issued to En-Consultants, Inc. agent for STANLEY AND JANE MOSS, Rose Hill Road, Water Mill, to plant (2) areas with Spartina alterniflora and bayberry to trap sand and stabilize eroding spit of land, as per the recommendations of the NYSDEC. Project is located on

(Continued, October 3, 1988, Board of Trustees)

owner's property on Mecox Bay, as per application and survey submitted. \$10.00 fee is due. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5361 is issued to En-Consultants, Inc. agent for JACKIE PUSH, Shore Road and Bay Avenue, Southampton, to maintenance dredge an existing bulkheaded boat slip, 30' x 20' to a depth of 4' below mean low water. Approximately 45 cy of spoil will be removed to a suitable upland disposal site. \$10.00 fee rec'd.

PERMIT NO. 5362 is issued to En-Consultants, Inc. agent for PAUL HODGES AND JOHN DRAKE, 271 Millstone Brook Road, Southampton, for the removal of 1' below mean low water of an area 15' x 39'. Approximately 10 cy will be removed by backhoe and removed off-site to the Southampton Town landfill at North Sea. Project located off owner's property on a dug canal off Bullhead Bay, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5363 is issued to En-Consultants, Inc. agent for JOSEPH AND JOSEPHINE BARRERA, 11 Hyler Drive, Hampton Bays, to construct a 12' x 40' indented boat slip which will be dredged to 4' below MLW. To remove and replace in same location, remaining 33', 8" off existing bulkhead and to dredge to 4' below MLW up to 5' in front. A total of 80 cy of material to be removed to a suitable upland site. Project is located off owner's property on a dug lagoon off Tiana Bay, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board

(Continued, October 3, 1988, Board of Trustees)

has determined the project will have no significant effect on the environment".

PERMIT NO. 5364 is issued to the U.S. COAST GUARD STATION SHINNECOCK, Ponguogue Avenue, Hampton Bays, to perform maintenance dredging of boat basin and entrance channel. To dredge approximately 18,000 cy of silty sand. The material is to be disposed of as beach nourishment at the east end of Tiana Beach, east of the Tiana Beach Club and west of the Shinnecock Inlet, as per application and sketches submitted. Fee waived.

The application of En-Consultants, Inc. agent for Konner Development Corporation, Montauk Highway, Hampton Bays is held. Research has shown this area has never been dredged. The Board does not object to the bulkheading and dock but does not favor the dredging.

The application of Glenn E. Just agent for Eugene Pullo, 10 Stone Lane, Quogue is held for more information.

The application of David & Cynthia Logan, Weesuck Creek, is held for more information.

MOORING PERMITS ISSUED

NO. 88-161 to Gerald Belva, 12 Higbee Road, Hampton Bays: Shinnecock Bay.

NO. 88-162 to Richard New, RRI, Water Mill: Mill Creek

NO. 88-163 to Edward O'Connor, Herne Place & Edgemere Drive, Southampton: Fresh Pond (Herne Oaks)

NO. 88-163 to Peter J. Repetti, 49 Indian Run, East Quogue: Shinnecock Bay.

OCTOBER 17, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, OCTOBER 17, 1988 at 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett,, Paul W. Parash and William T. Frank and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of October 3, 1988 were read, amended, then approved as amended.

Ida Pecorini and Blanche Faer, Towd Point Road, Southampton, were present regarding the Omabegho/Gullo dock problem. John Wourgola read a letter he has prepared to be sent to Dr. Ruth Omabegho, instructing her to remove the dock on or before November 15, 1988. A motion was made by Paul Parash, seconded by William Frank and duly carried authorizing Mr. Wourgola to send the letter.

Mrs. Faer then asked if the area residents would be advised if a new application for permit was submitted. Mr. Warner stated the Board has never done this. Paul Parash stated that now that the Board is aware of the situation, permission from all the users of the right of way would be required before a new permit would be issued. He feels some solution may be possible, constructing a dock off the property of Dr. Gullo.

Seven (7) applications for permit were approved.

One (1) application for permit was held.

(Continued, October 17, 1988, Board of Trustees)

CORRESPONDANCE:

Fred W. Thiele, Jr., County Legislator re: pump out stations for all marinas. A copy of Mr. Thiele's information will be given to each Trustee for study.

Martin R. Gilmartin, Attorney re: adjournment of hearing on Omabegho/Gullo dock dispute.

Department of the Army, New York District, Corps of Engineers: Permit for changing dredging location at Mecox Bay.

New York State Dept. of Environmental Conservation: Extension of permit for dredging at Carter Creek.

Supervisor Mardythe DiPirro re: Student Community Internship Program.

Fred W. Thiele, Jr., County Legislator re: Stone wall blocking public access at Roses Grove. John Wourgola will inspect this and reply to Legislator Thiele.

Sr. Bay Constable Andersen joined the meeting to present proposals by the Bay Constables for changing the Waterways Ordinance and Trustee Rules and Regulations. The Trustees will go over these proposals before the special meeting on October 26th. Copies of the present Chapter 20 will also be distributed for comparison.

John Andersen and Frank Smith reported on the 1988 Seed Clam Project as follows:

(Continued, October 17, 1988, Board of Trustees)

May 20- Received 43,000 seed clams
Placed in racks 37,200
Placed in Town waters 6,200, 20-30 mm size

July 1- Received 110,000 seed clams
Placed in racks 106,000 and 4,000 from May
order
Placed in Town waters 59,000, 18-30 mm size
and 33,200, 18-30 mm from May order.

October 14 Placed in Town waters from racks, 110,000.

Total: 208,000 clams put out.

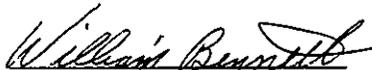
Cost: \$7,000 for 200,000 - Balance were donated
by L.I. Oyster Farms.

Clams were planted in Moriches Bay, Tiana Bay, Shinnecock Bay, east Shinnecock Bay, Old Fort Pond, and Middle Pond. It was noted the quality of the clams was excellent and the mortality rate very low.

There was discussion on the possibility of creating a shellfish sanctuary in the same location being proposed as an extension of the wildlife sanctuary at Weesuck Creek. Ed Warner was in favor. William Bennett was strongly opposed to the closing of any more certified areas. The matter was held for further study.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

(Continued, October 17, 1988, Board of Trustees)

PERMITS ISSUED

PERMIT NO. 5365 is issued to En-Consultants, Inc., agent for ROSALIE TUTINO, Romano Drive, Hampton Bays, to replace within 18", 100 linear feet of existing bulkhead and to backfill with 15 cy of fill; 10 cy to come from dredging up to 10' off bulkhead to maximum depth of 4' below MLW. Additional 5 cy to be trucked in. Project located on owner's property on a dredged lagoon off Tiana Bay, as per application and survey submitted. \$20.00 fee rec'd.

PERMIT NO. 5366 is issued to Michael Sylvester agent for FRANCES AND MATTHEW DWYER, 170 Beach Lane, Westhampton, to replace within 18", 127 lf of deteriorated bulkheading and to backfill with 300 cy of clean fill and to fill an area 20' x 30' (depression behind bulkhead). Project located on owner's property on a dug lagoon off the Quantuck Canal, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5367 is issued to Glenn E. Just agent for LYNNE DeKWIATOWSKI, Seafield Lane, Westhampton Beach, to install approximately 235 feet of rip-rap with erosion control blankets above the MHW for erosion control. Said rip-rap shall then be backfilled with approximately 500 cy of clean sand to be trucked in from an upland source. Project located on owner's property on Aspatuck Creek, as per application and survey submitted. \$23.50 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

(Continued, October 17, 1988, Board of Trustees)

PERMIT NO. 5368 is issued to Harbor Marine Construction, Inc. agent for ALEX HAWRYLUK, 52 Harborview Road, Westhampton, to reconstruct in-kind, within 18", 60 lf of timber bulkheading with 4 feet wide decking and to backfill with 60 cy of clean fill to be trucked in. Project located on owner's property on Moriches Bay, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5369 is issued to Glenn E. Just agent for RICHARD C. IMBERT, Lots 49 & 50 Shotgun Lane, Remsenburg, to reconstruct within 18", 67 lf of timber bulkhead and to reconstruct a 17' timber return. Also, to dredge an area 40' x 100' to 4' at MLW. Resultant spoil (370 cy of sand) will be used a backfill. Also, to construct 12' x 67' timber decking landward of proposed bulkhead and to install two (2) 10"x25' mooring pilings. Project located off owner's property on a dug lagoon off the Speonk River, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5370 is issued to JOHN C. MCGUIRE, 64 Linden Lane, Southampton to install a small wooden floating dock, approximately 9' x 5' off owner's property on Lake Agawam, for use with a small rowboat or canoe, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5371 is issued to En-Consultants, Inc. agent for ANTHONY GRGAS, Old North Highway, Hampton Bays, to remove and replace in same location. 110 lf of timber retaining wall above line of mean high water and attached to adjacent existing walls. Approximately 70 cy of clean

(Continued, October 17, 1988, Board of Trustees)

sand backfill with be trucked in from upland source. Project located on owner's property on Peconic Bay, as per application and survey submitted. \$11.00 fee rec'd.

The application of Glenn E. Just agent for Eugene Pullo, 10 Stone Lane, Quogue for a dock was held. The Board feels the dock will extend too far into the creek.

MOORING PERMIT ISSUED

PERMIT NO. 88-164 to John E. Sacher, 35 E. Shore Road, Southampton: Fresh Pond (Herne Oaks).

NOVEMBER 7, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, NOVEMBER 7, 1988 AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of October 17, 1988 were read, amended, then approved as amended.

Walter Lane and Roger Kozofsky were present to request the re-opening of the churning areas in Shinnecock Bay. In addition they would like two other areas opened, an area in Weesuck Creek (the stone flat east of the entrance to the creek), and the stone area from the Quogue Canal to Phillips Point. Mr. Warner stated the scratch rakers work these areas and might object. William Bennett stated he favors churning as it might move some of the stones and create a new set. Frank Smith also said that in spite of the static that might be created, he favors cultivation projects 100%. Mr. Warner requested the decision on the new areas be held to get some input from the baymen. A motion was made by William Bennett, seconded by William Frank and duly carried to pass the following resolution:

At SUNRISE, November 26, 1988, the following areas will be opened as "Experimental Cultivation Areas, to the taking of hard clams by "Long Lining" ONLY, not to exceed use of a 40 HP outboard motor:

(Continued, November 7, 1988, BOARD OF TRUSTEES)

SHINNECOCK BAY: from the Peconic Road ramp along the northerly shore to Jackson's Marina, from Mariner's Cove Marina to Cormorant Point, from Cormorant Point to the north east end of the bulkheading at the Coast Guard Station, staying 150 feet from shore.

IN WEST SHINNECOCK BAY: that area east of Mermaid Lane from the old Coast Guard Channel running from the pavilion to the Intra-Coastal Waterway, then east to the Ponquogue Bridge.

Regular clamming will continue. There is to be NO "towing of rakes" in these designated areas.

The areas will be CLOSED to "Long Lining" at SUNSET, March 31, 1989.

Notice will be published in the official Town newspapers.

Walt Lane then questioned the Board regarding the dredging project being done by the County off the Shinnecock Coast Guard Station. He stated he feels the fill is being placed in the wrong area. Why can't it be put in the low area on the ocean beach near the C & N Fisheries? Mr. Bennett explained that the government always does a project in the least expensive way possible.

Frank Smith said he would like to see a two week experiment conducted by "long lining" the area from Penniman's Point to Keppels Point, some time in April. The purpose would be to cultivate an area for planting baby clams. William Bennett said placing chowders in the area also might be beneficial. Mr. Warner said that 150' from

(Continued, November 7, 1988, BOARD OF TRUSTEES)

the shoreline in that area is all mud so the churning would have to be done closer to shore. The project will be discussed again in March.

Nine (9) applications for permit were approved.

One (1) application for permit was denied.

Five (5) applications for permit were held.

At 2 p.m., the Public Hearing was opened to hear any or all persons for or against the extension of the Weesuck Creek Sanctuary. Present were William Luhrs and Henry Appel, representing the East Quogue Civic Association, in favor of the extension. Mr. Luhrs stated the area is a natural place for fowl to stay and they were satisfied with the proposal of the Board. A motion was made by Paul Parash, seconded by William Frank and duly carried to close the hearing. A motion was made by Frank Smith, seconded by William Frank and duly carried to pass the following resolution:

RESOLVED: that the WEESUCK CREEK SANCTUARY be extended. The Sanctuary will now include from the westerly terminus of the Town dock at Bay Avenue, East Quogue to a point of land on the property of Zoe deRopp (to be identified by a sign to be placed by the Bay Constables). No person shall hunt, trap, shoot or otherwise take any wildlife whatsoever within the herein described boundaries of said refuge. Notice will be published in the official Town newspapers.

CORRESPONDANCE: Town of Southampton Department of Parks & Recreation re: Ponquogue Bridge Fishing Pier. Discussed was the south approach which is Trustee property being used for parking by the Town.

(Continued, November 7, 1988, BOARD OF TRUSTEES)

Martin R. Gilmartin, Attorney re: Gullo/Omabegho Dock Permit. John Wourgola reported speaking to Mr. Gilmartin, informing him that illegal construction does not grant vested rights and instructing him that the dock must be removed by November 15th as per the Trustee's letter.

Group for the South Fork: Agenda for Coastweek, October 29th - November 6th.

Betsy Culeman, Commodore, Mecox Bay Yacht Club re: problems with seaplanes in Mecox Bay. Frank Smith said that former Board President Thomas Rewinski had a verbal agreement with the Pilot's Association that they would use the south east end of the bay for their landings and take-offs. Mr. Warner discussed the possibility of designating areas by buoys for landings and take-offs, restricting boats in the areas. John Wourgola will attempt to contact Tom Murphy who was the President of the Pilot's Association. A reply will be sent to Ms. Culeman that the situation is being studied.

Gregory J. Blass, County Legislator re: Pump out stations.

John L. Behan, Member of the Assembly, State of New York re: Pump out stations.

State of New York, Department of State to En-Consultants, Inc. re: U.S. Army Corps of Engineers application by Herbert Mandel (Gateway Marina, Flanders).

Southampton Town Patrolman's Benevolent Association requesting donation. This Board does not make donations.

(Continued, November 7, 1988, BOARD OF TRUSTEES)

Massachusetts Maritime Academy: Notice of Aquaculture Seminar to be held at Buzzards Bay, Maine on November 12th.

Schuyler R. Corwin, Superintendent of Parks, County of Suffolk re: docking Marine Unit 3 and the work barge in Shinnecock Canal Marina for the winter months of 88/89.

Patricia F. Neumann to Joan Brennan re: dredging in area of Fish Cove Bridge.

The Nature Conservancy: Membership card for Southampton Board of Trustees for 1988.

Lisa P. Tettelbach, Marine Resources Specialist, New York State Dept. of Environmental Conservation re: testing done at Mecox Bay, Flanders (Goose Creek, Birch and Mill Creeks). Also, requesting information about ordinance pertaining to access to the shoreline in areas where the water and bulkhead meet. A copy of the Trustee regulation was sent.

John J. Bennett, Town Attorney re: Katz v. Southampton, et al. John Wourgola advises the Trustees should remain a part of this action. To withdraw at this time would mean they could have no further say in the matter.

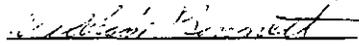
Mr. Warner reported the salinity readings at Mecox Bay were raised considerably by the recent openings. The inlet will be opened again as soon as weather permits.

Mr. Warner reported the dredging operation at the Shinnecock Coast Guard Station is being carefully watched over by the Bay Constables and State Conservation officer. There have been some problems in the spoil area at Road I, a Trustee road.

(Continued, November 7, 1988, BOARD OF TRUSTEES)

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5372 is issued to Kurt Gardner agent for SANDPIPER COURT ASSOCIATION, Sandpiper Lagoon, Westhampton Beach to amend Permit No. 5304 to change spoil site from Lot #15 to Lot #63, Sandpiper Court, Westhampton Beach, as per application submitted.

PERMIT NO. 5373 is issued to En-Consultants, Inc. agent for RITA PERNA, Box P, Duck Point Road, Remsenburg, to construct a dock consisting of a 4' x 50' fixed elevated (4' above grade) walkway; 4' x 14' hinged ramp; 8' x 20' float secured by (2) 8" diameter pilings, off owner's property on Moriches Bay, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment". \$10.00 fee rec'd.

PERMIT NO. 5374 is issued to En-Consultants, Inc. agent for R. J. HAWKINS, row off Main Street, Remsenburg, to construct a timber dock consisting of a 4' x 40' fixed elevated walkway; 4' x 12' hinged ramp; 8' x 20' float secured by (2) 8" diameter piles, (Dock not to exceed 60'

(Continued, November 7, 1988, BOARD OF TRUSTEES)

or not to extend further than dock to north), off owner's property on Fish Creek, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment". \$10.00 fee rec'd.

PERMIT NO. 5375 is issued to Michael Sylvester agent for MR. AND MRS. ANGELO LARGHI, 13 Marlin Road, East Quogue to replace within 18", 75 lf of deteriorated bulkheading and to backfill with 30 cy of clean fill to be trucked in from an upland source. Also, to rebuild 2'x7'x12' stepdown dock. Project located on owner's property on a private canal off Shinnecock Bay, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5376 is issued to Glenn E. Just agent for RICHARD KOST, 7 Marlin Drive, East Quogue, to reconstruct within 18", approximately 78 lf of timber bulkhead and to backfill said structure with approx. 50 cy of sand to be trucked in from upland source. Project located on a private canal off Shinnecock Bay, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5377 is issued to Glenn E. Just agent for EUGENE PULLO, 10 Stone Lane, Quogue, to construct a 4' x 70' catwalk, starting from the edge of the lawn, spanning the existing marsh and extending only 30' seaward of the MHW line,(to be elevated 4' over the existing marsh vegetation); a 3' x 12' ramp and 8' x 30' float, off owner's property on Stone Creek, as per application and

(Continued, November 7, 1988, BOARD OF TRUSTEES)

survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment". \$10.00 fee rec'd.

PERMIT NO. 5378 is issued to En-Consultants, Inc. agent for JACK GRIMM, Ox Pasture Road, Southampton, to construct a timber dock consisting of a 4' x 40' fixed (elevated 4' above grade) catwalk; 4' x 16' hinged ramp; and 8' x 20' float secured by (2) 8" diameter pilings, also, (2) 8" diameter pilings 13' off the corners of the float. Project located off owner's property on Heady Creek, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment". \$10.00 fee due.

PERMIT NO. 5379 is issued to Steven Maresca agent for DAVID SAWYER, Meadow Lane, Southampton, to replace 380 lf of steel bulkheading, to remove deteriorated portions of existing bulkheading and to backfill with 1400 cy of clean fill to be trucked in. Also, to place stone rip rap. Project located on owner's property facing the Atlantic Ocean, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5380 is issued to BELTRANY & FELICIA SETTEDUCATI, Noyac Harbor Road, Sag Harbor to renew Permit No. 5122 for one year.

The application of En-Consultants, Inc. agent for Violet Carter, 174 Dune Road, Westhampton Beach to

(Continued, November 7, 1988, BOARD OF TRUSTEES)

construct a dock was "denied without prejudice". The Board feels the length is excessive and will extend too far into the creek.

The application of Inter-Science Research Associates, Inc. agent for Michael Namm, Middle Pond, Shinnecock Hills to renew Permit No. 5075 is held. John Wourgola will respond to this request.

The application of Susan Post Rogers, Smith, Finkelstein, Lundberg, Attorneys agent for Deborah and Richard Overhuls, 26 Seatuck Lane, Remsenburg for a permit for an existing dock and bulkheading is held. John Wourgola will contact Ms. Rogers to request an affidavit setting forth the history of the bulkhead and dock.

The application of Ken Hahn agent for Shinnecock Shores Association for dredging was held for a determination by the NYSDEC.

The application of En-Consultants, Inc. agent for George Spitz, Pine Tree Lane, Westhampton was held for a NYSDEC determination.

NOVEMBER 21, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, NOVEMBER 21, 1988 AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of November 7, 1988, were read and approved as read.

Edward Warner reported that the spoil from the Shinnecock Coast Guard dredging project placed on the barrier beach is all washed away, leaving a large hole.

A motion was made by Frank Smith, seconded by Edward Warner and duly carried to pass the following resolution:

WHEREAS, this Board of Trustees of the Freeholders and Commonalty of the Town of Southampton, N.Y. has learned of the passing of ERIC P. CORWITH on Tuesday, November 8, 1988, former Trustee from 1976 through 1979, and,

WHEREAS, this Board held ERIC P. CORWITH in highest esteem for his devoted service to the residents and freeholders of the Town of Southampton, now therefore be it,

RESOLVED: that the deepest sympathy of this Board is extended to Mrs. Corwith and the family of ERIC P. CORWITH on the loss of this fine man and public servant, and be it further,

(Continued, November 21, 1988, BOARD OF TRUSTEES)

RESOLVED: that the Secretary be and hereby is instructed to spread this resolution upon the minutes and transmit a copy to Mrs. Corwith and family.

A motion was made by Paul Parash, seconded by William Bennett and duly carried to pass the following resolution:

RESOLVED: that Deputy Town Attorney John M. Wourgola is hereby authorized by the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton to commence legal action for the removal of a catwalk, ramp and float off the north side of the property of Dr. Ruth Omabegho, 40 Towd Point Road, Southampton.

Four (4) applications for permit were approved.

Four (4) applications for permit were held.

Two (2) applications for Mooring Permits were approved.

CORRESPONDANCE: Chris Sweet, President, The Pinesfield Property Owners Association, Inc. re: Carter Creek. A reply will be sent stating that all necessary permits have been obtained, that dredging and construction of the new brush jetty will be done in the spring.

Henry J. McCavanagh: estimate for construction of a new brush jetty at Carter Creek. A motion was made by Frank Smith, seconded by William Frank and duly carried by a vote of 4-0 to accept the estimate of \$3500.00. William Bennett abstained.

Charles C. Reilly re: noisy boat traffic in Smith's Creek. The suggestion to move speed signs further out in the creek will be referred to John Andersen, Sr. Bay Constable.

(Continued, November 21, 1988, BOARD OF TRUSTEES)

Mark and Lorraine Sagliocca, 392 Dune Road, Westhampton Beach re: objections to proposed dock at 394 Dune Road. A Trustee permit was issued in May 1988.

Reported was a phone call received from Corey Comerford of the Nassau County Recreation and Parks Dept. in regard to pump out stations. He said Nassau was going to install coin operated units. It was suggested he call the Suffolk County Parks Dept. to ascertain how they intend implementing the recent order of the County legislature to install pump out stations at all County facilities. He would like to be informed of any decisions by the Town of Southampton also.

It was noted that the Dave's Creek and Carters Creek existing brush jetties need re-brushing. Mr. Bennett will contact Henry McCavanagh to do this work.

Sr. Bay Constable John Andersen joined the meeting. He suggested the Trustees consider setting a "season" on towing areas such as November through April. He said the east end of Shinnecock Bay had been depleted due to the towing. Most of the baymen now work in Tiana. He also would like to see the areas monitored to see if the towing is really beneficial.

Frank Smith did not agree, stating that in the hot summer, towing of the rake is necessary to some baymen in order to make a day's pay. Frank Smith is strongly in favor of "cultivation", saying that State reports state

(Continued, November 21, 1988, BOARD OF TRUSTEES)

"cultivation" is necessary. He cited Tiana Bay as an example where there is now a good set of clams. He blames the depletion of the stock to the disappearance of the blow fish which ate the mud crab which is the primary predator of the seed clam.

Ed Warner suggested opening up Moriches Bay also but Frank Smith said for some reason, the Westhampton Baymen's Association are against it.

John Andersen reported that Mecox Inlet is open and running well. The County dredge broke through into deep water.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5381 is issued to Michael Sylvester agent for BOB BASCHNAGEL, 14 Dolphin Road, East Quogue, to resheath 75 lf of existing timber bulkheading and to reface 5' x 9' stepdown dock, on owner's property on a private dug canal off Shinnecock Bay, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5382 is issued to En-Consultants, Inc. agent for FRANK WEBERS, r.o.w. off Bay Lane, Mecox, to construct

(Continued, November 21, 1988, BOARD OF TRUSTEES)

a timber dock consisting of a 4' x 45' fixed elevated (4' above grade of marsh) walk; 4' x 12' hinged ramp and 6' x 20' float secured by (2) 8" diameter pilings. 6' x 20' float to be installed parallel to the shoreline, not perpendicular. Project is located off owner's property on Calf Creek, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5383 is issued to I. SARASON & T. JEREMENKO, Westminster Road, Water Mill, to construct a floating dock consisting of a 4' x 12' catwalk, (elevated 4' above grade of marsh) and 8' x 10' floating section secured by 4" x 4" C.C.A. poles, off owner's property on Calf Creek, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5384 is issued to Inter-Science Research Associates, Inc. agent for CLIFFORD ROBERTSON, Morrison Lane, Mecox, to construct a dock consisting of a 4' x 50' fixed timber pier (elevated 4' above the grade of the bank), with a 4' x 10' ramp leading to a 8' x 16' floating dock, off owner's property on Hayground Bay, as per application and survey submitted. Permit No. 5170 previously issued is cancelled.

The application of Anderson Environmental, Inc. agent

(Continued, November 21, 1988, BOARD OF TRUSTEES)

for Joseph and Doriann Traina, S. Ferry Road, North Haven is held for written consent from the adjoining property owners to tie into their bulkheading.

The application of En-Consultants, Inc. agent for Bullhead Bay Yacht Club, West Neck Road, Southampton, is held for proof showing the area has been previously dredged.

The application of En-Consultants, Inc. agent for William White and Sherman Ginsburg, Harbor Lane, East Quogue, is held for clarification of the court order giving the owners an easement over the property on which they have applied to construct a dock.

The application of En-Consultants, Inc. agent for Anthony and Joseph Vellozzi, 15A Lighthouse Road, Hampton Bays to construct a groin into Shinnecock Bay is held. It is suggested they consider a rock revetment, as Mr. Warner has had objections to the groin proposal.

MOORING PERMITS ISSUED

No. 88-165 to Thomas E. Kelly, Duckwood Court, Hampton Bays: Red Creek Pond

No. 88-166 to Thomas E. Kelly, Duckwood Court, Hampton Bays: Red Creek Pond

DECEMBER 5, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, DECEMBER 5, 1988 AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, Sr. Bay Constable John Andersen and Deputy Town Attorney John M. Wourgola. Michael Walsh, new Deputy Town Attorney, was also present for a portion of the meeting.

The minutes of the meeting of November 21, 1988, were read and approved as read.

Edward Warner reported on the dredging project off the Coast Guard Station at Shinnecock. He stated the hole has been filled in and the problems along Dune Road corrected.

John Andersen stated he will have the speed sign at the entrance to Smith's Creek moved in the spring.

A verbal estimate for the repairs to the brush jetties at Dave's Creek and Carter's Creek in the amount of \$1,000.00 was received from Henry McCavanagh. A motion was made by Frank Smith, seconded by William Frank and duly carried with a vote of 4-0 to accept this estimate and proceed with the work. William Bennett abstained.

Mr. and Mrs. Arthur Sarno were present regarding their application for a dock permit. They were informed the application had been referred to the Town Planning Board

(Continued, December 5, 1988, BOARD OF TRUSTEES)

as the size of the dock applied for indicates room for six (6) boats which would constitute a marina. Mrs. Sarno stated this is not their intention, they have three boats of their own and had also offered the NYS Conservation officer docking space if he needed it. The Sarno's agreed to submit a letter stipulating this use of the dock before the application is approved.

Attorney Timothy McCulley was present regarding the dispute over a berm constructed at Little Noyac Path by Thomas Conklin. Edward Warner stated nothing can be done on this matter until John Johnsen, Town Engineer, can be consulted. He was unable to appear today due to an illness in his family.

Two (2) applications for permit were approved.

Eight (8) applications for permit were held.

CORRESPONDANCE:

Stuart D. Baker to Marc S. Krieg, Attorney re: Mecox Inlet. A note will be sent to Mr. Krieg asking if a reply to Mr. Baker's letter is required.

James J. Lack, The Senate, State of New York re: pump-out stations.

East Quogue Civic Association, Inc. thanking Board for newly created Weesuck Creek wildlife sanctuary.

Group for the South Fork, Inc. re: review of subdivision applications in Southampton Town. This matter is to be held for discussion and reply at the next meeting.

(Continued, December 5, 1988, BOARD OF TRUSTEES)

Martin R. Gilmartin, Attorney re: Omabegho-Gullo dock. John Wourgola stated the paper work is being processed for an injunction to have the dock removed. He will reply to Mr. Gilmartin's letter.

A motion was made by William Frank, seconded by William Bennett and duly carried to publish the following notice:

PUBLIC NOTICE

THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON give notice that due to holidays falling on the dates of their regularly scheduled meetings in the month of January, the dates of the meetings will be changed to TUESDAY, JANUARY 3, 1989 and TUESDAY, JANUARY 17, 1989.

John Andersen reported that Bill Sickles of Suffolk County Parks and Recreation contacted him regarding the problem of jet skis launching from the County park area east of Shinnecock Inlet. John Wourgola will write to John Sheridan, the new Parks Commissioner and suggest that jet skis and windsurfers be eliminated from this dangerous area of heavy boat traffic and tidal actions. A copy of the new Town ordinance will be included. Copies of the letter are to go to Supervisor DiPirro and the Town Board.

John Wourgola announced that the Chapter 20 revisions are ready. He will go over them once more with Bay Constables Andersen and Sadleir prior to presentation to the Town Board.

(Continued, December 5, 1988, BOARD OF TRUSTEES)

John Andersen reported that the power washer purchased from William Stewart several years ago is inoperative and Mr. Stewart wants \$378.00 for repairs. Mr. Andersen said he can replace the pump with a new one for \$127.00. The problem is Northern Hydraulics who can supply the pump want payment within 30 days. A motion was made by Paul Parash, seconded by William Frank and duly carried to pay for the pump from the Trustee's checking account.

Bay Constable Andersen reported that some of the parts of the derelict boat at Argonne Road have been removed, but there are still portions left that are starting to float around. Attempts to get the owner, Dennis Carpin, to take care of the matter have been unsuccessful. Can our department remove the pieces and charge the removal to the owner? John Wourgola advised him to proceed with removal, keeping track of the maintenance crew's time. A summons has been issued to Mr. Carpin. The matter goes to court on December 14th and John Andersen or Ken Malone should be available if needed.

Attempts to have Scott Schleicher pick up the duck blind impounded by the Constables also has been unsuccessful. A certified letter is to be sent giving him ten (10) days to reclaim the blind or it will be disposed of and the costs of disposal charged to the owner.

John Andersen reported he is gathering prices for the new radios covered under the 1989 budget. These items will have to go to bid.

(Continued, December 5, 1988, BOARD OF TRUSTEES)

A motion was made by Paul Parash, seconded by William Frank and duly carried to advertise bids for:

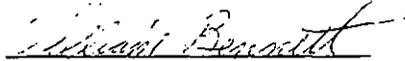
One (1) 1989 Four Wheel Drive Vehicle.

(One (1) 1989 3/4 Ton Pick Up Super Cab 4x4 H.D.

Bids will be returnable at the regular Trustee meeting on January 3, 1989.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5385 is issued to D. J. Whelan Marine Construction, Inc., agent for WALTER SPAETH, Mashomuck Drive, North Haven to construct a ramp, 6' x 10' leading to a dock, 6' x 170, directly off existing bulkheading. Beach access will be maintained by the construction of steps on each side of platform. Project is located off owner's property on Shelter Island Sound, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

(Continued, December 5, 1988, BOARD OF TRUSTEES)

PERMIT NO. 5386 is issued to Glenn E. Just agent for PETER JOSEPH, Ogden Lane, Quogue, to construct a dock consisting of a 4' x 70' catwalk (elevated 4' over existing grade of marsh), a 3' x 12' ramp and 6' x 20' float, off owner's property on Ogden Pond, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

The application of En-Consultants, Inc. agent for James Kingston, Woodcock Lane, Remsenburg for a retaining wall, backfill and wood ramp is held. Suggested that filter cloth be placed behind the retaining wall, fill to be used should be clean sand (no topsoil), and area behind retaining wall should not be filled to more than 6" below the top of the wall to prevent any fill washing into the cove. The application will be referred to the Town Conservation Board.

The application of En-Consultants, Inc. agent for Michael Maresca, 38 Cedar Lane, Remsenburg, is held. The Board feels the length of the dock is excessive for a residential area. It is suggested the length be reduced by 20 feet.

The application of Paul L. Robinson, 128 Elm Street, Southampton to dredge off property at 175 Shore Road, Southampton is held. Proof of previous dredging will be required.

(Continued, December 5, 1988, BOARD OF TRUSTEES)

The application of Paul L. Robinson, 128 Elm Street, Southampton to bulkhead and backfill off property at 125 Shore Road, Southampton is held. A full Board inspection will be made on both applications when the dredging information has been received.

The application of En-Consultants, Inc. agent for the Bullhead Bay Yacht Club, West Neck Road, Southampton is held for referral to the Town Conservation Board. Also, John Andersen will talk to former Bay Constable Dave Halsey about this property.

The application of Inter-Science Research Associates agent for Stephanie Jackson and John C. Morrison, Morrison Lane, Mecox, is held. An updated letter of consent if required from Mary T. Burke regarding use of the right of way.

The application of En-Consultants, Inc. agent for Mary Goodrich, row off Cobb Island Road, Water Mill, is held for an updated survey.

The application of Susan Post agent for Richard Overhuls, 26 Seatuck Lane, Remsenburg, to legalize an existing bulkhead and dock was held for an inspection.

DECEMBER 19, 1988

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, DECEMBER 19, 1988 AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, Sr. Bay Constable John Andersen and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of December 5, 1988, were read and approved as read.

John Wourgola reported that the injunction for removal of the Omabegho-Gullo dock is ready to be served.

Mr. Warner reported the derelict at the end of Argonne Road owned by Dennis Carpin has been removed, that Mr. Carpin was issued a summons and has paid the fine.

Scott Schleicher also paid a fine but has yet to pick up his duck blind.

Roy Haje of En-Consultants, Inc. was present with Ralph Schwenk, owner of Ship A Shore Marina and George Dodson, owner of the Redwood Boat Basin, Sag Harbor. They have joined together with plans for expanding the marinas. It was pretty well established that the dredging proposed would be "maintenance dredging". The area has been previously dredged. A full Board inspection will be held prior to the January 17, 1989 meeting. Bay Constable John Andersen and Roy Haje will accompany the Board.

(Continued, December 19, 1988, Board of Trustees)

Pingree Louchheim, Dai Dayton, Liz Gravitz, Sharone Einhorn and James Topping, members of the Southampton Chapter, Trails Preservation Society, came before the Board. They stated their concern deals with old woods roads being paved and eliminating walking access. They suggest a walking easement be left and this might be made a requirement of the Town Planning Board when approving the improvement of the old woods roads or Trustee roads. Also discussed was the bad situation of garbage being dumped on the back woods roads. They said it has become increasingly worse in the past six months and cited areas where old sofas, refrigerators, etc. have been dumped. No solution to the problem was arrived at.

Former Board President, Richard Corwith was present. He was questioned as to his knowledge of the berm at Old Noyac Path. He said it had been built many years ago by Tom Conklin's father, Otis. Tom Conklin had been asked to remove the berm several years back but chose to ignore the request. The files will be checked for past correspondance on this matter.

Eight (8) applications for permit were approved.

Four (4) applications for permit were held.

In regard to applications for permits for dredging, docks, etc., William Bennett said Roy Haje of En-Consultants should be requested to take soundings and submit this information with his applications. Mr. Haje will be asked to attend the next meeting to discuss procedures for applications.

(Continued, December 19, 1988, Board of Trustees)

CORRESPONDANCE:

Richard E. DePetris, Attorney, representing the Village of Sag Harbor re: enforcement of laws regulating waterways. Under discussion was what areas in Sag Harbor should be regulated by the Village or the Town. William Frank feels all the Sag Harbor Cove area should be taken over by the Village. Mr. Frank and John Andersen will request a meeting with the Village Trustees and it was decided to request the North Haven Village Trustees join the meeting for the purpose of discussing laws and jurisdiction.

Evelyn T. Schaefer re: Sprig Tree Path. She questions the Trustee's claim to ownership of this road, stating her family has been paying taxes on a portion of the road for many years. John Wourgola will reply to Mrs. Schaefer.

Cornell Cooperative Extension, Suffolk County Marine Program: Notice of 1989 L.I. Fishermen's Forum to be held at Suffolk County Community College on January 13 and 14.

Lisa P. Tettelbach, New York State Dept. of Environmental Conservation re: Conditional Shellfishing Program at Flanders Bay. Mr. Warner stated that the area should open on Wednesday, December 21st, if there is no more than .20 inches of rain prior.

A motion was made by Paul Parash, seconded by William Frank and duly carried to advertise bids for Eight (8) Midland Syntech 40 watts dash mount radios or equal and Three (3) Midland hand held Portable Radios or equal. The bids will be due on January 17, 1989.

(Continued, December 19, 1988, Board of Trustees)

There was discussion on the necessity of lights on the fish traps. John Wourgola stated if a change is to be made, the public will have to be properly notified. A motion was made by William Frank, seconded by William Bennett and duly carried by a vote of 4-0 that the light requirement should be kept. Edward Warner abstained. A memo is to be sent with the notices for permit renewals that "All lights and name boards must be on the traps as soon as the first stake is placed in the water or a ticket will be issued and the trap removed."

At 3 p.m., the meeting on motion was adjourned.

At 3:30 p.m., the meeting was re-opened.

John Andersen advised the Board that William Stewart had taken it upon himself to proceed with the repairs to the pump and had wanted \$187.00 for the repairs. Mr. Andersen informed him repairs had not been authorized and he was to return the pump as a new one can be purchased for a lesser amount.

Tom Conklin introduced himself to the Trustees. There was no discussion on the problem at Noyac Path as it is in litigation at this time.

Edward Warner reported the dredge is working at the Shinnecock Inlet. It is much larger than the previous dredge used.

The letter from the Group for the South Fork, held over from the previous meeting was discussed. John Wourgola will reply.

(Continued, December 19, 1988, Board of Trustees)

The meeting on motion was adjourned.

Respectfully submitted,

William Bennett

William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5387 is issued to En-Consultants, Inc. agent for JAMES KINGSTON, Woodcock Lane, Remsenburg, to construct 236 lf of timber retaining wall plus 10' return on north side all above line of spring high water. Retaining wall is to be 12" above grade of lawn. Also, to backfill with 300 cy of clean loam to be trucked in from upland source. Grading is to be restricted to 6" lower than retaining wall so that run off will not overflow into the cove. A 12' wide inclined wood boat ramp is to be built into the northerly section of the retaining wall. Project located on owner's property on Speonk Cove, as per application and surveys submitted. \$24.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5388 is issued to En-Consultants, Inc. agent for MICHAEL MARESCA, 38 Cedar Lane, Remsenburg, to construct a timber dock off east side of existing bulkheaded boat slip and consisting of the following: 4'x10' fixed section (e-w); 4'x10' fixed section (n-s); 3'x10' hinged ramp; 8'x20' float secured by (2) 8"

(Continued, December 19, 1988, Board of Trustees)

diameter pilings, off owner's property on Basket Neck Pond, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5389 is issued to Smith, Finkelstein & Lundberg, Attorneys, agents for DEBORAH AND RICHARD OVERHULS, 26 Seatuck Lane, Remsenburg, to maintain an existing 53 lf of bulkheading and a dock 5 'x 30', off owner's property on a yacht basin off Moriches Bay, as per application and survey submitted. The dock and bulkheading were installed sometime in the 1960's. No previous permits on file with Trustees. \$20.00 fee rec'd.

PERMIT NO. 5390 is issued to En-Consultants, Inc. agent for VIOLET CARTER, 174 Dune Road, Westhampton Beach, to construct a timber dock consisting of a 4' x 75' fixed elevated (4' above grade of marsh) walkway; 4' x 12' hinged ramp; 6' x 20' float secured by (2) 8" diameter pilings. The proposed structure will extend no more than 35' beyond the line of mean high water. Project is located off owner's property on Moneybogue Bay, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5391 is issued to DAVID and CYNTHIA LOGAN, row off Weesuck Avenue, East Quogue, to place one (1)

(Continued, December 19, 1988, Board of Trustees)

additional piling off the dock at the end of the right of way to Weesuck Creek, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5392 is issued to DOREEN & GILBERT BASSIN, Koral Drive, Shinnecock Hills, Southampton, to resheath approximately 100 lf of existing bulkheading on owner's property on Middle Pond, as per application and survey submitted. NOTE: Deadmen are required every six (6) feet. \$10.00 fee rec'd.

PERMIT NO. 5393 is issued to PAUL L. ROBINSON, 175 Shore Road, Southampton, to dredge an existing bulkheaded boat slip to a depth of six (6) feet MLW. Approximately 30 cy of fill will be dumped between existing bulkhead and applicant's house, the remainder will be trucked away. Project located on owner's property on North Sea Creek, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5394 is issued to PAUL L. ROBINSON, 125 Shore Road, Southampton, to construct approximately 64 lf of timber bulkheading along MHW line and to backfill with approximately 20 cy of clean sand and topsoil, as per application and survey submitted. Project located on owner's property on North Sea Creek. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

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JANUARY 3, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON TUESDAY, JANUARY 3, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees William Bennett, Paul W. Parash and William T. Frank, Sr. Bay Constable John Andersen and Deputy Town Attorney John M. Wourgola. Trustee Frank Smith was absent due to illness.

The minutes of the meeting of December 19, 1988, were read and approved as read.

Roy Haje of En-Consultants, Inc. was present. William Bennett explained that the Trustees would like to have soundings taken when dock permits are applied for. He stated that in some instances, a shorter dock might be possible in the deeper area off the property, which would be preferable to the Board. Mr. Haje stated taking soundings off shore would be difficult as he does not have a boat, but could take soundings off bulkheadings.

Edward Warner stated that the inspections at the Sag Harbor marinas may have to be done prior to the 17th meeting as high tides are due in the a.m. on the 17th. John Andersen will check the tides and advise the Board as to the best time and date.

(Continued, January 3, 1989, BOARD OF TRUSTEES)

Tom Samuels and Charles Guilloz of James H. Rambo, Inc. were present to discuss a bulkhead application which has been pending with the DEC for several years. They stated the home of Mr. Burns in Wainscott is in danger of being lost if a major storm should occur. There was a lengthy discussion on the problems along the oceanfront both in Southampton and Westhampton Beach. Mr. Samuels stated that if the barrier beach is not protected, the mainland could be in for serious erosion problems.

A motion was made by William Frank, seconded by William Bennett and duly carried to publish the following notice:

THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y., hereby give notice that their meetings will be held on the first and third Monday of each month in 1989, with the exception of those Mondays that fall on a town holiday, in which case notice will be published as to the change of date.

A Motion was made by William Frank, seconded by Paul Parash and duly carried to publish the following notice:

THE TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON give notice that the Town Holiday for Washington's Birthday falls on Monday, February 20, 1989, the date of their regularly scheduled meeting, therefore, that meeting is cancelled and there will be only one meeting in February, that being on February 6, 1989.

(Continued, January 3, 1989, BOARD OF TRUSTEES)

William Bennett asked Constable Andersen if anything had been done regarding the complaint of the Trails Preservation Society about garbage along town roads. Mr. Andersen will talk to Deputy Town Highway Superintendent, Michael Zarro..

John Andersen reported that the pump had been returned by William Stewart, complete with new parts and at no cost to the Town. He stated it is now working well.

Three.(3) applications for permits were approved.

A motion was made by William Bennett, seconded by William Frank and carried by a vote of 3-0 (Edward Warner abstained) to approve all applications for fish trap permit renewals.

At 2 p.m. bids were opened for one (1) 1989 Ford 250 Super Cab Four Wheel Drive Pick Up. Bids received were as follows:

Yawney Motors, Inc.	\$15,097.00
Pastor Chevrolet, Inc.	\$15,857.00
Otis Ford, Inc.	\$15,993.00
Cassel Truck Sales Corp.	\$16,279.00
Hull Chevrolet Olds, Inc.	\$16,668.00

A motion was made by Paul Parash, seconded by William Frank and duly carried to accept the bid of the lowest bidder meeting the specifications, subject to study of the specifications by Sr. Bay Constable Andersen.

Bids were opened for one (1) 1989 Four Wheel Drive Vehicle. Bids received were as follows:

(Continued, January 3, 1989, BOARD OF TRUSTEES)

Cassel Truck Sales Corp.	\$16,762.00
Pastor Chevrolet, Inc.	\$16,796.00
Yawney Motors, Inc.	\$16,924.00
Hull Chevrolet Olds, Inc.	\$16,953.00
Otis Ford, Inc.	\$18,496.00

A motion was made by William Benett, seconded by William Frank and duly carried to accept the bid of the lowest bidder meeting the specifications, subject to study of the specifications by Sr. Bay Constable Andersen.

CORRESPONDANCE:

Arthur DiPietro, Esq. re: Westhampton Yacht Squadron. William Bennett will contact Mr. DiPietro and advise him to apply for permits on behalf of the Yacht Squadron. Mr. Bennett stated the Trustees have a ramp nearby, that some 10 feet is owned by the Trustees and some agreement will have to be reached with the club to keep the ramp open.

John Wourgola stated he and John Andersen are scheduled to meet with Judge Doyle on January 5th at Noyac Path to inspect the berm.

Walter L. Aurnhammer, Edgemere Drive, Southampton. Mr. Aurnhammer questions a swimming pool being installed by his neighbor. His letter will be referred to the Town Building and Zoning Dept. A reply will be sent that the Trustees main concern would be that a dry well be constructed to handle the backwash of the pool, and do have a regulation prohibiting effluents from the pool going into town waters.

(Continued, January 3, 1989, BOARD OF TRUSTEES)

Allyn F. Jackson, Superintendent, Town of Southampton Parks & Recreation Dept.: Invitation to Board to attend the ground breaking ceremonies for the Jackson Avenue Park on Thursday, January 5th.

Bank of the Hamptons re: 1989 interest rate tiering on money market accounts.

En-Consultants, Inc. to New York State Dept. of State, Division of Local Government re: Application of Herbert Mandel (Gateway Marine)

En-Consultants, Inc.: Invoice in the amount of \$25.00 for preparation of request for extension of Carter Creek permit. A motion was made by Paul Parash, seconded by William Frank and duly carried to pay this bill from the Trustee's special account.

Discussed was the offer of Lester Gerard to donate a pond in Eastport to the Trustees. It was agreed an inspection should be made prior to the next meeting.

The Civil Service list for the position of Bay Constable has been received from the County. There are just two candidates listed in the Town of Southampton. Letters will be sent to both and interviews to be set up on the 17th.

John Wourgola reported that Thomas Thorsen has requested the reply to the letter from the Group for the South Fork be held until he can meet with the Planning Board.

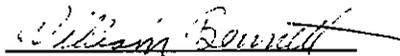
(Continued, January 3, 1989, BOARD OF TRUSTEES)

John Wourgola is scheduling a meeting with Archibald regarding his violations. John Andersen will attend.

William Bennett met with Gilbert Foster, Chairman, Southampton Town Conservation Board and spoke of a request sent to Bruce Anderson to start a study on road run off problems in the town. Mr. Foster would like a copy of the letter. A copy is to go to Dave Emilita and Tom Thorsen also.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5395 is issued to Inter-Science Research Associates agent for MICHAEL NAMB, Private Road off Far Pond Road, Shinnecock Hills, Southampton, N.Y. to renew Permit No. 5075 for one year.

PERMIT NO. 5396 is issued to En-Consultants, Inc. agent for ROBERT NOLL, Inlet Road, Southampton, to construct a timber dock consisting of a 4' x 100' fixed elevated (4' above grade of marsh) walk; 4' x 12' hinged ramp; 8' x 20' float secured by (2) 8" diameter pilings, off owner's property on Cold Spring Bay, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA,

(Continued, January 3, 1989, BOARD OF TRUSTEES)

this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5397 is issued to Beverly Smith agent for SOUTHFORK SEABURY PARTNERS, INC., c/o Thomas E. Gill, Esq. P.O. Drawer "C", Southampton, N.Y., to renew Permit No. 5119 for one year.

FISH TRAP RENEWALS

Paul E. Behrmann
Donald Bennett
John Bergenti with Dean Ramger
Eugene N. Hubbard
Douglas Jayne
Jeffrey Kraus
Charles K. Mades
Donald S. Sausser
George Schellinget
Paul H. Smith
Charles S. Stiansen
Norman L. Stiansen
Burton Smith
Edward J. Warner
Edward J. Warner, Jr.
J. Vincent Warner

JANUARY 17, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON TUESDAY, JANUARY 17, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, Sr. Bay Constable John Andersen and Deputy Town Attorney Michael G. Walsh.

The minutes of the meeting of January 3, 1989, were read and approved as read.

William Bennett stated he met with Attorney Arthur DiPietro and he will submit an application for a permit for the ramp at the Westhampton Yacht Squadron.

Prior to this meeting, the Board inspected the pond at Eastport which Judge Lester Gerard has offered to deed to the Trustees. A motion was made by William Frank, seconded by William Bennett and duly carried by a vote of 4-1 (Edward Warner voted no), to accept the offer of Judge Gerard. A letter will be sent requesting Mr. Gerard's Attorney contact the Town Attorney's office to make arrangements for the necessary paper work.

The bids for the two vehicles have both been awarded to Yawney, Motors, Inc. as the lowest bidder meeting the specifications.

(Continued, January 17, 1989, BOARD OF TRUSTEES)

The inspections at the Sag Harbor marinas will be held until March.

Andrew DeWeil, Island Creek Road, Southampton, was present regarding problems with hunters at Little Sebonac Creek in West Neck. He stated that last year a sliding glass door in his home was shattered by pellets from the duck blind across the creek and this year again, a load of shot hit their home while his wife was sitting in front of a window. He stated he speaks also for his neighbors who are very upset with the gunners who seem to have no respect for the homes in the area. He submitted a letter from Dr. and Mrs. Gregory Heimarck stating their "opposition to further shooting of wildfowl on the wetlands of Island Creek". Mr. DeWeil said he feels the law keeping gunners a distance of 500 feet from homes is obsolete due to the new type weapons being used. Sr. Bay Constable Andersen stated he has been working on this problem for several years, that the offender is Philip Gay, a licensed guide. For a short while he cooperated by changing the direction the duck blind was facing, but recently the police had to be called as the blind was again facing the homes. Mr. DeWeill also reported shooting last Saturday, after the season was officially over. He would like to see the area closed to hunting. Mr. Andersen said he is inclined to agree, that he has talked to the hunters for three years and they will not cooperate. The Board agreed that Mr. Gay is to be requested to come in

(Continued, January 17, 1989, BOARD OF TRUSTEES)

and discuss the problem with the Board before any action is taken.

Councilman Antonio Gil was present regarding similar problems at Cold Spring Pond. Gunners are trespassing over private property to hunt ducks. The situation has become dangerous. Recently all the mailboxes in the area were vandalized. John Andersen stated the area residents have been feeding the ducks, which is enhancing the problem. Bayberry Land is having the same trouble but at this time the offenders are unknown. Frank Smith said it is not fair to take away the gunning privileges from all because of a few offenders. Mr. Andersen would like to see the Board meet with DEC representatives on this. As to the trespassing, Ed Warner said this is a police matter.

At 2 P.M., bids were opened for Radio Equipment. The following bids, including trade-ins, were received:

Seatronics, Inc.	\$6,390.00
Eastern L.I. Electronics, Inc.	\$7,864.00

A motion was made by William Frank, seconded by William Bennett and duly carried to accept the bid of the lowest bidder meeting the specifications, subject to study of the specifications by Sr. Bay Constable Andersen.

Fifteen (15) applications for permit were approved.

Three (3) applications for permit were held.

One (1) application for permit was denied.

Five (5) Pot permits were approved.

One (1) Fish Trap renewal was approved.

(Continued, January 17, 1989, BOARD OF TRUSTEES)

CORRESPONDANCE:

Stephen A. Hendrickson, Marine Resources Specialist II, New York State DEC re: GEIS on Shellfish Transplanting and Microbiological Cleansing. William Bennett stated he has been gathering information and has obtained a copy of the Oyster Study prepared for Roger Tollefsen in 1986 by Pednault Associates which will be sent to Mr. Hendrickson.

Dan Trimboli, Rebadam Lane, Southampton re: impound fee for mooring. Attorney Michael Walsh will reply to Mr. Trimboli.

National Marine Fisheries Service: Notice of 9th Annual Shellfish Biology Seminar to be held at Milford, Connecticut on February 21st.

Suffolk County Fisheries Task Force: Notice of Meeting to be held on February 10, 1989.

New York State DEC: Public Notice re: Reclassification Hearing- Marine Waters. Michael Walsh stated this matter is being handled by the Town Board.

Stephen R. Angel, Attorney, representing Thomas O. Conklin re: Berm, Noyac Path. Edward Warner stated this berm had been constructed on an unimproved Trustee road and should be removed. Any sumps should be the responsibility of the individual property owners, not the Trustees.

Kenneth H. Thommen, Town Clerk, copies of the following resolutions for 1989:

1. Purchase orders required on purchases over \$250.00.

(Continued, January 17, 1989, BOARD OF TRUSTEES)

2. List of banks designated as banks of deposit for Town funds.
3. Southampton Press designated official newspaper.
4. Dates of Southampton Town Board meetings.

Kenneth H. Thommen, Town Clerk, resolution: RESOLVED, that the Trustees of the Freeholders and Commonalty of the Town of Southampton shall be appointed as Special Bay Constables of the Town of Southampton with all duties and authority provided by the laws of the State of New York for the year 1989.

John R. Andersen, Sr. Bay Constable: Annual Report for 1988 of the Bay Constables

The Board will schedule a meeting with David Gilmartin at 12:15 prior to the February 6th meeting.

The Board will meet with Attorney John Wourgola on January 24th at 1:30 to clear up some matters pending.

It was reported that the clearing project done by Herbert Mandel (Gateway Marine) in Flanders, was stopped by the New York State DEC.

William Bennett requested Frank Smith to set up a meeting of the Town Shellfish Committee early in March.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

(Continued, January 17, 1989, BOARD OF TRUSTEES)

PERMITS ISSUED

PERMIT NO. 5398 is issued to En-Consultants, Inc. agent for DR. STUART LEICHTER, Bayberry Lane, Remsenburg to replace within 18", 158 lf of bulkhead facing Moriches Bay; to replace within 18", 278 lf of bulkhead facing canal; to remove a 24' section of bulkhead and construct a 24' x 36' bulkheaded boat slip; to dredge the boat slip and area up to 10' west of canal bulkhead to 4' below MLW. Resultant 400 cy of spoil will be partially used for backfill, remainder to be trucked to off-site upland location, as per application and survey submitted. \$53.20 fee due.

PERMIT NO. 5399 is issued to Glenn E. Just/ J.M.O. Consulting, agent for JAMES H. FOGELSON, Hampton Close, Westhampton Beach to reconstruct within 18", 27 lf of timber bulkhead, and an 18' timber return, on owner's property on Moneybogue Bay, as per application and survey submitted. \$10.00 fee rec'd

PERMIT NO. 5400 is issued to En-Consultants, Inc. agent for VIRGINIA KNAPP, Dock Road, Remsenburg, to construct a timber dock consisting of a 4' x 60' fixed elevated (4' above grade of marsh) walkway; 4' x 14' hinged ramp; 6' x 16' float secured by (2) 8" diameter pilings, off owner's property on East River, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

(Continued, January 17, 1989, BOARD OF TRUSTEES)

PERMIT NO. 5401 is issued to En-Consultants, Inc. agent for THOMAS KNAPP, Dock Road, Remsenburg, to construct a timber dock consisting of a 4' x 60' fixed elevated (4' above grade of marsh) walkway; 4' x 14' hinged ramp; 6' x 16' float secured by (2) 8" diameter pilings, off owner's property on East River, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5402 is issued to En-Consultants, Inc. agent for ALLAN GOLDSTEIN, Duck Point Road, Remsenburg, to replace within 18", 972 lf of timber bulkhead and to backfill with 15 cy of clean sand to be trucked in from upland source. Project located on owner's property on Moriches Bay and Speonk Cove, as per application and survey submitted. \$97.20 fee rec'd.

PERMIT NO. 5403 is issued to En-Consultants, Inc. agent for THOMAS NASTASI, 29 Tarpon Road, East Quogue, to replace within 18", 88 lf of existing bulkhead. To dredge an irregular-shaped area in front up to 10' beyond bulkhead to maximum depth of 4' below MLW. Approximately 50 cy of spoil will be removed and partially used for backfill. Remainder to be removed to upland site. Project located on owner's property on a private dug canal off Shinnecock Bay. \$10.00 fee rec'd.

PERMIT NO. 5404 is issued to En-Consultants, Inc. agent for SMALL POTATOES ASSOCIATES, c/o Anthony Dreyspool,

(Continued, January 17, 1989, BOARD OF TRUSTEES)

Bayview Drive, Quogue, to construct an irregular shaped boat slip with an 18' wide entrance and to dredge the slip to 3.5' below MLW. Resultant 500 cy of spoil will be placed on upland portion of owner's property, located on the Quogue Canal, as per application and survey submitted.

NOTE: This permit is subject to all "Special Conditions and Supplementary Special Conditions" as imposed by the New York State Dept. of Environmental Conservation (Permit No. 10-88-1200 issued 12/19/88). \$61.60 fee due. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5405 is issued to ANTHONY ANGAROLA, 26 Marlin Road, East Quogue, to replace within 18", 75 lf of deteriorated existing bulkheading, and to dredge approximately 60 cy of material from in front of bulkheading to be used as backfill. Project located on a private canal off Shinnecock Bay, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5406 is issued to En-Consultants, Inc. agent for MATTHEW SCHILOWITZ, Sunset Avenue, East Quogue, to construct a timber dock consisting of a 4' x 30' fixed elevated (3.5' above grade) walkway; 4' x 14' hinged ramp; 8' x 20' float secured by (2) 8" diameter pilings, off owner's property on Shinnecock Bay, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

(Continued, January 17, 1989, BOARD OF TRUSTEES)

PERMIT NO. 5407 is issued to En-Consultants, Inc. agent for EARL NEMSER, Foster Lane, Quiogue, to construct a timber dock off existing bulkhead consisting of a 4' x 12' hinged ramp; 6' x 12' float secured by (2) 8" diameter pilings. Also, to repair or replace a 3' x 125' wooden walk on grade. Project located on a right of way to Quantuck Bay, as per application and survey submitted. Letter of consent from adjoining property owner submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5408 is issued to EDWARD WARNER, JR., 22 Carter Avenue, Hampton Bays to repair and replace as necessary, 157 lf of bulkheading and a 10' x 15' open wood deck, in same location and configuration, as per application and survey submitted. Previously approved under Permit No. 4600. NOTE: Edward Warner abstained from voting on this application.

PERMIT NO. 5409 is issued to En-Consultants, Inc. agent for STEVE and BONNI COEN, Inlet Road East, Southampton, to construct a timber dock consisting of a 4' x 50' fixed elevated (4' above grade of marsh) walk; 4' x 12' hinged ramp; (2) 6' x 12' floats secured by (4) 8" diameter pilings, off owner's property on Cold Spring Bay, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

(Continued, January 17, 1989, BOARD OF TRUSTEES)

PERMIT NO. 5410 is issued to En-Consultants, Inc. agent for NARROWS AT SQUAW ISLAND CONDOMINIUM, Noyack Road, North Sea, Southampton, to construct a 4' x 90' fixed elevated (4' above grade of marsh) walk extending from 10' contour approximately 20' beyond line of MHW; a 4' x 14' hinged ramp; 6' x 60' float in "T" configuration with (7) 8" diameter pilings 15' off float. Dock is to be for a maximum of six (6) boats belonging to owners of upland units. No dredging is allowed. There will be no further expansion allowed. Project located on Fish Cove, as per application and survey submitted. \$10.00 fee due. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5411 is issued to En-Consultants, Inc. agent for JACQUES ARTEL, Montauk Highway, Water Mill, to extend Permit No. 5152 for one year.

PERMIT NO. 5412 is issued to Inter-Science Research Associates, Inc. agent for STEPHANIE JACKSON and JOHN C. MORRISON, Morrison Lane, Mecox, Town of Southampton, to renew Permit NO. 5118 for one year and to change name from Cliff Robertson to Stephanie Jackson, as per application submitted.

The application of En-Consultants, Inc. agent for Eleanor Musarra, Dune Road, Southampton to construct a retaining wall, was denied without prejudice. There is little or no erosion in the area and CCA bulkheading is not allowed in Heady Creek.

(Continued, January 17, 1989, BOARD OF TRUSTEES)

The application of En-Consultants, Inc. agent for Walter Olsen, Flanders Road, Riverhead was withdrawn by the applicant. Fee in the amount of \$23.50 is to be refunded.

The application of Chris J. Dowhie, 7 Beaver Dame Creek Road, Westhampton for replacement bulkheading was held. In inspecting the property, William Bennett noted the septic system located in the intertidal facial zone, which is a violation. Before the application can be acted upon, the septic system must be filled and a new one constructed at the farthest point possible from Beaver Dam Creek.

The application of Charles Bowman agent for Marvin Simes, Basket Neck Lane, Remsenburg is held for additional fee due and for an updated survey.

The application of En-Consultants, Inc. agent for Thomas Monahan, Hoover Lane, East Quogue for an addition to a dock is held. Trustee Smith will investigate the application further.

FISH TRAP PERMIT RENEWAL

George Wayne

POT PERMITS

William Bennett

Matthew F. Erlwein

Charles W. Frye

Walter Lane, Jr.

Frank L. Smith

FEBRUARY 6, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, FEBRUARY 6, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, Sr. Bay Constable John Andersen and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of January 17, 1989, were read, amended then approved as amended.

Roy Haje of En-Consultants, Inc. was present with a delegation from the Bullhead Yacht Club to discuss their application for dredging. Mr. Haje stated the Club has a "once in a lifetime opportunity" to get the area dredged in conjunction with the proposed County dredging of Bullhead Bay. He produced a map showing the County's plans, stating they have all their permits and will be starting work in a month or so. Although there are no previous permits on file showing the area has been previously dredged, affidavits have been received and testimony given by enough persons convincing the Board that this would be maintenance dredging. A motion was made by Paul Parash, seconded by William Frank and duly carried to approve the application of the Bullhead Yacht Club, subject to receipt of the yardage fee of \$2.00 per

(Continued, February 6, 1989, Board of Trustees)

cubic yard. Also, the area must be staked out for approval by the Board prior to any dredging. Mr. Haje asked if the Board would accept a letter of credit until the monies for the yardage can be raised. This is acceptable to the Board.

Sherry Kislyak of Richard Pellicane's office appeared before the Board regarding a building referral for the Water Mill Land Corp. to construct an attached garage. William Frank explained that the garage would be located on a surface water quality control area and he is opposed to the application as there is no hardship in this case. He suggests the location be changed. Ms. Kislyak will present new plans at a future date.

Roy Haje discussed his application before the Board for Thomas Monahan, Hoover Lane, East Quogue, to extend his dock. Mr. Monahan had agreed to move the dock to the west, but this new application shows only the finger piers being moved. Mr. Haje, Mr. Monahan and a representative of the Hampton Point Association will be requested to appear at the next meeting of the Board. The Hampton Point Association is objecting to the location of the dock.

Philip Gay, Robert Hoehn, Mark Dubrow, Ray Geminski, Keith McAliff, Mark Cowen and Pierson Hildreth, also, Fran Vinski and Paul Hatch, New York State Conservation Officers, were present to discuss hunting problems at Island Creek. Edward Warner explained that complaints have been received from Andrew DeWeil, a homeowner who reported shots hitting his home and breaking the windows. Also, a letter was received from Dr. and Mrs. G. Heimarck

(Continued, February 6, 1989, Board of Trustees)

requesting the area be made a sanctuary. Philip Gay stated he feels the problems are being caused by a couple of new young hunters, shooting from a duck blind boat, not from the regular hunters occupying blinds. Pierson Hildreth stated he is a 30 year resident, was a gunner himself, and does not mind the shooting in the area and has never experienced any problems. Mark Dubrow who stated he has hunted in this area for 15 years, attested to the fact Philip Gay's blind is the legal distance from homes, and he agrees that the boat is the problem, not shooting from fixed blinds. Mr. McAliff and Mr. Cowen testified that they also shoot from a boat but did not do so this year. They said they did see a new boat in the area and identified the owner as Mark Phillips. Mr. Phillips was unable to be present today. Fran Vinski reported that he had responded to one complaint this year about a broken window and said it was hard to determine how the window had been broken. He said the NYSDEC is opposed to closing this area to gunning but they also have safety concerns. Bay Constable Andersen said he had a photograph of one blind setting on a point of land that definitely was in a dangerous position, too close to homes. He said at one time he had asked Mr. Gay to change the direction of his blind so that shooting would be aimed up the channel. Mr. Gay complied but later changed the blind back, stating the wind direction prohibited good hunting. Fran Vinski suggested a formal permit system might be the answer, under the

(Continued, February 6, 1989, Board of Trustees)

control of the Bay Constables. Mr. Geminski opposed this stating he has a "mobile unit", moving around with the weather, and this would greatly restrict him. Mr. Warner then stated that it appears the "mobile units" seem to be causing the problems. Philip Gay then suggested that the gunners police the situation themselves by asking people to move out of bad areas and by talking to the newer gunners and informing them that the Board is considering closing the area if the problems cannot be solved. Mr. Geminski offered to set up a meeting with Mr. DeWeill and the gunners. The Board agreed this would be worth a try as they are reluctant to create a sanctuary in this area. If this does not work, they will have to consider the matter again. A letter will be sent to Andrew DeWeil, advising him of the plans.

Twelve (12) applications for permit were approved.

Five (5) applications for permit were held.

Seven (7) Fyke Permits were approved.

Seven (7) Pot Permits were approved.

One (1) Mooring Permit was approved.

CORRESPONDANCE:

Mr. John Battaglia, 1040 Flanders Road, Flanders re: Plans of Gateway Marina. A reply will be sent to Mr. Battaglia that this Board does not have an application before it at this time from Gateway Marine. If and when an application is received, his property will be taken into consideration.

(Continued, February 6, 1989, Board of Trustees)

Fred W. Thiele, Jr., County Legislator to U. S. Army Corps of Engineers re: spoil area at Peconic Bay Avenue beach.

Fred W. Thiele, Jr., County Legislator to New York State Dept. of Environmental Conservation re: spoil area at Peconic Bay Avenue beach. The Board will write letters to both the Corp and DEC in support of Mr. Thiele's request.

Andrew DeWeil re: interpretation of law pertaining to the discharge of firearms near homes.

Little Fresh Pond Association to Governor Mario Cuomo re: budget shortage effecting funds for the Citizens Statewide Lake Assessment Program.

New York State Shellfish Advisory Committee: Notice of Meeting to be held Monday, February 6, at 7:30 p.m. William Bennett will attend.

County Executive Patrick G. Halpin: News release re: Federal Funds for Shinnecock Inlet Dredging.

Maud Norwald Pollock re: bulkhead repairs on her property. A copy of Mrs. Pollock's letter is to be sent to Dr. English.

Dale L. Petruska stating he is willing to accept position of Bay Constable.

Edward J. Warner to Town Council re: problems of vacation time being withheld.

Councilwoman Patricia F. Neumann: reply to Mr. Warner.

Bay Constable Andersen was asked to repeat what Mrs. Neumann told him when he told her the Trustee's budget for

(Continued, February 6, 1989, Board of Trustees)

gas money would be depleted by July or August. He stated she told him to have the Constables "Go hide In the Woods".

A motion was made by Paul Parash, seconded by William Frank and duly carried to reject all bids submitted for the radio equipment, due to an error in the specifications, and to re-advertise a corrected bid, due at the March 6th meeting to be opened at 2 p.m.

A motion was made by William Bennett, seconded by William Frank and duly carried to pass the following resolution:

RESOLVED, that Dale L. Petruska, 346 Flanders Road #1, Riverhead, be hired to fill the position of Bay Constable, at a starting salary of \$21,985.00, subject to change when the 1989 Civil Service Contract has been approved. Mr. Petruska is eligible as per Suffolk County Civil Service List No. 88S-1317. Appointment is contingent on passing the Psychological test given by the County. The Town Board will be requested to pass a resolution, for payroll purposes, approving the hiring of Mr. Petruska when the results of the Psychological test are received from the County.

A motion was made by Paul Parash, seconded by William Bennett and duly carried to transfer One Thousand Five Hundred (\$1,500.00) from the Chemical Bank checking account to Suffolk County National Bank money market account.

The dredging priority list for Suffolk County was prepared.

(Continued, February 6, 1989, Board of Trustees)

Edward Warner suggests that South Shore Docks be hired to dredge Carter Creek this spring with their barge dredge. Mr. Bennett and John Andersen will contact South Shore for estimates.

Mr. Warner reported that he is trying to set up a meeting with the President of Tiana Shores Association to locate a spoil site for possible dredging at Romana Drive.

A letter is to be sent to Commissioner Joseph Hurley of the Suffolk County Dept. of Public Works requesting rock jetties be considered for the east side of Red Creek Pond and North Sea Inlet. A copy is to go to Legislator Fred Thiele.

William Bennett stated he is getting prices for a concrete slab to be added on to the Flanders ramp.

William Frank and John Andersen are scheduled to meet with the Sag Harbor Village Board of Trustees and North Haven Village Board of Trustees to discuss waterways enforcement regulations.

John Andersen reported the Mermaid Lane public access has been blocked with fencing and brush. He will have the maintenance department clear it.

John Andersen requested that letters be sent to Edwin Furman, Jr. and William Hudson, requesting they remove their inactive boats from the Baycrest Avenue dock. Both have been there for several years. They will be given until April 1st to move the boats.

John Andersen reported that due to lack of funds, the Flanders dock will not be built this year.

(Continued, February 6, 1989, Board of Trustees)

Mr. Andersen was authorized to take approximately \$3,000.00 from the Shellfish account for materials to construct new clam racks and to purchase seed clam trays.

John Andersen reported that 4- 5'x20' floats and 2-6'x16' floats have been donated to the shellfish projects by Wilbert Edgar of Peconic Marina.

A motion was made by William Frank, seconded by Frank Smith and carried by a vote of 4 to 1 (Edward Warner voted no), to pass the following resolution:

RESOLVED: the President of the Board be and hereby is authorized to enter into a cooperative agreement and an agreement with respect to Wildwood Lake with the New York State Dept. of Environmental Conservation.

A motion was made by William Bennett, seconded by William Frank and duly carried to pass the following resolution:

RESOLVED: That the Trustees Rules and Regulations are hereby amended by addition of a new ARTICLE X, "Permit Application Fees":

A. All permit applications shall be accompanied by a Twenty-Five dollar (\$25.00) non-refundable fee together with an additional fee based on the following schedule:

1. Docks - Fifty cents (\$.50) per square foot of surface area including the surface area of ramps & catwalks leading to the dock.

(Continued, February 6, 1989, Board of Trustees)

2. Bulkheads, Rip Rap, Rock Revetments, Retaining Walls and Groins, (including resurfacing & refacing) - One dollar (\$1.00) for each linear foot.
3. Dredging - Five dollars (\$5.00) for each cubic yard of material removed.
4. Tie Off Poles - \$5.00 per pole

The fees shall be paid at the time of application and shall be refunded to the applicant if a permit is disapproved (with the exception of the Twenty-five dollar (\$25.00) non-refundable fee.)

B. The fees for Moorings shall be as follows:

- a) Residential Mooring - Seventy-Five Dollars (\$75.00) for a three (3) year permit.
- b) Commercial Mooring - One Hundred Dollars (\$100.00) for a one (1) year permit.
- c) Temporary Resident Mooring - Fifty Dollars (\$50.00) for a one (1) year permit.

The foregoing schedule shall be effective for all permit applications received from March 1, 1989 on.

(Continued, February 6, 1989, Board of Trustees)

The meeting on motion was adjourned.

Respectfully submitted,

William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5413 is issued to En-Consultants, Inc. agent for ROBERT WHITEHEAD, r.o.w. off Griffing Avenue, Westhampton Beach to construct a timber dock consisting of a 4' x 100' fixed, elevated (4' above grade of marsh) walk; 4' x 14' hinged ramp; 6' x 20' float secured by (2) 8" diameter pilings, off owner's property on Aspatuck Creek, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5414 is issued to Glenn E. Just/ J.M.O. Consulting, agent for ROBERT SHAPIRO, 530A Dune Road, Westhampton, to construct a dock consisting of a 4' x 250' timber catwalk(elevated 4' above grade of marsh), 3' x 12' catwalk and 6' x 20 float, off owner's property on Moriches Bay, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5415 is issued to CHRIS J. DOWHIE, 7 Beaver Dam Creek Road, Westhampton, to replace bulkheading under

(Continued, February 6, 1989, Board of Trustees)

waterfront house and to remove approximately 10 cy of sand in front of bulkhead to use as backfill in eroded area, as per application and survey submitted. \$20.00 fee rec'd.

PERMIT NO. 5416 is issued to Harbor Marine Construction, Inc. agent for PETER HORAN, Lot 1, River Avenue, Eastport, to construct a dock consisting of a 8' x 20' floating section, 3' x 10' ramp, 4' x 30' timber dock and 4' x 100' timber boardwalk, (elevated 4' above grade of marsh), on owner's property on Seatuck Creek, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5417 is issued to Harbor Marine Construction, Inc. agent for PETER HORAN, Lot 2, River Avenue, Eastport, to construct a dock consisting of a 8' x 20' floating section, 3' x 10' ramp, 4' x 30' timber dock and 4' x 100' timber boardwalk, (elevated 4' above grade of marsh), on owner's property on Seatuck Creek, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5418 is issued to Harbor Marine Construction, Inc. agent for PETER HORAN, Lot 3, River Avenue, Eastport, to construct a dock consisting of a 8' x 20' floating section, 3' x 10' ramp, 4' x 30' timber dock and 4' x 100' timber boardwalk, (elevated 4' above grade of marsh), on owner's property on Seatuck Creek, as per application and

(Continued, February 6, 1989, Board of Trustees)

survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5419 is issued to Michael Sylvester agent for ADRIENNE GREEN, 8 Marlin Road, Shinnecock Shores, East Quogue, to resheath 75 lf of existing deteriorating bulkheading, including step down dock 10' x 5' x 3', on owner's property on a private dug canal off Shinnecock Bay, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5420 is issued to Glenn E. Just/ J.M.O. Consulting, agent for GENE AND PAUL PULLO, 10 Stone Lane, Quogue, to amend Permit No. 5377 to allow for the installation of four (4) 12"x20' spiles, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5421 is issued to KEVIN L. MAYO, 107 Ludlam Avenue, Riverhead, to harvest beach grasses from Warner's Island for dune restoration work. Bay Constables are to be notified when work is being done. \$10.00 fee rec'd.

PERMIT NO. 5422 is issued to Jeffrey Florimont agent for EILEEN MILANO, 11 Sandgate Lane, Southampton, to construct a dock consisting of a 4' x 20' fixed section using 4 x 4 posts every 10'; 3' x 12' walkway leading to a 8' x 16' floating section secured by 4 x 4 posts, off owner's property on Cold Spring Pond, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for EQRA, this Board has determined the project will have no significant effect on the environment".

(Continued, February 6, 1989, Board of Trustees)

PERMIT NO. 5423 is issued to En-Consultants, Inc. agent for OLGA CARRERAS, Sandgate Lane, Southampton to construct a timber dock consisting of a 4' x 100' fixed elevated (4' above grade of marsh) walkway; 4' x 14' hinged ramp; 6' x 20' float, off owner's property on Cold Spring Pond, as per application and survey submitted. \$10.00 fee rec'd. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5424 is issued to En-Consultants, Inc. agent for BULLHEAD YACHT CLUB, West Neck Road, Southampton, to dredge (2) areas within existing yacht club. Northerly area is irregular with maximum dimensions, 100' x 200'. Southerly area is approx. 130' x 260'. Maximum depth of dredging is 5' below MLW. Approx. 2500 cy of spoil will be removed hydraulically and placed on upland spoil site facing Peconic Bay, as per application and survey submitted. \$5,000. 00 fee is due.

The application of En-Consultants, Inc. agent for Thomas Monahan, Hoover Lane, East Quogue is held.

The application of Inter-Science Research Associates, Inc. agent for Charles Dewey, Shinnecock Avenue, Quogue continues to be held. A recent letter stating an alternative plan of a dock is being considered. A reply will be sent that the Board would not favor a dock in the Quogue canal.

(Continued, February 6, 1989, Board of Trustees)

The application of Harbor Marine Construction agent for William Fehr, Bay Avenue, Eastport for reconstruction of bulkheading and docks at Seatuck Cove has been referred to the Southampton Town Planning Board for a site plan review. The plan is for a commercial marina.

MOORING PERMITS ISSUED

NO. 89-1 to Samuel Rispoli, 39 Palo Alto Drive, Hampton
Bays: Old Fort Pond (for holding cars)

FISH TRAP/FYKE PERMITS

Walter F. Homan: Renewals

NO. 228 to Charles K. Mades, 14 Carter Avenue, Hampton Bays to place a fyke on the west side of Tiana Bay, 100' north of Squires Avenue.

NO. 229 to Charles K. Mades, 14 Carter Avenue, Hampton Bays to place a fyke on the west side of Tiana Bay, 250' north of Squires Avenue.

NO. 230 to Charles K. Mades, 14 Carter Avenue, Hampton Bays to place a fyke on the north side of Tiana Bay, 900' west of Corwin Lane.

NO. 231 to Charles K. Mades, 14 Carter Avenue, Hampton Bays to place a fyke on the north side of Tiana Bay, 800' west of Corwin Lane.

NO. 232 to Charles K. Mades, 14 Carter Avenue, Hampton Bays to place a fyke on the north side of Tiana Bay, south of westernmost bulkhead, 700' west of Corwin Lane.

NO. 233 to George Wayne, E. Pond Lane, Eastport, to place a fyke in the east side of Weesuck Creek on the point of the new Sanctuary line.

NO. 234 to George Wayne, E. Pond Lane, Eastport, to place a fyke in the east side of Weesuck Creek opposite Weesuck Avenue.

POT PERMITS ISSUED

NO. 689 to Howard G. Olsen, 10 Ludlow Lane, Hampton Bays

(Continued, February 6, 1989, Board of Trustees)

NO. 789 to John F. Raynor, 25 Alanson Lane, Hampton Bays

NO. 889 to Joseph Raynor, 3 Bay Avenue, Hampton Bays

NO. 989 to Samuel Rispoli, 39 Palo Alto Drive, Hampton Bays

NO. 1089 to Fred Thode, Jr., 34 Gravel Hill Rd., Hampton Bays

NO. 1189 to Edward Warner, Jr., 22 Carter Road, Hampton Bays

NO. 1289 to Robert Weinreb, P.O. Box 74, Hampton Bays

MARCH 6, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, MARCH 6, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, Sr. Bay Constable John Andersen and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of February 6, 1989, were read, amended then approved as amended.

Edward Warner reported seeing a large pile of new docks on the property of Gateway Marine in Flanders. Roy Haje of En-Consultants was present and explained that these docks are replacements for the old ones.

William Bennett and Edward Warner met with South Shore Docks regarding dredging of Carter Creek. They have found that the DEC permit will not allow use of a barge dredge, so James H. Rambo has been hired to do the work with a crane from the shoreline. Copies of the Carter Creek permits are to be sent to Rambo.

Mr. Warner stated he still has not been able to contact the President of the Tiana Shores Association and until he does, nothing can be done about the dredging problem there.

Sr. Bay Constable Andersen reported that Mermaid Lane has been cleared.

(Continued, March 6, 1989, Board of Trustees)

William Frank and John Andersen met with the Sag Harbor and North Haven Village Trustees but stated the meeting was not "too fruitful". These villages are not interested in having their laws enforced by the Town.

Roy Haje and Thomas Monahan, whom he represents, were present regarding the dock application. William Luhrs was also present representing the Hampton Point Association, and he explained that in 1960, the Trustees had issued a permit to the Hampton Point Association. The dock Mr. Monahan constructed last year interferes with boats getting into the Association dock and they are asking that he move it over about 8 feet. Mr. Monahan was not happy with this, stating his dock would then be on dry land. Mr. Warner said he has inspected the property and agrees that by moving the dock over 8 feet and adding another section, the problem should be resolved. The Board agreed to approve the application for an additional section with the provision the dock be moved.

Tom Samuels of James H. Rambo, Inc. was present to question the Board regarding the new fees for dredging. He stated that \$5.00 per cubic yard would be excessive for marinas and also that maintenance dredging should be reduced, with charges on a sliding scale according to yardage. The Board explained that there were not many marinas in the Town of Southampton who would be affected and they feel the charges are just.

(Continued, March 6, 1989, Board of Trustees)

At 2 p.m. bids were opened for Radio Equipment. Bids received, which included trade-ins of old equipment, were as follows:

Eastern L.I. Electronics	\$6,136.00
General Electric Company	\$6,942.99
Telecom Communications, Inc.	\$6,299.00

A motion was made by William Bennett, seconded by Paul Parash and duly carried to accept the bid of Eastern L.I. Electronics as low bidder meeting the specifications. This is subject to approval of the bids by Sr. Bay Constable Andersen.

Eighteen (18) applications for permit were approved.

One (1) application for permit was denied.

Two (2) applications for permit were held.

Fourteen (14) Mooring Permits were approved.

Eight (8) Fish Trap/Fyke Permits were approved.

Three (3) Potting Permits were approved.

CORRESPONDANCE: Department of the Army, New York District Corps of Engineers to Fred W. Thiele, Jr., County Legislator re: maintenance dredging at Wooley's Pond Inlet.

Julian Beck, Peconic Bay Avenue, Roses Grove objecting to proposal of Fred Thiele to change spoil site for Wooley Pond dredging. Mr. Beck states his home had to be moved back due to erosion and to build up the beach now would cause problems with the public using the beach.

A.N. Mous, Red Creek Road, Hampton Bays to Hampton Chronicle News re: Irish Mist Motel and other construction by Michael Milton on Red Creek Road.

(Continued, March 6, 1989, Board of Trustees)

Kenneth H. Thommen, Town Clerk to John Johnsen, Town Engineer: Resolution re: Noyac Path in Bridgehampton.

Ralph S. Smyle to Department of the Army, Corps of Engineers re: Genet Creek, North Haven.

Joseph P. Hurley, Commissioner, Suffolk County Dept. of Public Works re: jetties at inlets for stabilization. The County is not in favor of jetties, stating court cases had arisen due to alleged erosion downstream of previous jetties constructed. They suggest permit modifications to allow for overdredging in some areas to reduce dredging frequency and shoal formation.

Rebecca Schneider, Brookhaven National Laboratory Associated Universities, Inc. requesting permission to do testing at Little Poxabogue Pond. She will be requested to submit an application for a permit.

Karene Motivans, The Nature Conservancy, urging Board to support the studies to be done by Rebecca Schneider.

Kenneth H. Thommen, Town Clerk: Resolution by Town Board hiring Dale L. Petruska to the position of Bay Constable.

New York State Dept. of Environmental Conservation: Notice of opening of Goose Creek, Birch Creek and Mill Creek in Flanders for conditional certification beginning March 8th.

John L. Behan, New York State Assemblyman; Copy of proposed legislation regarding pump out stations required for marinas.

(Continued, March 6, 1989, Board of Trustees)

Michael Sylvester re: Instructions for application permits effective March 1, 1989. Mr. Sylvester had several comments and suggestions, several of which were accepted.

John Andersen reported that the cesspool at the Jackson Avenue shop collapsed and will have to be replaced. He was authorized to get estimates.

Mr. Andersen reported that June Crasco, Crescent Street, Sag Harbor, has blocked off a Trustee road adjacent to her property by depositing on the road, fill from a new well. A letter is to be sent ordering the clearing of the road.

Town Clerk Ken Thommen joined the meeting to discuss the proposed ramp ordinance. He had some suggestions if his office were to issue the permits, but Mr. Warner stated the Board has decided the permits will be issued from their office.

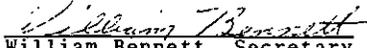
Schools are being scheduled for Bay Constables in May. John Andersen stated he would like to send Ted Sadleir and Chris Kohnken to an advanced course and Gerry Carpenter to a beginner's course. A motion was made by William Frank, seconded by Paul Parash and duly carried authorizing the expenditure of \$1049.00 plus travel expenses, to be paid from the Trustee's checking account.

An estimate of \$4,000 for the digging of Carter Creek has been received from James H. Rambo, Inc. A purchase order will be prepared.

(Continued, March 6, 1989, Board of Trustees)

The meeting on motion was adjourned.

Respectfully submitted,


William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5425 is issued to En-Consultants, Inc. agent for THOMAS MONAHAN, Hoover Lane (Private Road off West End Avenue), East Quogue, to add (1) 6' x 16' float to previously approved structure (See Permit No. 5234). Permit is granted subject to applicant moving existing dock 8' to the south/east, as agreement at Trustee meeting held on March 6, 1989. Project located off owner's property on Dave's Creek, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment". \$10.00 fee rec'd.

PERMIT NO. 5426 is issued to Tanya Esper/The Land Use Co., agent for DANIEL & SUSAN STONE, Shinnecock Road, Quogue, to construct a 4' x 240' timber walkway connecting existing deck to existing dock. Walkway will be elevated 4' above tidal wetlands, as per application and survey submitted. Project located on owner's property on Shinnecock Bay. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment". \$10.00 fee rec'd.

PERMIT NO. 5427 is issued to Seashore Permits Unlimited agent for THOMAS & MARY ALICE O'ROURKE, 7 Bishop Avenue, Westhampton, to replace 70lf of existing bulkheading and return, to add 10 lf to return, and to construct a 4' wide deck along the bulkheading.

To dredge 10' seaward of new bulkheading and use resultant 10 cy of spoil as backfill.

To remove and replace 55 lf of bulkheading with 4' wide decking on top with an elevation of 4' over wetlands. No dredging or backfilling here.

(Permit is granted subject to obtaining permits from the Southampton Town Building Dept. for the decks).

Project located on owner's property on a dug canal off Beaver Dam Creek, as per application and survey submitted. \$14.50 fee rec'd.

PERMIT NO. 5428 is issued to Harbor Marine Construction, Inc. agent for WILLIAM FEHR, Bay Avenue, Eastport, to reconstruct 487 lf of timber bulkhead within 17" of existing. To maintenance dredge 150 cy to be used as backfill. Any additional fill needed to be trucked in from upland source. Project located on owner's property on Seatuck Cove, as per application and surveys submitted. \$208.70 fee rec'd.

(Continued, March 6, 1989, Board of Trustees)

PERMIT NO. 5429 is issued to Glenn E. Just/ J.M.O. Consulting, agent for EDWARD H. ROGERS, JR., Bishop Avenue, Westhampton, to construct approximately 110 lf of timber bulkheading with a 10 lf return at the south end and to backfill with approximately 1,000 cy of clean sand to be trucked in from an upland source. NOTE: Height of bulkheading is not to exceed height of neighbor's bulkhead to the north. Grade of fill is to be 6" below the height of the bulkhead. Project located on owner's property on Beaver Dam Creek, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment". \$12.00 fee rec'd.

PERMIT NO. 5430 is issued to Land Use Co. agent for ARTHUR McCLEMENT, 70 Speonk Shore Road, Remsenburg, to maintenance dredge an existing private canal to a depth of 4' at MLW. Dredged area (25' x 250') will result in removal of 1000 cy of clean sand to be deposited in an on site disposal area, graded and seeded. Project located at private canal off Moriches Bay, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5431 is issued to En-Consultants, Inc. agent for HAROLD POTCHTAR, Sandpiper Court, Westhampton, to replace within 18", 130 lf of existing timber bulkhead and to backfill with 10 cy of clean sand to be trucked in from upland source. Project located on owner's property on a dug lagoon off Moriches Bay, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5432 is issued to Jim Ash agent for WILLIAM J. ASH and DON LEVIS, row off Apaucuck Lane, Westhampton, to replace existing dock with larger dock (dimensions: 4'x24 with 4'x25' L), off owner's properties on Beaver Dam Creek, as per application and survey submitted. Written permission of adjoining property owners has been submitted. \$10.00 fee rec'd.

PERMIT NO. 5433 is issued to En-Consultants, Inc. agent for GEORGE SPITZ, Pine Tree Lane, Westhampton, to replace within 18", 555 lf of existing timber bulkhead. To dredge an area up to 20' off southerly bulkhead (222' long) to maximum depth of 4' below MLW. Maximum 75 cy of spoil will be severed and placed behind bulkheads for backfill. Project located on a private dug basin off the Speonk River, as per application and survey submitted. \$55.50 fee due.

PERMIT NO. 5434 is issued to Ronald J. Arcate agent for ROBERT ARCATE, 91 Foster Avenue, Hampton Bays (Oscar's Fishing Station), to dredge boat basin and to reface 400 lf of deteriorating bulkheading. Project located in a dug basin off Shinnecock Bay, as per application and survey submitted. \$425.00 fee rec'd.

(Continued, March 6, 1989, Board of Trustees)

PERMIT NO. 5435 is issued to Ronald J. Arcate agent for ROBERT ARCATE MARINERS COVE MARINA, 9 Canoe Place Road, Hampton Bays, to maintenance dredge within boat basin and to repair the south end of the bulkheading. Project located in private dug boat basin off Shinnecock Bay, as per application and survey submitted. Renewal of Permit No. 5199.

PERMIT NO. 5436 is issued to Ronald J. Arcate agent for ROBERT ARCATE, MARINERS COVE MARINA, 9 Canoe Place Road, Hampton Bays, to reface approximately 75 lf of existing bulkheading. Project located in private basin off Shinnecock Bay, as per application and survey submitted. \$100.00 fee rec'd.

PERMIT NO. 5437 is issued to En-Consultants, Inc. agent for NORMAN ALSHOLER, Dune Road, Hampton Bays, to extend Permit No. 5133 for one year.

PERMIT NO. 5438 is issued to DANIEL VITUCCI & JOHN KAY, 9 Hylar Drive, Hampton Bays, to maintenance dredge a private lagoon off Tiana Bay, as per application and survey submitted. \$10.00 fee rec'd.

PERMIT NO. 5439 is issued to PATRICIA M. REEDER, 7 Canal Way, Hampton Bays, to construct a jet ski ramp on owner's property on a man made lagoon off Smith's Creek, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment". \$10.00 fee rec'd.

PERMIT NO. 5440 is issued to Anderson Environmental, Inc., agent for JOSEPH & DORIANN TRAINA, South Ferry Road, North Haven, Sag Harbor, to construct 192 lf of concrete retaining wall with aesthetic stone face above MHW and landward of tidal wetlands. Clean sand from upland source must be used for backfill. Project located on owner's property on Upper Sag Harbor Cove, as per application and survey submitted. Written consent of neighbor's to tie into their bulkheading has been submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment". \$19.20 fee rec'd.

PERMIT NO. 5441 is issued to En-Consultants, Inc. agent for MARY GOODRICH, r.o.w. off Cobb Island Road, Water Mill, to construct approximately 320 lf of stone rip-rap revetment, (minimum 100 lb.), using filter cloth, at or above line of spring high water. To replace within 18", 167 lf of existing timber bulkhead and backfill with approximately 250 cy of clean sand and loam to be trucked in from an upland source. Project located on owner's property on Mecox Bay, as per application and survey submitted. STIPULATIONS: 1) Disturbance of wetlands

(Continued, March 6, 1989, Board of Trustees)

vegetation is to be kept at a minimum. 2) All backfilled areas to be replanted with *Spartina Patens* and or *Spartina Alterniflora*. 3) Rip rap is to follow the present configuration of the shore line. No reclaiming of lost shore line will be permitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment". \$45.70 fee rec'd.

PERMIT NO. 5442 is issued to DONALD W. KYLE, 767 Maple Lane, Sag Harbor, to install a floating dock consisting of a 3' x 28' walkway, 3' x 6' ramp and 5' x 16' floating section, off owner's property on Noyack Creek, as per application and survey submitted. This dock is being moved from neighbor's property (letter of permission from neighbor has been submitted). "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment". \$10.00 fee rec'd.

The application of Steven L. Maresca agent for Joy Golden, Cedar Lane, Remsenburg for renewal of a dredging permit was denied. The original permit expired on January 21, 1988. A new application, survey and fee will have to be submitted.

The application of Chesterfield Associates, Inc. agent for Kenneth Natori, Tuthill Lane, Remsenburg for renewal of a permit is held. An updated survey and signatures on the application form are required.

The application of Little Peconic Yacht Club for a dock extension is held. An updated survey showing the dock to scale is required. There is some question that the addition will bring the dock too close to the property lines.

MOORING PERMITS ISSUED

NO. 89-2 to Robert A. Bori, Clay Pit Road, Sag Harbor: Noyac Creek.

NO. 89-3 to Thomas J. Frank, 8 Rose St., Sag Harbor: Sag Harbor Cove.

NO. 89-4 to John E. Gordon, Wildwood Road, Sag Harbor: Noyac Creek.

NO. 89-5 to Howard T. Gould, Jr., 267 Pine Road, Noyac: Mill Creek.

NO. 89-6 to Jerry Larsen, 461B Stoney Hill Road, Sag Harbor: Payne's Creek.

NO. 89-7 to Fred G. Mayer, Whalers Walk, Sag Harbor: Sag Harbor Cove.

(Continued, March 6, 1989, Board of Trustees)

NO. 89-8 to Howard G. Olsen, 10 Ludlow Lane, Hampton Bays:
Cold Spring Pond.

NO. 89-9 to Howard G. Olsen, 10 Ludlow Lane, Hampton Bays:
Smith's Creek.

NO. 89-10 to John J. Power, N. Valley Road, Sag Harbor:
Payne's Creek.

NO. 89-11 to Benjamin Rachlis, Lake Drive, Southampton:
Wooleys Pond.

NO. 89-12 to William A. Schildknecht, 322 E. Wickatuck
Drive, Sag Harbor: Mill Creek.

NO. 89-13 to Cynthia D. Smart, Southampton: North Sea
Harbor.

NO. 89-14 to Christopher F. Tekverk, Clay Pit Road, Sag
Harbor: Payne's Creek.

NO. 89-15 to William B. White, Edge of Woods Road,
Southampton: North Sea Harbor.

FISH TRAP/FYKE PERMITS ISSUED

NO. FT-235 to John D. Eckart, Halsey Avenue, East Quogue
to place a fish trap in Quantuck Bay.

NO. FT-236 to John D. Eckart, Halsey Avenue, East Quogue
to place a fish trap in Quantuck Bay.

NO. FT-237 to John D. Eckart, Halsey Avenue, East Quogue
to place a fish trap in Quantuck Bay.

NO. FT-238 to John D. Eckart, Halsey Avenue, East Quogue
to place a fish trap in Shinnecock Bay.

NO. FT-239 to John D. Eckart, Halsey Avenue, East Quogue
to place a fish trap in Shinnecock Bay.

NO. FT-240 to Douglas Jayne, 1 Ajay Court, Hampton Bays to
place a fish trap on the west side of Phillips Creek, 500'
south of applicant's other trap.

NO. FT-241 to Douglas Jayne, 1 Ajay Court, Hampton Bays to
place a fish trap on the west side of Phillips Creek, 500'
north/east of applicant's other trap.

NO. FT-242 to Douglas Jayne, 1 Ajay Court, Hampton Bays to
place a fish trap on the west side of Phillips Creek, 500'
north of applicant's other trap.

(Continued, March 6, 1989, Board of Trustees)

POTTING PERMITS ISSUED

NO. 1389 to William A. Babinski, Lumber Lane, Bridgehampton

NO. 1489 to Thomas A. LaVista, 9 Bayview Drive,
Westhampton Beach.

NO. 1589 to Joyce A. King, 67 Squiretown Road, Hampton
Bays.

MARCH 20, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, MARCH 20, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, Sr. Bay Constable John Andersen and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of March 6, 1989, were read, amended then approved as amended.

John Wourgola reported that June Crasco of Sag Harbor, called him and promised to have the fill removed from the Trustee road adjoining her property this week. She is sending a letter regarding the fence problem.

Edward Warner reported that the Carter Creek dredging has been completed, the spoil has been spread in front of Dr. McChesney's property and the new jetty installed. He inspected and reported the work all was excellent.

It was reported that the new ramp ordinance is being prepared and the permits will be sold from the Trustee office.

Sr. Bay Constable Andersen reported that Gerard Carpenter resigned to go work for the New York State Dept. of Environmental Conservation.

(Continued, March 20, 1989, BOARD OF TRUSTEES)

John Andersen reported that seed scallops will be available for transplant in the fall. 40,000 are to be ordered.

Roy Haje was present and questioned the Board on their inspection at Schwenk's Marina in Sag Harbor. The Board is not in favor of any dredging and suggests the dock configurations be planned with this in mind.

Twelve (12) applications for permit were approved.

One (1) application for permit was held.

Two (2) Mooring Permits were approved.

One (1) Fish Trap Permit was approved.

One (1) Potting Permit was approved.

Kenneth Kraft appeared before the Board with a proposal for a Para-Sailing operation, to be run from Allen's Acres on Foster Avenue, Hampton Bays. He showed the Board photos of the boat to be used. Take off in the parachute is done from a platform on the boat, using a power winch for retrieval. He stated he holds a one million dollar liability policy. Mr. Kraft has a similar operation in the Virgin Islands. He stated he would operate east of the Shinnecock Inlet and on good days in the ocean off Tiana Beach. Attorney John Wourgola advised him he would have to get a ruling from the Planning Board as to the business use permitted by Allen's Acres. William Bennett explained that the bays are very busy and congested, and stated that if approved, the operation would have to stay in an area specified by the Board.

(Continued, March 20, 1989, BOARD OF TRUSTEES)

CORRESPONDANCE: Richard E. DePetris, Attorney for the Village of Quogue re: Village laws regulating the use of vehicles along the beach adjoining the Atlantic Ocean. John Wourgola and Judge Edward P. Sharretts will meet with Mr. DePetris on this matter.

Southampton Chapter Trails Preservation Society: Invitation to join a walk through the Long Pond Greenbelt on March 25th at 10 a.m.

John A. Sartorius, Commodore, Shinnecock Yacht Club re: Shinnecock Yacht Club lease agreement. William Bennett will check the property before a decision is made to renew the lease.

Fred W. Thiele, Jr., Suffolk County Legislator re: Suffolk County Resolution #869 designating the lands within 500 feet of the Peconic/Gardiners bay system as a Critical Environmental Area.

Gerard W. Carpenter: letter of resignation.

A motion was made by Paul Parash, seconded by William Bennett and duly carried to pass the following resolution:

RESOLVED, that Stuart E. Rose, North Bay Avenue, Eastport, be hired to fill the position of Bay Constable, at a starting salary of \$21,985.00. Mr. Rose is eligible as per Suffolk County Civil Service List No. 88S-1317 and has passed the psychological test required by the County. The Town Board will be requested to approve for payroll purposes, the hiring of Mr. Rose, effective March 29, 1989.

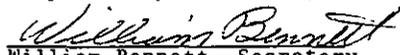
(Continued, March 20, 1989, BOARD OF TRUSTEES)

A motion was made by William Frank, seconded by Paul Parash and duly carried, to pay Deluxe Silk Screening, \$250.00 for printing of ramp stickers.

Edward Warner reported a complaint received from Dr. Peggy Wurm regarding docks installed on the property of Charles Miller and Julia Hendrickson on Cold Spring Pond. A search of the records showed no permits issued. John Wourgola was requested to send a letter to Mr. Miller and Mrs. Hendrickson, requesting one of them attend the next Trustee meeting to resolve this matter.

The meeting on motion was adjourned.

Respectfully submitted,


William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5443 is issued to En-Consultants, Inc. agent for IAN GALE, Castleview Court, Westhampton, to replace within 18", 51 lf of existing timber bulkhead. To extend southerly bulkhead 12' inland (eastward). Remove phragmites from bulkhead-enclosed area and deck over 15' x 16' area formed by bulkheads. Project located on owner's property on Beaver Dam Creek, as per application and survey submitted.

PERMIT NO. 5444 is issued to En-Consultants, Inc. agent for IRA FENIG, Basket Neck Lane, Remsenburg, to remove and replace in same location and configuration, 203+ lf of timber bulkhead and backfill with 600+ cy of clean sand to be trucked in from upland source. Project located on owner's property on Moriches Bay, as per application and survey submitted.

PERMIT NO. 5445 is issued to En-Consultants, Inc. agent for LINDA and HUGH GLADSTONE, Fiddler Crab Trail, Westhampton, to construct a timber walk and dock consisting of a 4' x 140+' fixed elevated (4' above grade of marsh) walk; 4' x 12' hinged ramp; (2) 6' x 20' floats arranged in "L" and secured by (3) 8" diameter pilings. Project located off owner's property on Beaver Dam Creek, as per application and survey submitted. "As lead agency

(Continued, March 20, 1989, BOARD OF TRUSTEES)

for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5446 is issued to En-Consultants, Inc. agent for JAY KAISER, Homans Avenue, Quogue, to construct a timber dock consisting of a 4' x 62' fixed elevated (4' above grade of marsh) walk; (30' out from Spartina Alterniflora), 4' x 12' ramp; and 6' x 20' float secured by (2) 8" diameter pilings. Project is located off owner's property on Aspatuck Creek, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5447 is issued Steven L. Maresca agent for JOY GOLDEN, private road off Cedar Lane, Remsenburg, to dredge 85 feet between two existing bulkheads to a depth of 3 ft. MLW. Approximately 150 cy fill to be taken from town waters. Project located in a dug lagoon on owner's property on Seatuck Cove, as per application and survey submitted.

PERMIT NO. 5448 is issued to Charles W. Bowman/The Land Use Co. agent for MARVIN SIMES, Basket Neck Lane, Remsenburg, to construct 164 lf of timber bulkhead landward of the tidal wetlands line and to backfill with 100 cy of clean sand, on owner's property on a dug lagoon off Moriches Bay, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5449 is issued to Michael A. Sylvester agent for A. VASTOLA, 9 Dolphin Road, East Quogue, to resheath 112.5 lf of deteriorated bulkhead on owner's property on a private canal off Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5450 is issued to Michael A. Sylvester agent for R. DAVEY, 7 Dolphin Road, East Quogue, to resheath 75 lf of deteriorated bulkhead and to reface stepdown dock, 4' x 8' x 2', on owner's property on a private canal off Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5451 is issued to the SUFFOLK COUNTY DEPT. OF PUBLIC WORKS to renew Permit No. 5179 for one year.

PERMIT NO. 5452 is issued to C. Feret agent for ROGER & LOIS MEYER, 46 Little Neck Road, Southampton, to construct a dock consisting of a 4' x 10' ramp; (4) 4' x 12' sections; 8' x 24' "T", off owners property on Old Fort Pond, as per application and survey submitted. Dock will be placed in middle of property.

(Continued, March 20, 1989, BOARD OF TRUSTEES)

PERMIT NO. 5443 is issued to En-Consultants, Inc. agent for GUIDO & ELIZABETH SCHULER, Hawthorne Road, Southampton, to remove and replace 100 lf of existing timber retaining wall and backfill with 25 cy of clean fill to be trucked in. Rebuild staircase and 10' x 9' deck landward of bulkhead. To construct 3' x 3' platform and step from bulkhead to beach. Project located on owner's property on Shinnecock Bay, as per application and survey submitted. NOTE: "If any of the retaining wall, platform or step, are located on Shinnecock Beach Road, a Trustee road, and in the future, the public demands the restoration of the road, the construction may have to be removed."

PERMIT NO. 5454 is issued to Jean Shelley, Commodore, agent for LITTLE PECONIC YACHT CLUB, Wooleys Drive, Southampton, to renew Permit No. 5175 for one year. "Maintenance dredge approximately 150 cy of fill from around first two boat slips on both side of dock to a depth of 3' at MLW. Project located on Wooleys Pond, as per application and survey submitted.

The application of En-Consultants, Inc. agent for Georgian Association, Georgian Lane, Water Mill was held for written consent of all parties having an interest in the right of way on which a dock is to be constructed.

MOORING PERMITS ISSUED

NO. 89-16 to John E. Sattler, 20A Clairedale Road, Hampton Bays: Red Creek Pond.

NO. 89-17 to Edith G. Woodward, 490 Hampton Road, Sag Harbor: Mill Creek basin

FISH TRAP PERMIT

NO. FT-219 to George Wayne, E. Pond Lane, Eastport to place a fish trap on the east side of Penniman's Point, south of Effie's Hole.

POTTING PERMIT

NO. 1689 to Melvin T. Albin, 15 S. Bay Avenue, Eastport

APRIL 3, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, APRIL 3, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, Sr. Bay Constable John Andersen and Deputy Town Attorney Michael Walsh.

The minutes of the meeting of March 20, 1989, were read and approved as read.

William Bennett reported he had visited the Shinnecock Yacht Club and recommends the lease be renewed. He said the club has a ramp which they allow anyone to use. A motion was made by William Bennett, seconded by William Frank and duly carried to renew the Shinnecock Yacht Club lease for two (2) years @\$200.00 per year.

Charles Miller was present in response to a complaint regarding the docks off his property on Cold Spring Pond. Mr. Miller stated the docks have been in existence since 1960 and the four spaces are used for his boats and those of friends. He does not rent spaces. Edward Warner said he had inspected the docks and sees no problem. Mr. Miller was requested to apply for a permit which the Board will grant for four boats only and no rentals allowed.

(Continued, April 3, 1989, BOARD OF TRUSTEES)

Roy Haje of En-Consultants and Stanton Pohl, Attorney, were present regarding the application of Gateway Marine for pilings to secure existing docks.

Roy Haje questioned the Board on an application on behalf of Herb Obser for a mooring permit. The neighbor, Rousso, is applying for a permit to change his dock configuration which would block off the end of the right of way. Mr. Haje was advised the Rousso application will be denied.

Tom Samuels of James H. Rambo, Inc. was present. William Bennett invited him to attend the next meeting of the Shorefront Revitalization committee.

Thirteen (13) applications for permit were approved.

One (1) application for permit was denied.

One (1) application for permit was held.

One (1) application for permit was referred to the Town Board.

Twelve (12) Mooring permits were approved.

One (1) Mooring application was denied.

One (1) Potting permit was approved.

CORRESPONDANCE:

Pat Frank Nesci, Counsellor at Law re: Mecox Bay. Acknowledgement will be made.

Mayor William J. Hattrick, Jr., Inc. Village of Southampton re: beach areas for vehicle use. It was agreed the Village Trustees will be invited to meet with the Board.

(Continued, April 3, 1989, BOARD OF TRUSTEES)

American Cancer Society: appreciation for donations in honor of Supervisor DiPirro.

Frank C. Jessup II re: laws governing vehicles on the beach.

Jeremiah C. Harmon to Mayor Decker Orr, Village of Quogue re: Vehicles on beach.

Memo from John Wourgola to John Johnsen, Town Engineer re: Road Review - John Leonard..

Sr. Bay Constable John Andersen reported that title to an impounded boat has been cleared to the Trustees and the outboard motor is being repaired for use.

Mr. Andersen reported that the outboard motors donated to the Bay Constables by the U.S. Coast Guard would be too expensive to repair and so were returned to the Coast Guard.

The Mill Creek dock needs major repairs and also the West Neck dock is in bad shape.

In regard to mooring permits for the yacht clubs and marinas, after January 1, 1990, the fees will be \$100.00 per mooring. Letters are to be sent to the Yacht Clubs.

A motion was made by Paul Parash, seconded by William Bennett and carried by a vote of 4-1 (Frank Smith voted no), to pass the following resolution:

WHEREAS, the Trustees are the holders of an easement for the benefit of the inhabitants of the Town of Southampton over property between the mean high water line of the Atlantic Ocean and crest of the first line of the dunes, and

(Continued, April 3, 1989, BOARD OF TRUSTEES)

WHEREAS, the said easement is in effect even though certain areas of the dune are in private ownership or are within the limits of an incorporated village, and

WHEREAS, the Incorporated Village of Quogue has enacted an ordinance which regulates the operation of motor vehicles on the ocean beach (See Section 146-6, 146-7, 146-8 and 146-9 of the Quogue Village Code), and

WHEREAS, the Village has requested that the Trustees review and approve the aforementioned code sections.

NOW, THEREFORE, BE IT RESOLVED, that the Trustees hereby authorize the Village of Quogue to regulate the use of the ocean beach by means of the aforementioned code sections,

BE IT FURTHER RESOLVED, that the Quogue Village Trustees shall not amend this ordinance without obtaining the prior written consent of the Trustees of the Town of Southampton regarding the proposed amendment.

IT IS FURTHER RESOLVED, that the Clerk of the Trustees is hereby authorized and directed to publish a copy of this order in the Southampton Press and Hampton Chronicle News and post a copy of the same on the signboard of the Town of Southampton, in the time and manner required by law.

Town Attorney John Bennett joined the meeting to discuss the permits issued to the West Banks Sub-division at North Haven by the New York State DEC. He stated the Town is considering a law suit against the DEC and

(Continued, April 3, 1989, BOARD OF TRUSTEES)

suggests the Trustees join the suit. Edward Warner said he was fearful of the expense to the Town and would like to consult with Judge Edward Sharretts as to the jurisdiction of the Trustees, before making any decision.

William Frank reported that the following fresh water ponds were to be stocked with trout: Little Fresh Pond; East Pond, Eastport; Kellis Pond and Trout Pond.

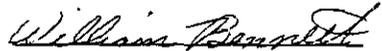
Thank you letters were sent to Chief Teller of the Southampton Town Police Dept. and to Radio Stations WRIV, WLNG and WHBH for their cooperation on the Conditional Shellfish Program.

Edwin Furman was granted two additional weeks to remove his boat from the Baycrest Avenue dock.

It was reported that the Sebonac Creek dredging by the County is almost completed.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5455 is issued to En-Consultants, Inc. agent for GATEWAY OF FLANDERS MARINA, 1110 Flanders Road, Riverhead, to replace existing damaged, lost and lifted pilings which hold approved docks in place and place new pilings for added stability, as per application and survey submitted.

(Continued, April 3, 1989, BOARD OF TRUSTEES)

PERMIT NO. 5456 is issued to Glenn E. Just/ J.M.O. Consulting, agent for VIVIAN HERNON, 101 Dune Road, Quogue, to reconstruct within 18", approximately 72 lf of timber bulkheading and to backfill with approximately 50 cy of clean sand to be trucked in from an upland source. Project located on owner's property on the Quogue Canal, as per application and survey submitted.

PERMIT NO. 5457 is issued to Michael Sylvester agent for HANK NEWTON, 10 Dolphin Road, East Quogue, to resheath 75 lf of deteriorated bulkheading on owner's property on a dug lagoon off Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5458 is issued to En-Consultants, Inc. agent for JAMES KINGSTON, Woodcock Lane, Remsenburg, to construct 236 ft. of rip-rap wall. Stone size to be a minimum of 50 lbs. Wall to be backfilled with 300 cy of clean loam. Retaining wall is to be 12' above grade of lawn. Grading is to be restricted to 6" lower than retaining wall so that run off will not overflow into the cove. Also, to construct a 20 ft. by 12 ft. boat ramp to be built into the northerly section of the retaining wall. Project located on owner's property on Speonk Cove, as per application and surveys submitted. This permit voids Permit No. 5387 previously issued.

PERMIT NO. 5459 is issued to Steven L. Maresca agent for WALTER GOLDSTEIN, 289 Main Street, Westhampton Beach, to landscape and regrade lawn areas with relocation and

(Continued, April 3, 1989, BOARD OF TRUSTEES)

additional trees and shrubs to be placed. To remove dead brush and seed where necessary. Approximately 100 cy of topsoil will be trucked in. Project located on owner's property on Aspatuck Creek, as per application and survey submitted.

PERMIT NO. 5460 is issued to MARIAN, JOHN, WARD and BRUCE PHILLIPS, r.o.w. off Baycrest Avenue, Westhampton, to maintenance dredge an area, 85' x 20' at pond entrance to a depth of 3 to 5' below MLW. Approximately 100 cy of spoil will be placed within a bermed area to settle out. Construct a 24' x 4' catwalk extending to a 4' x 60' "T" section, parallel with south side of dredged area, as per application and survey submitted. Plans are in accordance with DEC permit issued. Project is located at owner's property on Beaver Dam Creek.

PERMIT NO. 5461 is issued to En-Consultants, Inc. agent for ANDREW EDELMAN, Stacy Drive, Westhampton Beach, to renew Permit No. 5164 for one year with the following modifications: Project will consist of 70 lf of timber retaining wall and will be backfilled with 30+ cy of clean upland fill. NO WORK IS TO BE DONE UNTIL LINE IS SET BY TRUSTEE WILLIAM BENNETT.

PERMIT NO. 5462 is issued to the GROUP FOR THE SOUTH FORK, Bridgehampton, to place three (3) Osprey poles and platforms and six (6) wood duck boxes in locations throughout Southampton Town as shown on the surveys submitted, in order to provide nesting habitats.

(Continued, April 3, 1989, BOARD OF TRUSTEES)

PERMIT NO. 5463 is issued to GEORGE A. GOODE, 1 Sebastian Drive, Riverhead, to place an Osprey nesting platform as approved by the NYSDEC, on Colonel's Island in the Peconic River, Town of Southampton, as per application submitted.

PERMIT NO. 5464 is issued to the SUFFOLK COUNTY DEPARTMENT OF PUBLIC WORKS, Yaphank Avenue, Yaphank, to extend Permit No. 4897 for reconstruction of the Shinnecock Canal bulkhead-deposition basin and beach nourishment, for one year.

PERMIT NO. 5465 is issued to JOSEPH CORR, 74 Little Neck Road, Southampton, to reface 65 lf of existing bulkheading plus a 13' return. To remove and replace 231 lf of bulkheading, repair railway and ramp with concrete and to backfill bulkheading, as per application and survey submitted. Project located on owner's property on Old Fort Pond.

PERMIT NO. 5466 is issued to South Shore Docks, Inc. agent for JOHN AND MARTHA GAJESKI, Canal Way, Old Harbor Colony, Hampton Bays, to install four (4) mooring spilings off the bulkheading of their property on a dug lagoon off Tiana Bay, as per application and survey submitted.

PERMIT NO. 5467 is issued to Costello Marine Contracting agent for BARON'S COVE MARINA, West Water Street, Sag Harbor, to remove and replace within 18" of existing, approximately 200 lf of bulkheading and to maintenance dredge approximately 150 - 175 cy, to be six (6) feet below mean low water. Spoil is to be trucked to an approved upland site as per the DEC permit.

(Continued, April 3, 1989, BOARD OF TRUSTEES)

The application of Richard Michna agent for Pat and Eli Rousso, Wildwood Lane, Quogue for a change of configuration for a dock was denied "without prejudice." The dock will block the end of a right of way.

The application of En-Consultants, Inc. agent for William White and Sherman Ginsburg continues to be held for additional information.

Four applications submitted by the Eastern Outboard Raceing Club to hold outboard races will be referred to the Town Board for approval.

MOORING PERMITS ISSUED

NO. 89-18 to W. Lee Abbott, 5 Cormorant Drive, Hampton Bays: Shinnecock Bay

NO. 89-19 to Philip Ackerman, 260 Dune Road, Westhampton Beach: Moriches Bay

NO. 89-20 to Rev. Robert H. Arnold, 23 Rebadam Lane, Southampton: Old Fort Pond

NO. 89-21 to Leonard Barsky, 256 Dune Road, Westhampton Beach: Moriches Bay

NO. 89-22 to Mary Louise Flood, 260 Pine Neck Avenue, Noyac: Noyac Bay

NO. 89-23 to Arthur H. Haas, 27 Canoe Place Road, Hampton Bays: Shinnecock Bay

NO. 89-24 to George A. Lee, 4 Alida Lane, Hampton Bays: Cold Spring Pond

NO. 89-25 to Mr. Bill Parides, Edgemere Drive, Southampton: Fresh Pond (Herne Oaks)

(Continued, April 3, 1989, BOARD OF TRUSTEES)

NO. 89-26 to Dr. Louis Pizzarello, 71 S. Phillips Avenue,
Remsenburg: Bullhead Bay

No. 89-27 to Gary Seff, Box 2236, Southampton: Bullhead Bay

NO. 89-28 to Arthur Spink, 1231-1 Poplar Street, Sag
Harbor: Noyac Creek

NO. 89-29 to John Young, 91 Old Riverhead Road, Hampton
Bays: Red Creek Pond

The application of Walter & Emilie Jackson to place a
mooring for a 33' boat in Fresh Pond was denied.

POTTING PERMIT ISSUED

NO. 1789 to Ralph Rana, 443 Noyac Avenue, Sag Harbor

APRIL 17, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, APRIL 17, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of April 3, 1989, were read, amended then approved as amended.

William Bennett reported on a meeting attended where the D.E.C. stated they may change the procedures for announcing "Conditional shellfish areas". Once the rain gauge reading has been received, a message may be put on tape, with a phone number for the baymen to call for daily information. This would replace the radio announcements.

Frank Smith stated his reason for voting "no" on the Quogue Village vehicle regulations was that he did not attend the meeting with the Village and was unfamiliar with the proposed changes. A motion was made by Paul Parash, seconded by William Frank and duly carried to re-introduce the resolution.

A motion was made by Frank Smith, seconded by William Bennett and duly carried to pass the following resolution:

(Continued, April 17, 1989: BOARD OF TRUSTEES)

WHEREAS, the Trustees are the holders of an easement for the benefit of the inhabitants of the Town of Southampton over property between the mean high water line of the Atlantic Ocean and crest of the first line of the dunes, and

WHEREAS, the said easement is in effect even though certain areas of the dune are in private ownership or are within the limits of an incorporated village, and

WHEREAS, the Incorporated Village of Quogue has enacted an ordinance which regulates the operation of motor vehicles on the ocean beach (See Section 146-6, 146-7, 146-8 and 146-9 of the Quogue Village Code), and

WHEREAS, the Village has requested that the Trustees review and approve the aforementioned code sections.

NOW, THEREFORE, BE IT RESOLVED, that the Trustees hereby authorize the Village of Quogue to regulate the use of the ocean beach by means of the aforementioned code sections,

BE IT FURTHER RESOLVED, that the Quogue Village Trustees shall not amend this ordinance without obtaining the prior written consent of the Trustees of the Town of Southampton regarding the proposed amendment.

IT IS FURTHER RESOLVED, that the Clerk of the Trustees is hereby authorized and directed to publish a copy of this order in the Southampton Press and Hampton Chronicle News and post a copy of the same on the signboard of the Town of Southampton, in the time and manner required by law.

(Continued, April 17, 1989: BOARD OF TRUSTEES)

Roy Haje was present to review his numerous applications for permits.

Eighteen (18) applications for permits were approved.

Three (3) applications for permit were held.

Three (3) applications for Mooring Permits were approved.

CORRESPONDANCE:

John I. Johnsen, P.E., Louis K. McLean Associates re: Munchogue Drive and West Neck Road ramp locations. Estimate for needed repairs.

John I. Johnsen, P.E., Louis K. McLean Associates: Estimate for maintenance dredging - Dam Trail, Flanders and Romano Drive, Hampton Bays.

Thomas A. Lavelle, Superintendent, Town Highway Department re: Maintenance responsibility on Town Trustee roads. John Wourgola will reply to Mr. Lavelle.

Conrad W. Teller, Chief of Police, Town of Southampton re: Trustee roads. A motion was made by Frank Smith, seconded by William Frank and duly carried to pass the following resolution:

RESOLVED, that Mermaid Lane, Dolphin Lane, Triton Lane and Roads H,I,J,K and L be turned over to the Town Council between May 15th and September 18th, 1989, for the purpose of allowing the Southampton Town Police Department to enforce Town laws, codes and regulations of said roads.

Kenneth H. Thommen, Town Clerk: Resolution of Town Board hiring Stuart E. Rose as Bay Constable.

(Continued, April 17, 1989: BOARD OF TRUSTEES)

Schuyler L. Corwin, Superintendent of Parks, County of Suffolk: permission to dock a patrol boat in the Shinnecock Canal Marina for this summer season.

Thomas M. Keenan, President, Pequot Sound Fisheries, Ltd.: Inquiry regarding dock space. A reply will be sent that there are no facilities in the Town of Southampton capable of handling the operation described.

Supervisor Mardythe DiPirro: Thank you for prayers and good wishes during her recent illness.

A motion was made by William Frank, seconded by William Bennett and duly carried to pay the bill of Lighthouse Marine Distributors, Inc. in the amount of \$222.99 for a new power winch for maintenance, from the Trustee's checking account.

A motion was made by William Bennett and seconded by Paul Parash and duly carried to issue a check from the Trustee's checking account in the amount of \$100.00 to Bay Constables Sadleir and Kohnken for travel expenses when they go to school upstate the first week in May.

A motion was made by Paul Parash, seconded by William Frank and duly carried to publish the following Public Notice:

TAKE NOTICE, that a PUBLIC HEARING will be held by the BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON on May 15, 1989, at 3 p.m., at the Southampton Town Hall, 116 Hampton Road, Southampton, N.Y., to hear any and all persons either for or against

(Continued, April 17, 1989: BOARD OF TRUSTEES)

opening the following portion of the ocean beach for vehicular access: 1200 FEET EAST OF FOWLER ROAD, SOUTHAMPTON.

A motion was made by Frank Smith, seconded by Paul Parash and duly carried to pass the following resolution:

RESOLVED, that the RULES AND REGULATIONS FOR THE MANAGEMENT AND PRODUCTS OF THE WATERS OF THE TOWN OF SOUTHAMPTON as adopted by Resolution on the 20th day of May 1985, and as amended from time to time thereafter, are hereby cancelled and declared null and void, and

BE IT FURTHER RESOLVED that the following Rules and Regulations be and they hereby are ADOPTED, ENACTED, or RE-ENACTED in their place and stead, effective as of the 27th day of April 1989.

Notice to be published.

A motion was made by William Frank, seconded by William Bennett and duly carried to order 750 copies of new blue books at this time.

William Bennett and Frank Smith attended a Shellfish meeting recently and discussed was the fact that the State had raised fees on shellfish licenses at the suggestion of the baymen. The additional fees were to have been applied to additional staff so that more testing could be conducted. No additional staff has been hired and the situation of insufficient employees to carry out needed testing programs remains.

(Continued, April 17, 1989: BOARD OF TRUSTEES)

A motion was made by William Bennett, seconded by Paul Parash and duly carried to request the Town Board to create a position of Sr. Clerk Typist in the Trustee office.

William Frank reported that the four ponds in Southampton Town were stocked on April 7th with Rainbow and Brown trout. The stocking was done by Cold Spring Harbor Hatchery, supervised by Mr. Frank and Mr. Bennett.

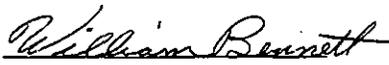
Mr. Warner reported problems at property on Stone Creek. A backhoe working on the yard knocked down a portion of bulkheading. He gave verbal permission to make temporary repairs to keep the silt from running into the creek. The DEC also issued emergency repair orders. The owner is expected to apply for a permit for a complete replacement of the bulkheading.

Ed Warner stated he has contacted Howard Mallowes and order spawner clams for transplant.

The Bay Constables are working on the racks for the seed clams. Deliveries are due on the 21st and 28th. This is the reason Sr. Bay Constable John Andersen is not at the meeting today.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

(Continued, April 17, 1989: BOARD OF TRUSTEES)

PERMITS ISSUED

PERMIT NO. 5468 is issued to En-Consultants, Inc. agent for LYNN DeKWIATKOWSKY, 46 Seafield Lane, Westhampton, to place approximately 150 cy of stone rip-rap (4"-8" diameter and 5-15 lbs.) along outer edge of eroding marsh to prevent further loss of bog. Relocate and modify an existing dock. New dock will consist of 4' x 65' fixed elevated (4' above grade of marsh) walk; 4' x 12' hinged ramp; 6' x 20' float secured by (2) 8" diameter pilings. Project located off owner's property on Quantuck Bay, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5469 is issued to En-Consultants, Inc. agent for ANDREW SEGERMAN, r.o.w. off Brook Road, Westhampton Beach, to replace outer 6' x 24' fixed "T" section of existing dock with similar size float. To replace easterly 12' of 72' long main fixed section with a hinged ramp, 12' in length. Dock is located off owner's property on Aspatuck Creek, as per application and survey submitted.

PERMIT NO. 5470 is issued to En-Consultants, Inc. agent for THOMAS KUHNS, end of Quogo Neck Lane, Quogue, to maintenance dredge 35' x 40' boat slip plus 295' x 25' area immediately in front of slip to 5' below mean low water. Approximately 400 cy will be removed by land based crane or backhoe working from owners' property. Spoil will be trucked to other side of canal to property of Miller. Project located off owner's property on a private dug lagoon off the Quogue Canal, as per application and survey submitted.

PERMIT NO. 5471 is issued to En-Consultants, Inc. agent for WILLIAM WHITE and SHERMAN GINSBURG, Harbor Lane, East Quogue, to construct a 4' x 25' fixed elevated (4' above grade of marsh) dock. Applicants have established their right to use parcel, end of Harbor Lane, as access to water by winning court suit (copy of court decision submitted with application). Project is located at the end of Harbor Lane on Little Weesuck Creek, as per application and surveys submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5472 is issued to En-Consultants, Inc. agent for THOMAS FARRELL, 15 Tiana Circle, Hampton Bays, to replace within 18", 100 lf of timber bulkheading, to be raised approximately 1 1/2' to 2' higher to meet elevations of adjacent bulkheads, and to backfill with 20 cy of clean sand to be trucked in from commercial upland source. Project is located on owner's property on Shinnecock Bay, as per application and surveys submitted.

(Continued, April 17, 1989: BOARD OF TRUSTEES)

PERMIT NO. 5473 is issued to KONNER DEVELOPMENT CORPORATION, r.o.w. s/o Montauk Highway, Hampton Bays, to replace within 18", 110 lf of existing timber bulkhead and to remove and replace in kind, 60 lf return on east side. Rebuild in kind and in place an existing dock consisting of a 7' x 127' (plus irregular inner angled section 7' x 10+'); 4' x 12' hinged ramp; 6' x 24' float. To install (11) 8" diameter mooring pilings 18' off the dock and spaced 14' apart. To maintenance dredge a triangular area whose sides are 110' and 137' to 4' below MLW. Approximately 1200 cy of spoil will be removed and partially used to backfill bulkhead (400+ cy) and remainder removed to upland site (Town dump or similar). Project located at owner's property on Shinnecock Bay at the entrance to the Shinnecock Canal, as per application and surveys submitted.

PERMIT NO. 5474 is issued to En-Consultants, Inc. agent for ARNOLD AMSTER, Bay Lane, Mecox, to construct a 6' x 10 timber inclined boat ramp. Purpose of ramp is to launch and retrieve owner's small boats. No marsh grasses are present. Project is located on owner's property on Calf Creek, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5475 is issued to En-Consultants, Inc. agent for ALLEN OTT, Rosewoode Court, Water Mill, to construct a timber dock consisting of a 9' x 10' fixed platform above mean high water; 4' x 20' fixed elevated (4' above grade of marsh) walk; 4' x 12' hinged ramp' 6' x 16' float secured by (2) 8" diameter pilings, off owner's property on Hayground Bay, as per application submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5476 is issued to En-Consultants, Inc. agent for DELZA SMITH, East Beach Drive, Southampton, to install 487+ lf of stone revetment along the line of mean high water of 7/8/80 as directed by prior DEC decision (Morrow, et. al.) and to backfill with 6,000 cy to an elevation of 10+'. Fill to be trucked in from upland source. Project is located on owner's property on Wooleys Pond Channel, as per application and surveys submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5477 is issued to MARCEL T. DAMIECKI and DAVID T. SCHIAVONI, Cliff Drive, Sag Harbor, to construct a dock consisting of a 4' x 60' fixed section; 4' x 10' ramp and 12' x 12' floating section, off owner's property on Sag Harbor Cove, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

(Continued, April 17, 1989: BOARD OF TRUSTEES)

PERMIT NO. 5478 is issued to Chesterfield Associates, Inc. agent for MR. ROBERT EPSTEIN, Lot 8, Rose Way, Water Mill, to construct a walkway from house to edge of Sam's Creek, 4' wide by 100' long to be 4' above grade of marsh; a ramp 4' x 12' and a dock 4' x 30', as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5479 is issued to Henry T. Altenkirch agent for CHAS. ALTENKIRCH & SON, North Highway, Hampton Bays, to renew Permit No. 5241 for one year.

PERMIT NO. 5480 is issued to CHARLES E. MILLER and JULIA HENDRICKSON, 29 Inlet Road, Southampton, to rebuild 574 sq. feet of existing docks off owner's property on Cold Spring Pond, as per application and survey submitted.

PERMIT NO. 5481 is issued to JOSEPH FREDERICK GAZZA, 3 Ogden Lane, Quogue, to re-sheath approximately 131 lf of existing timber bulkheading in boatslip and to construct a 4 ft. walkway adjacent to same, on owner's property on Ogden Pond, as per application and survey submitted. NOTE: This permit is for the bulkheading and walkway only, and does not include decks, pools or any other construction.

PERMIT NO. 5482 is issued to Michael Sylvester agent for MR. GARY JOHNSON, 5 Marlin Road, East Quogue, to resheath 75 lf of deteriorated bulkhead. No dredging is allowed. Project located on owner's property on a dug lagoon off Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5483 is issued to ARTHUR & MARY ELLEN SARNO, 12 Grove Street, Flanders, to place 210+ lf of concrete rip rap along owner's property on Reeve's Bay and to construct two (2) 5' x 15' floating docks; 4' x 10' ramp and 4' x 60' open pier, as per application and survey submitted. NOTE: As per letter received 4/10/89 signed by Mary Ellen & Arthur Sarno: "No more than four (4) boats, for owner's private use only, will be docked. One slip may be used by the D.E.C. officer at no charge". "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5484 is issued to Inter-Science Research Associates agent for KOSTUK ASSOCIATES, 37 Bay Avenue, Eastport, to construct a 5' x 10' fixed dock, a 4' x 11 ramp, a 5' x 17' floating dock and two (2) 4' x 10' side end extensions. The proposed dock is existing and has been for a number of years. Project located off owner's property on Seatuck Creek, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

(Continued, April 17, 1989: BOARD OF TRUSTEES)

PERMIT NO. 5485 is issued to Arthur DiPietro agent for WESTHAMPTON YACHT SQUADRON, Public Road, Remsenburg, to construct a boat hoist and concrete slab, concrete boat ramp; 10' x 40', on owner's property on Moriches Bay, as per application and survey submitted. "Applicant acknowledges the existence of Trustee lands adjacent to the subject premises and agrees to continue the relationship of mutual cooperation that has earmarked the relationship between the Applicant and the Trustees over the past fifty years". "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

The application of Omnibuzz, Inc. agent for Klaus & Karin Jacobs, Peconic Road, Hampton Bays, to construct bulkheading continued to be held for a letter from adjoining neighbor.

The application of Mr. H. Altenkirch, North Highway, Hampton Bays, to build 1,656 lf of docks is held for more information.

The application of En-Consultants, Inc. agent for Swee Lo O'Reilly, Tiana Circle, Hampton Bays, is held for a new survey relocating the position of the dock.

MOORING PERMITS ISSUED

NO. 89-30 to William M. Gerba, 119 Little Neck Road, Southampton: Middle Pond.

NO. 89-31 to Linda & Neil Scoltock, 496 Pleasure Drive, Flanders: Red Creek Pond.

NO. 89-32 to Paul Vornle, 4 Peconic Road, Hampton Bays: Shinnecock Bay.

MAY 1, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, MAY 1, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, Sr. Bay Constable John Andersen and Deputy Town Attorney John M. Wourgola

The minutes of the meeting of April 17, 1989, were read and approved as read.

William Fawcett was present. He stated he had hit a submerged buoy near the Shinnecock Inlet requiring his boat to be hauled and repaired. He brought the bill for the repairs. John Wourgola said he will confer with Bay Constable John Andersen and get back to Mr. Fawcett.

Roy Haje was present regarding the Gateway Marina docks. He said slight modifications had been made in the location of the docks and pilings. Frank Smith said he had made an inspection and agrees the modifications were slight and sees no need for a new permit. A motion was made by Frank Smith, seconded by William Bennett and duly accepted to accept the letter of explanation submitted by En-Consultants on behalf of Gateway Marine of Flanders. The letter and new survey submitted will be placed on file.

(Continued, May 1, 1989, Board of Trustees)

William Bennett reported observing a jet ski operating wide open in the area of Gateway Marina. The owners said he knows who is responsible and will make them aware they are in violation of the Town ordinance.

Twelve (12) applications for permit were approved.

One (1) application for permit was held.

Nine (9) Mooring Permits were approved.

One (1) Potting permit was approved.

CORRESPONDANCE:

Peter Peterson re: Vehicle on beach east of Fowler Road. Mr. Peterson will be informed about the public hearing on May 15th. His letter is to be made a part of the hearing.

Robert T. Nicholson, Sag Harbor re: problems in Sag Harbor Cove off Bay Point. The letter will be referred to the Bay Constables and a copy sent to North Haven Village. A reply will be sent to Mr. Nicholson.

Bernard L. Waters, East Point Lane, Hampton Bays re: mooring impounded. It was agreed the mooring is to be returned. John Wourgola will reply to Mr. Waters pointing out several mis-statements in his letter.

Bernard Risse, Noyac re: mooring impounded. This mooring will also be returned and Mr. Wourgola will send a letter calling attention to the current regulations of the Trustees regarding moorings.

John M. Sartorius, Jr., Shinnecock Yacht Club, Quogue re: renewal of lease. Mr. Wourgola is to prepare a new lease.

(Continued, May 1, 1989, Board of Trustees)

William B. Sickles, Suffolk County Dept. of Parks enclosing copy of announcement to be distributed at the Shinnecock Inlet Park with a copy of Sections 20-17, 20-19 and 20-28 of the Southampton Town Code. Acknowledgement with thanks will be sent to Mr. Sickles.

Kenneth H. Thommen, Town Clerk: Resolution of Town Board authorizing the Town Highway Dept. to move the berm on Little Noyac Path on to property owned by Tom Conklin as ordered in a recent court case.

Kenneth H. Thommen, Town Clerk: Resolution of Town Board authorizing Eastern Outboard Racing Club to hold races in four (4) town locations.

Debra A. Barnes, New York State DEC: Shellfish Transplant Permits for activity from Seatuck Cove to Quantuck Bay and the Peconic River to Mill Creek in Noyac.

State of New York, Department of State re: U.S. Army Engineer Corps permit application of Bullhead Bay Yacht Club.

New York Telephone Co.: Application for alteration or excavation of highways and erection of poles on n/w of Old Sag Harbor Road, e/o Millstone Road, Bridgehampton. This application will be referred to Town Engineer John Johnsen for comment.

Frank Smith made a report on the Clam Transplants held on April 21 and April 28th. Cherrystone and Chowder clams were purchased from Howard Mallowes Co.(Bayview Shellfish), and seed clams from Long Island Oyster Farms.

(Continued, May 1, 1989, Board of Trustees)

The full report will be placed on file. Mr. Smith commented that in all previous years, the State supervised the transplant activities, but due to manner in which they have been conducted by the Bay Constables and the Trustees, they no longer feel their supervision is required. He feels this is a credit to the Town.

A motion was made by William Frank, seconded by Paul Parash and duly carried to pay the bill of Bayview Shellfish in the amount of \$1970.00 for clams for the transplants from the Trustee's Checking account.

William Bennett reported that the County has been repairing the Stevens Lane Bridge. On the north side there is a 6 foot return which the County does not claim and will not repair. A motion was made by William Bennett, seconded by William Frank and duly carried to approve the application of Chesterfield Associates on behalf of the Harbor House, as soon as it is received.

Edward Warner has received requests for additional whips in Tiana Bay, on either side of the channel, also, more whips and deep water signs are needed in the area of Pike's Beach, Westhampton Beach. This information will be passed on to Sr. Bay Constable Andersen.

William Frank reported that fresh water fishing seems to be going well in the ponds that have been recently stocked.

(Continued, May 1, 1989, Board of Trustees)

John Wourgola asked for a letter to be sent to Thomas Murphy, reminding him we are waiting for a meeting with the seaplane operators.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5486 is issued to En-Consultants, Inc. agent for DDA REALTY, Clairedale Drive, Red Creek, Hampton Bays, to construct a timber dock consisting of a 4' x 85' fixed elevated (4' above grade of marsh) walk; 4' x 12' hinged ramp; 6' x 20' float secured by (2) 8" diameter piles, off owner's property on Red Creek Pond, as per application and survey submitted.

PERMIT NO. 5487 is issued to En-Consultants, Inc. agent for Walter Van Houten, Shore Road, Southampton, to extend Permit No. 5211 for one year.

PERMIT NO. 5488 is issued to En-Consultants, Inc. agent for HERBERT UHL, Sandgate Lane, Southampton, to construct an additional 50 lf of revetment of the same specifications and dimensions as previously approved under Permit No. 4698 and now existing revetment, to fully protect the driveway and parking area. Project located on owner's property on Cold Spring Pond, as per application and survey submitted.

PERMIT NO. 5489 is issued to En-Consultants, Inc. agent for CHARLES STEVENSON, JR., South Main Street, Southampton, to construct a dock, consisting of a 4' x 12' ramp leading to a 6' x 16' floating section, off owner's property on Lake Agawam, for the purpose of securing a canoe, as per application and survey submitted. NOTE: Permit No. 5255 previously issued is cancelled.

PERMIT NO. 5490 is issued to En-Consultants, Inc. agent for LAUREN COPEN, Bluff Point Road, Sag Harbor, to extend Permit No. 5266 for one year.

PERMIT NO. 5491 is issued to Anderson Environmental agent for JAMES KARMAS, Cove View End Lane, Sag Harbor, to construct a dock consisting of a ramp 4' x 49', 4' x 69'

(Continued, May 1, 1989, Board of Trustees)

section, installed on 8" x 28' piles, 8' x 4' above MHW, also an accessory float consisting of a 4' x 8' ramp and 6' x 12' float, off owner's property on Sag Harbor Cove, as per application and survey submitted. NOTE: All of the portion of the proposed walkway upland of MHW is to be 4' above existing grade.

PERMIT NO. 5492 is issued to ROBERT and DIANE CERVONI, 18 Oak Lane, Hampton Bays, to construct a 6' x 16' wooden floating dock, parallel to bulkhead off owner's property on a dug lagoon off Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5493 is issued to Omnibuzz, Inc. agent for KLAUS & KARIN JACOBS, Peconic Road, Hampton Bays, to extend a seawall 126.12 lf. Bulkhead to be located 12' seaward of s/east monument in line with neighbor (Mahoney). "The bulkhead will be 12' on the Trustee road known as Shinnecock Beach Road. If in the future, the public should demand the restoration of this road, the bulkheading may have to be removed." Written consent from Mahoney received to connect the bulkheading to their bulkhead.

PERMIT NO. 5494 is issued to FRANK SAVINO, 26 Tanners Neck Lane, Westhampton Beach, to maintenance dredge shoaled area, removing approximately 150 cy of spoil and placing it on upland on pre-existing spoil site, as per application and survey submitted.

PERMIT NO. 5495 is issued to Harbor Marine Construction, Inc. agent for DESIGN PROPERTIES, row off Cricket Path, Remsenburg, to maintenance dredge 500 cy from a canal off Moriches Bay and place resultant material on spoil site as indicated on plans submitted.

PERMIT NO. 5496 is issued to ROBERT G. HAMMOND, 486 Dune Road, Westhampton Beach, to construct a wooden dock 4' x 95,' secured with 4 x 4 posts, to be located 10' westerly of and parallel to the 8' right of way on the property, as per application and survey submitted. Project located off owner's property on Moriches Bay.

PERMIT NO. 5497 is issued to Chesterfield Associates agent for HARBOR HOUSE, Stevens Lane, Westhampton Beach, to make emergency repairs to 6.5 lf of existing timber bulkheading on owner's property on Moneybogue Canal, as per application and survey submitted.

The modifications to the docks at Gateway Marine of Flanders as submitted by En-Consultants, were accepted by a vote of the Board and a letter to that effect will be sent to Mr. Haje.

(Continued, May 1, 1989, Board of Trustees)

The request of Richard Michna, Quogue Docks, agent for Pat and Eli Rousso, Wildwood Lane, Quogue, was held for a proper application, showing the proposed dock to scale.

MOORING PERMITS ISSUED

NO. 89-33 to Louis & Delia Cornacchia, 222 Towd Point Road, Southampton: North Sea Harbor

NO. 89-34 to William R. Dalsimer, 48 S. Magee Street, Southampton: Bullhead Bay.

NO. 89-35 to T. Michael Martin, Southampton: Bullhead Bay.

NO. 89-36 to William G. May, 225 Towd Point Road, Southampton: Davis Creek.

NO. 89-37 to William G. May, 225 Towd Point Road, Southampton: Davis Creek.

No. 89-38 to Thomas Moriber, 256 Dune Road, Westhampton Beach, (Yardarm): Moriches Bay.

NO. 89-39 to Dr. Murray J. Nelson, Yardarm, Dune Road, Westhampton Beach: Moriches Bay.

NO. 89-40 to Mr. John Pullets, 486 Dune Road, Westhampton Beach: Moriches Bay.

No. 89-41 to Harold Sheridan, Bay View Road, Southampton: Fresh Pond (Herne Oaks).

POTTING PERMITS

NO. 1889 to Ralph Rana, 443 Noyac Avenue, Sag Harbor

MAY 15, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, MAY 15, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of May 1, 1989, were read, amended then approved as amended.

Edward Warner reported the whips have been placed at Tiana Bay.

Nine (9) applications for permit were approved.

Three (3) applications for permit were held.

Seven (7) applications for Mooring Permits were approved.

CORRESPONDANCE: Cornell Cooperative Extension: Notice of "1989 Save the Bays Workshops" to be held on June 1st, August 17th and November 3rd. A motion was made by William Frank, seconded by William Bennett and duly carried to pay \$35.00 for three sessions. One Trustee will attend each session.

Kenneth L. Koetzner, Chief, N.Y.S. Bureau of Marine Habitat Protection to David Emilita, Town Planner re: coordination of tidal wetland acquisitions.

(Continued, May 15, 1989, BOARD OF TRUSTEES)

Middle Pond Estates, Inc. re: Rosco Island

Joseph F. Colao, President, Wildwood Lake Association re: proposed "Spring Clean Up Day for Wildwood Lake". A letter approving the plan has been sent to Mr. Colao. He is requested to advise the office as to the date.

Thomas J. Farra re: Property off Wainscott Harbor Road (Trustee Road), Wainscott. A motion was made by William Frank, seconded by William Bennett and duly carried to allow utility lines to be run from the middle of the road to the property line.

Deluxe Silk Screening Corp.: Invoice for Boat Ramp Permit Forms in the amount of \$523.40. A motion was made by William Frank, seconded by William Bennett and duly carried to pay this bill from the Trustee's account.

A motion was made by Paul Parash, seconded by William Bennett and duly carried authorizing President Edward Warner to sign the agreement between the Northampton Colony Yacht Club and the Trustees for the use of a dock for the Bay Constable's boat.

Gilbert Foster, Chairman, Southampton Town Conservation Board reported that the average PH rainfall for the months of March and April was 4.0. The high was 4.3. The low was 3.5.

Reports were given on the recent transplants:

Seatuck Cove to Quantuck Bay on April 26, 27, May 1 and 2nd: 278 bushels.

Peconic River to Mill Creek, Noyac on May 8, 9, and 12: 214 bushels.

(Continued, May 15, 1989, BOARD OF TRUSTEES)

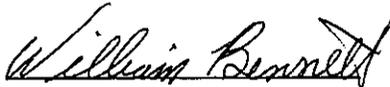
A motion was made by Frank Smith, seconded by William Bennett and duly carried to pay from the Trustee's checking account, any amount due for the transplants, which exceeds the budget.

The meeting on motion was adjourned at 2:15 p.m.

The meeting was re-opened at 3 p.m. for the purpose of holding a Public Hearing to hear any and all persons either for or against opening the following portion of the ocean beach for vehicular access: 1200 feet east of Fowler Road, Southampton. The minutes were taken by a Public Stenographer and are attached hereto.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5498 is issued to SUFFOLK COUNTY DEPARTMENT OF PUBLIC WORKS, Yaphank, to renew Permit No. 4953 for one year. Project: Stevens Lane Bridge Repairs (2nd renewal: 1st renewal Permit No. 5254.)

PERMIT NO. 5499 is issued to Harbor Marine Construction, Inc., agent for RUTH HETTLEMAN c/o Robert Milano, 183 Dune Road, Westhampton Beach, to construct a dock consisting of a 3' x 10' access ramp, 3' x 12' ramp leading to a 6' x 18' floating section supported by (2) 8' x 16' mooring pilings, off owner's property on Moneybogue Bay, as per application and survey submitted.

PERMIT NO. 5500 is issued to Glenn E. Just of J.M.O. Consulting, agent for BEATRICE SCHOENBERG, 208 Dune Road, Westhampton Beach, to construct a 4' x 190' catwalk (elevated 4' over grade of marsh), 3' x 12' ramp and 10' x 24' floating dock, off owner's property on Moneybogue Bay, as per application and survey submitted.

(Continued, May 15, 1989, BOARD OF TRUSTEES)

PERMIT NO. 5501 is issued to Glenn E. Just of J.M.O. Consulting, agent for MR. ROBERT FORELLI, 44 Griffing Avenue, Westhampton Beach, to construct a 4' x 16' catwalk leading from an existing bulkheading to a 4' x 12' ramp and 6' x 20' floating dock, off owner's property on Aspatuck Creek, as per application and survey submitted.

PERMIT NO. 5502 is issued to En-Consultants, Inc. agent for BERNARD GONCHAR, Moneybogue Lane, Westhampton Beach, to extend Permit No. 5212 for one year.

PERMIT NO. 5503 is issued to ALDRICH BOATYARD, Weesuck Avenue, East Quogue, to maintenance dredge alongside of bulkheading, off owner's property in Weesuck Creek, as per application and survey submitted.
Approximately 20 cy of spoil to be taken.

PERMIT NO. 5504 is issued to En-Consultants, Inc. agent for JAMES DUFFY, Willow Shade Avenue, East Quogue, to construct 279 lf of timber retaining wall plus 15' return on w/s and 20' return on e/s, all above line of SHW. Backfill with 700 cy of clean fill to be trucked in. Also, to construct a 4' x 200' fixed elevated dock beginning inland of proposed retaining wall; plus 4' x 20' "L". Project located on owner's property on Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5505 is issued to KIM and DAVID LESTER, 17 Alanson Lane, Hampton Bays, to install a floating dock, 4' x 70', parallel to shoreline of owner's property on East Canal (Foster Creek), as per application and survey submitted.

PERMIT NO. 5506 is issued to Harbor Marine Construction, Inc. agent for HELEN BARER, Brennan's Moor Road, Mecox, to construct a dock consisting of a 4' x 30' dock (4' above grade of marsh), leading to a 3' x 8' ramp and a 6' x 18' floating section, in Hayground Cove off owner's property as per application and survey submitted.

The request of En-Consultants, Inc. agent for William White and Sherman Ginsburg, to revise the configuration of the dock approved on Permit No. 5471 is held. A new application and fees must be submitted.

The application of Steven L. Maresca agent for David Sawyer, Meadow Lane and Halsey Neck Lane, Southampton is held for an inspection.

The application of En-Consultants, Inc. agent for Richard Kastleman, Inlet Road, Southampton, is held for an inspection.

(Continued, May 15, 1989, BOARD OF TRUSTEES)

MOORING PERMITS ISSUED

NO. 89-42 to James Geraci, Dogwood Street, Sag Harbor:
Noyac Bay.
NO. 89-43 to Robert C. Hallock, Jr., 280 Pine Neck Avenue,
Noyac: Mill Creek.
NO. 89-44 to Donald R. Kelley, Northampton Shores, Noyac:
Mill Creek.
NO. 89-45 to Patrick R. McAllister, 1 Carmel Lane, Hampton
Bays: Shinnecock Bay.
NO. 89-46 to Theodore C. Merritt, Jr., 39 West Point Road,
Westhampton Beach: Moriches Bay.
NO. 89-47 to Herb Obser, Wildwood Lane, Quogue: Quantuck
Bay.
NO. 89-48, to SandBar Beach Club, Inc., Dune Road, Quogue:
Tiana Bay.

TOWN OF SOUTHAMPTON
BOARD OF TRUSTEES

-----X
In the Matter of the Public Hearing
held by the BOARD OF TRUSTEES of the :
FREEHOLDERS and COMMONALTY of the
TOWN OF SOUTHAMPTON to hear any and all :
persons either for or against opening
the following portion of the ocean :
beach for vehicular access: 1,200 ft.
east of Fowler Rd., Southampton. :
-----X

Southampton Town Hall
116 Hampton Road
Southampton, New York
May 15, 1989
3:00 P. M.

Before

EDWARD J. WARNER, President
WILLIAM H. BENNETT, Secretary & Treasurer
FRANK L. SMITH
PAUL W. PARASH
WILLIAM T. FRANK

Town of Southampton
Board of Trustees.

JOAN BEHRLE, Clerk.

APPEARANCES:

JOHN M. WOURGOLA, ESQ.
Deputy Town Attorney
Town of Southampton.

BEN CARTER, ESQ.
Attorney for Peter & Patty Carini
22 Roanoke Avenue
Riverhead, New York

Suffolk Reporters, Inc.
P. O. Box 163
Southampton, NY 11968

APPEARANCES CONTINUED:

ESSEKS, HEFTER & ANGEL, ESQS.
Attorneys for Fordune Home Owners Assn. &
Sheila & Carlo Traglio
108 East Main Street
Riverhead, New York 11901
By: STEPHEN ANGEL, ESQ.

GILBERT G. FLANAGAN, ESQ.
Attorney for Mr. & Mrs. Harry Barclay
83 Job's Lane
Southampton, New York 11968

MR. WARNER: This public hearing will be held by the Board of Trustees of the Freeholders of the Commonalty of the Town of Southampton this 15th day of May, 1989 at 3:00 P. M. at Southampton Town Hall to hear any and all persons either for or against opening the following portion of the ocean beach for vehicular access: 1,200 feet east of Fowler Road, Southampton. By order of the Board of Trustees, Southampton Town.

Now, we will have comments from the audience:

MR. WOURGOLA: Before we start, we have received a series of letters addressing this public hearing. We will make them part of the record here today and they will be available for your review in the Town Trustees Office during regular business hours. We intend to leave this hearing open for written submissions until Friday, May 26 at 3:00 P. M.

MR. WARNER: Please state your name

3 when you're called on, please.

MR. FLANAGAN: For the record, Gilbert G. Flanagan, 83 Job's Lane, Southampton. I represent Mr. and Mrs. Harry Barclay, who own the first building lot, which I believe would be affected by your proposed resolution, specifically identified by Suffolk County Tax Map Number 900-178-1-20.2. I have a copy of the tax map, which shows their parcel identified by an arrow.

I also have a copy of a survey of their property showing the location. As you will see, the property is both in the Village and in the Town of Southampton. Here is a copy of the survey, which shows the location. Here is a copy of the deed.

My comments are very brief. Basically, my clients are in opposition to this proposal in that they feel it would be detrimental to their property values and also to the integrity of the beach in front of their property. As I am sure you know, this

Flanagan
McDonald

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beach some years is substantial and other years not so substantial. They feel any increase in traffic along that beach would be detrimental to the beach and to their property in particular, and would, therefore, oppose the proposal. Thank you.

MR. WARNER: Thank you very much. Who is next?

MR. MC DONALD: Kevin McDonald.

MR. WARNER: We'll limit it to between three and five minutes, please. Make it short and to the point. We have quite a lot here. Thank you.

MR. MC DONALD: For the record, my name is Kevin McDonald, Vice President of the Group for the South Fork.

Our organization would like to state its opposition to this law, and I'll give you the reasons why we have that position.

First of all, I'd like to give you some documents that will outline primarily the scientific research that's been done on

this issue of All Terrain Vehicles and their effects on the beach. The first report is a report done by the President's Council on Environmental Quality. It deals extensively with this issue. And two other reports, both of those reports were done by well renowned coastal geologists in the field which have examined the impact of All Terrain Vehicles on the beaches.

In short, they are as follows: Four-wheel drive vehicles compact the beach, prevent the development of beach grass, which has an erosion effect on the shoreline area. There's a public health aspect, obviously, which other people will go into. And there's an impact on endangered least terns and piping plovers, which are considered endangered species by the State and federal government, as well. Sara Davison is here, and she will talk on that point.

I also have two other position statements which our office has made on this

Carter

issue, one before the Village of Southampton and one in the Town, some time ago. It's consistent with what I am going to say here, and that is, this is not in the best interests of the Town to open up this area for this type of traffic in the daytime, particularly when there is the public health and safety aspect of it.

That's all I have to say. We oppose this. Thank you very much.

MR. WARNER: Who is next?

MR. CARTER: For the record, Ben Carter, 22 Roanoke Avenue, Riverhead, New York. Gentlemen, I represent Peter and Patty Carini, one of the property owners whose home is in the strip where the proposed driving will occur. I think this would be a monumental step backward for the Trustees and for the Town even to consider. I don't know if Kevin has given you this in his file, but there's studies on Cape Cod National Seashore, studies on Fire Island, all discussing

the effects of off-road vehicles, how harmful they are. Brookhaven, as you probably know, has banned beach driving in its entirety. Riverhead just enacted an ordinance recently. Progressive forward thinking is that driving on the beach in the dune areas should be either curtailed severely or eliminated for the variety of reasons of the fragile dunes, it increases erosion, and removes the natural protection for the home owners, the least terns and piping plovers whose nest is there. It creates noxious odors. It creates a hazard for citizens who come to lie on the beach.

I suggest if you considered opening the beach area to driving, that this is a Type I action under SEQRA, and you're going to have to go through the whole route, to an environmental impact statement, etcetera. You can't come along here and change this law without discussing the effects on the environment. There's reams and reams of

studies and papers showing what a major impact on the environment these vehicles have. I don't believe you have the right to do that without going through the SEQRA process.

Furthermore, my client, by deed - I'm sure most of the other clients - own to the mean high-water mark. You can't pass a law or expand the driving on his land. Now, I know you gentlemen are defendants in the Katz suit in the Village, and that's one of the issues that's been raised there, and I suggest to you that if you opened up or tried to open up this land, you are probably buying another litigation by another set of homeowners.

You might want to consider the fact that when the Fordune subdivision was enacted, the Planning Board required, because of the delicate ecology of the area and wetlands, a large tract of land to be set aside not to be developed.

Carter

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O'Malley

Now, it's well known when people use the beach with these vehicles, they not only park there, they camp there, they cross the dunes, they urinate, they fornicate, they do everything. This would be disturbing, that the Town Board has decided it's environmentally sensitive and shouldn't be done. So I suggest to you - I know you're about to raise your gavel - that you should not seriously consider this proposal.

MR. WARNER: Thank you very much.

MS. O'MALLEY: I'm Mary O'Malley. I'm one of the landowners on the strip property. I'm opposed because of, one, safety factors. Have you ever thought about what would happen to little children who go out on the beach? Will there be a traffic light on the beach? Has the Town also thought about liability? Who is responsible if someone is injured by a vehicle? And also, taxes. How much do the people who drive the vehicles pay in taxes?

MR. WARNER: Thank you very much.

Next?

MR. LEVINE: My name is Jerry Levine. I live down by Fowler Road. I'm opposed to allowing vehicular traffic on the beach from May 15 to September 15. I think the Trustees have to recognize that even though things like this have occurred, that the world has changed a lot in the past twenty years, and four-wheel drive vehicles can't, in my opinion, co-exist with non-motorized beach users. I agree that the beaches should be open to everyone, but I think this is really a matter of safety, and vehicular use of the beach is not appropriate.

During the summer the beach area between Flying Point and Fowler is heavily used, and to always be on the lookout for traffic is ridiculous. This point came home last Saturday. My wife and I were going to go into town. I have two children, one three and one six. We were going to leave the

Davison

children with the baby sitter. I said it would be a great idea for the kids to go out on the beach and play. My wife said you can't do that. One person can't watch out for two kids and watch out for traffic. I thought to myself, is this what my whole summer is going to be like?

I can't believe that Southampton Town has come to this point.

Thank you.

MR. WARNER: Thank you.

MS. DAVISON: Good afternoon, Mr. Warner. Sara Davison, I'm the Executive Director of the South Fork/Shelter Island Chapter of The Nature Conservancy. I think I understand the reasoning of the Board in looking at an area of beach and dune for an alternative site for vehicles. But there was a quote in the paper saying that this area was selected as a proposed area because it had few houses. And I understand your reasoning there, but actually it's those

areas of dune, the fewest houses and the fewest developments and infrastructure that have the highest quality and best resource.

I just wanted to make sure that you were aware that in the beach around Phillips Pond, that is west of and east of Fowler Lane, there is a piping plover nest. From the 1988 study of Colonial Water Birds done by New York State DEC and the Seatuck Program of Cornell University, twenty least tern nests and one piping plover in the area of Phillips Pond. By way of contrast, I thought it would be illustrative to look at what the breeding success of those two birds has been at the Southampton Beach around Road F. Am I correct, is that where vehicles are permitted?

MR. WARNER: That's the Southampton Village, right.

MS. DAVISON: Just so that is a good illustration of the difference. According to the data we have, least terns have failed to

successfully reproduce at Southampton Beach F since 1985, and piping plovers have failed to successfully reproduce since 1986. So my only point is that we have a lot of endangered species in this area.

There does seem to be a direct correlation between vehicle use and reproductive success, and I would like you to take that into account in your evaluation of this situation.

Thank you.

MR. ANGEL: My name is Steve Angel - Esseks, Hefter & Angel, attorneys in Riverhead, and I'm here representing the Fordune Home Owners Association and Sheila and Carlo Traglio, who own one of the residences at Fordune.

We're the subdivision that Ben Carter mentioned before that was developed with sensitivity toward the shoreline and the beaches. As you will notice from the area, all development is back from the beach.

I want to start out by, to some extent, adopting the environmental concerns that were advanced by the various people in the audience and the safety concerns, and also Mr. Carter's statement regarding the State Environmental Quality Review Act. And being a lawyer, I'm going to take also a legalistic approach towards the proposal and bring out something that hasn't been discussed as yet. And that's your authority. You people are the Trustees and you've got a long and very distinguished history, and as I am sure you're well aware, your control over the beach emanates from an easement over the beach, an easement that was declared in a series of cases and a statute, a State statute called The Act of 1818. And this easement that you have over other people's property, people that own down to the shoreline, gives the inhabitants of the Town of Southampton rights over the beach, but rights that are consistent with the old usages,

rights to take seaweed from the shore, carting or transporting produce along the shore, rights that were not inconsistent with the uses back in the latter part of the 17th Century.

Now, later cases interpreted this as walking and bathing. In my opinion, this easement doesn't extend to allow vehicles to drive up and down the beach. I think that since your rights come from that easement, you've got to view that easement, and did the original drafters and did the legislature in 1818 think in terms of allowing the parking of four-wheel drive vehicles and other types of vehicles on private property subject to this easement?

The second aspect is, even if you take a broad interpretation that this early easement that you have would allow this type of use of the property, can you really interpret the easement so as to allow it only on one portion of the people's property?

This easement starts from I guess the Moriches Inlet along the water and runs all the way out to the end of the town. You're focusing on interpreting it differently for one little small part of the town. I submit you can't do that. If you interpret the easement to allow this sort of strange use, I think it has to be interpreted equally.

And finally, I just wanted to point out an observation. Much of my business is spent representing people who want to use their property, people who come to you and to other governmental-type agencies seeking to develop their properties, including properties along the ocean. And they have to go through very difficult processes in order to be able to build - not on the beach, not on the dunes - set back. Concerns are raised over even the minor displacement of dune grass and dune sand. And yet, these same people who have to run through so many hoops are now being asked to take as a reasonable

alternative four-wheel drive vehicles running over this often talked about sensitive, important, delicate area.

I think that there-is some hypocrisy to that, should you decide to go along with this alternative. It's hard to ask one person to treat as sensitive while you, yourselves, treat it with to some extent derision.

Thank you.

MR. WARNER: Thank you.

MR. SMITH: My name is Cortland Smith. I'm a resident of the Village of Southampton.

I understand that this was proposed by the Village, who are the ones who requested that you allow this to happen. If that's the case, it appears to me that the Village is working on the principle that two wrongs may make a right. Because as you know, the Village is already embroiled with a lawsuit about driving on the beach in the village.

After hearing Mr. Angel speak, I think

Smith

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Hattrick

it would be beneficial if you would use your good offices to see if you couldn't put pressure on the Village to stop the driving on their beach or our beach, rather.

Thank you.

MR. WARNER: Thank you, sir.

MAYOR HATTRICK: My name is Bill Hattrick. I'm here to give you another side of this story.

The situation that exists in the Village, as I am sure you're well aware, the Village has an area where we do allow beach buggies to traverse the beach between 9:00 A.M. and 6:00 P.M. during the months May through September. I've always felt about the legalities of this issue that beach vehicles have been driving on the beach for probably forty or fifty years. They do do it eight months a year; nobody has ever contested that, and apparently you can drive from 6:00 P.M. until 9:00 A.M. And so I really felt that from a legal standpoint we

it
were talking about allowing/during these
other hours.

And I'm going to give you some reasons
why I think you should not readily dismiss
this proposal. The Village does, indeed,
have a lawsuit, and if the Village loses the
lawsuit, the Village will, indeed, do what
it's told to do. But the mere fact that
somebody sues you, I am standing in living
testimony to the fact that being sued doesn't
mean you're wrong.

Now, my reason for writing the letter
to you suggesting this is that simply there
are so many people in the Town of Southampton
who like to enjoy this form of recreation and
to whom this form of recreation is critically
important, that they are overwhelming our
ability to handle that type of recreational
use. And so we need somebody else to pick
some other area and share the burden with us.
But you should realize that the Hamptons - we
all know what's happened to property values

in the Hamptons and the difficulty people have buying homes, buying property, and we really became a playground for people from Manhattan who don't like Manhattan in the summertime and have come here, and they're most welcome, and the red carpet is out. But they have changed our way of life and in many ways they've changed it for the better. Economically I'm sure you're aware that the East End is a whole lot stronger than it was ten and twenty years ago. However, I think we've ended up in the Hamptons with an area - we have in the Village of Southampton or right in this area, we have three golf clubs. Try to join one of those three clubs. Two of them, save your breath, and the third one has a waiting list of probably a hundred applicants and an entry fee of \$3,000. I know in our village we have two beach clubs. Try to join those beach clubs. I can assure you that less than one percent of your population in this area belongs to those two

beach clubs. I can assure you that less than two or three percent of the population belongs to those three golf clubs. There really aren't a whole lot of places for people to live and enjoy their lives. It's one thing to go through life working to pay the orthodontist and others, and worrying about how you're going to pay for that. But I think when people work and work and work and work, that those of us who are in government should really take a serious look at how to make their lives meaningful. And I will tell you this: That the beach where this type of use is permitted is the cleanest beach in the Village of Southampton. George Katz put some - while he was alive, I can remember him calling me, as did his neighbors, and insisting that we put "No Parking" signs on both sides of Dune Road, which we acquiesced to do. While George told me he was all in favor of people coming down there to swim, the truth of the matter is you

walk three miles to get there. And that made it an ideal spot, frankly, for this type of use.

Now, it is my own observation that this particular area that we've mentioned to you, that there are not homes there, it bothers nobody to this extent, they can't see the beach buggies. I can assure you that they are your best citizens, not your worst citizens. You're talking about between nine and six. Mind you, you're allowing this the rest of the time.

We've instituted a system where we have an Ordinance Enforcement Officer down there, we have a new system of Beach Wardens where people who are really the finest citizens, are assisting us and making sure there's nobody down there speeding, nobody down there that doesn't have a sticker, and nobody going near the dunes. And when we were sued, there were a number of things that were stated, and I think we addressed them;

the most probably significant of which was that you can harm the dune where you cross it. If you go to every entry point in the Village of Southampton, you will find out within the last three years, with the help of Dick Spooner and many other village employees, that we have rebuilt the entry points, they've either gotten corduroy coverings over them, we have trucked in thousands of yards of marl. And they're not weak points in the dunes. That was a legitimate concern. You don't want a dune carved out. But we've dealt with it; you can go and inspect them. I really think you will find out that we are not exposing the Village to any damage as a result of harm to those dunes.

The other thing is that we have outstanding police presence in the area to the extent that we can clearly say it's the safest area in the village and we tried to pick areas where there weren't bathers. I

know this particular place in question; it's very hard to get to by foot. I'm sure if you go down there in July, you will see nobody there.

One last comment: That you have an opportunity that few people have. Normally, when people come before you and ask you to do something, to have the courage to say yes to something exposes you to the possibility that it will turn out badly, but that something has already been built, it's up, and what do we do with it now? Here you're being asked to allow some people to come and swim, and I can assure you by seven o'clock at night there will be no evidence that they've ever been there. If indeed it does work out badly, if people abuse the privilege, if they do ride the dunes, don't assume the worst, don't assume your citizens are no darn good, they're a bunch of renegades. Assume the best, and if they don't live up to your expectations, then I think you're fully

within your rights to go ahead and deal rather harshly with the situation. And that's what I would do, frankly, in the Village. If they did not learn our respect - they have, they are our best citizens - and I can tell you in one closing remark that Main Beach down next to The Bathing Corporation in Southampton, the village employees commonly refer to that as Pig Beach, and Fowler Beach is called Fag Beach. That's the simple truth of the matter. Those places are no paragons of virtue. And I can tell you where these people do come and use their beach buggies, you're talking families. You're not talking 18-year-olds going down there doing whirlies. I know I'm over my time, but I'm representing the other side by myself. You're talking ten weekends in the summer; July and August is really the only time this is ever going to be a matter of any consequence. You're talking twenty days. I can guarantee you seven of those twenty will be inclement, and there

will be nobody there.

From personal experience I can guarantee you that Saturday will be a moderate problem. Sunday is when people out here, when you finally get husbands and wives, they're not working, together. They can't go to the golf clubs to play golf together; it's not a family sport. Tennis isn't a family sport. I really would love to see you have the courage to give it try.

I'm assuming the legalities - I'm not a lawyer - I'm not sure that those people who are know the answer to something like this. But they'll fight like they know. and I do think if you gave it a chance and it worked out badly, you can wash your hands of the whole thing. To prejudge something and say human values should take a second seat to property values is something I wish you wouldn't do.

Thank you.

(Applause)

MS. O'MALLEY: I would like to say something to you, Mr. Mayor. Would you like to buy some property along the beach? If the Town would buy the property, I think you would have more than the right to say -

MAYOR HATTRICK: I would and I have.

MS. O'MALLEY: But you want my husband to break his back so he can pay for it?

MR. WARNER: This is strictly for input. We don't want any arguments, please. Thank you very much. Who is next?

MR. OBERMEYER: My name is Joseph Obermeyer. I live in Water Mill and I walk on the beach on rainy days, winter days, every day of the year. I learned how to walk on the beach. I go there to get away from traffic. It makes me speechless to think that someone would want to drive on the beach. Make a bigger parking lot. It will do people good to park their car and get out and walk.

I fished all my life. My grandfather

Wojcik

told me we never needed a four-wheel drive. The beach is the last thing we have. The ocean won't let us control it, and we should leave it alone.

I don't know the names of the birds. I don't know the names of the crabs, but I see them every year, and I've seen them every year the way they are. And they should be left alone.

(Applause)

MR. WOJCIK: Larry Wojcik, President of the Hampton Surf Club. I represent 88 people.

Outside of adding to what Mr. Hattrick said, we have already designed a Beach Warden System. We work together with Village of Southampton, whether we fish or just go down there for recreational purposes. I've noticed quite a few opposing with bringing up situations about the piping plover. If you wanted to take a ride off of Road D, you will notice a section of fence up there. I'd like

Ackerson

to know who put up the two four by fours for a volleyball court.

I think you have a lot of work ahead of yourselves to actually sum it all up and come up with a decent idea on which you can make out of this whole mess, it seems like. But like I say, you got a lot of work ahead of you.

MR. ACKERSON: My name is Laurence Ackerson. I live in Hampton Bays. I represent nobody but myself, and I hope a lot of other citizens. With all the country being choked with vehicular transport and the South Fork particularly, choked to death with vehicle transport, we would seriously consider taking one of the pristine places on the South Fork and invite vehicles there? I find that totally incomprehensible.

MR. WARNER: Thank you.

MR. KNOTOFF: Mark Knotoff. I was born in Southampton, and I am finding year by year, I'm starting to find it harder to

understand why I want to live in this town. It's very expensive. We are running out of things that a common man can do around here, with all the country clubs. I think it's becoming a very exclusionary community, and fishing is one of my passions. And you do have to drive on the beach to successfully fish. They move along the beach at different places, and to make it an enjoyable hobby, you really have to drive on the beach.

I never have seen anyone speed on the beach. Everyone is very helpful on the beach. They clean it up, they watch out for people who don't have the same respect for it. And I think it would be a shame to lose that, one of the last things I enjoy doing in this area.

MR. WARNER: Thank you.

MR. SPOONER: Richard S. Spooner,
Trustee, Village of Southampton.

I think the Village of Southampton really has gone all out when it comes to

conservation and environmental concerns. But we do have a tremendous number of young people. They're family people, they have babies, etcetera. They have been in the habit of taking their families down on the beach as a group. They are extremely well controlled.

The Village of Southampton is willing, if you gentlemen agree, to stake the area. We did put corduroy caps on, so the dunes, as far as we're concerned, to protect it. Having owned for many years a beach buggy and used the beach, these people are responsible. They do not go on the grass. That's a no-no. The Village of Southampton is willing to stake the area with reflective tape so vehicles have to go - we respect the home owners there. We know that they have children. There has to be a speed limit. And we recommend that you at least give them the opportunity, because we think you have an obligation for recreation for the tremendous

Spooner
Kehlenbeck

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number of people in the town, at least on a trial basis, maybe for two months. What do we have to lose? If it doesn't work out, I can assure you the Village of Southampton will certainly back off, too. I think we at least owe it to give it a try.

MR. KEHLENBECK: Thomas Kehlenbeck. I'm past President of the Long Island Beach Buggy Association, and presently a Board of Director. We have over 800 conservation-minded families that use the beaches from Montauk in to New York and Brooklyn. We do conservation projects all over the Island, and it is in our Code of Ethics that any of our members, they go out on the beaches with their families, they are family-oriented conservation-minded people, and that is what we do. We do not take to dune-hopping, as you might want to call it, riding on the dunes. In other areas, where it's piping plover and tern nesting, we have gone out, worked with the various groups in fencing off

King

these areas to keep our members out, as well as other people that use the beach. And all we are asking for is to let our members that live in the Town of Southampton use this area of beach on Fowler, and if it doesn't work out, like this gentlemen just said over here, then you have your due respects to take action.

Thank you.

MR. WARNER: Thank you. Anyone else now?

MR. KING: Kelly King, I'm from Hampton Bays. I'm not familiar with the area under question. I only use the beach in the Hampton Bays area. What I would like to speak about and suggest is that whether you choose to allow traffic there or not, that there be proper enforcement. I can tell you I've seen traffic on the Hampton Bays Beach west of the Shinnecock Inlet every month of the year, every day of the week, every time of the day, with perhaps the exception of a

Obermeyer

Saturday or a Sunday weekend in the summer on a beautiful day when you can't get through the people laying on the beach. But every other time, I'm sure it's not allowed every hour of the day every day of the year in that area, if at all. I'm really not familiar with the law there. I would like to see proper enforcement there and the beach under question, no matter which way you rule on this particular question.

MR. OBERMEYER: Riding on the beach, the way it is now, it's families that are here all year round. We all know how it gets in July and August, everywhere, at the A & P, at every intersection. It won't be just the local people on the beach in July and August. Everyone is going to have dune buggies, if they can. Everyone that's renting a house is going to have one. We'll be renting them on the highway. You can get them on the weekend. It is a whole different game than families. The summer is crazy, and it will

go crazy. That's all.

MR. ZACCHERIO: Andrew Zaccherio. I live on Flying Point Beach in the area that's in question, or right next to I guess Flying Point would be the entrance to this beach. And I have dunes and they're constantly being destroyed by trucks and four-wheel vehicles trying to avoid the high water. They come up, they knock down the snow fencing. They trample on the dunes. I don't think we can take this type of chance. I don't think we can experiment with the dunes and allow people to drive where they wish and see what happens, and when they destroy the dunes, it's going to be too late to repair them. I know I've spent the last week trying to repair my snow fencing, and it goes on and on. But people continue to drive up on high-water times to avoid the water and to drive up on the dunes. Thank you.

MR. WARNER: Thank you. Anyone else who has anything to bring before this

hearing?

(There was no response.)

MR. WARNER: Okay. If there's no one else, I move that this public hearing be over for now, but the public hearing will be held open until May 26th until 4:00 P.M. for submission of written comments. Thank you very much, all of you, for attending.

MR. FRANK: I'll second that motion.

MR. WARNER: All in favor.

(Whereupon the hearing was adjourned at 3:35 P.M.)

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JUNE 5, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, JUNE 5, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of May 15, 1989, were read and approved as read.

John Chester, 259 Pine Neck Avenue, Noyac, was present to question his mooring being removed and impounded by the Bay Constables. He was advised that John Andersen will contact him.

John Wourgola read the following resolution: RESOLVED: This Board has considered the comments made at the Public Hearing on May 15, 1989 and has further considered all correspondance submitted in connection with the opening of ocean beaches 1200 ft. east of Fowler Road to vehicular traffic. In view of the fact this area is a public bathing beach and due to the serious safety considerations involved, this Board feels constrained to leave in effect the current regulations with respect to vehicular traffic in this area. A motion was made by Paul Parash, seconded by William Frank and duly carried to pass this resolution.

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Eleanor McDade, Joan Kluglein and Marian Leonard were present. Ms. McDade stated that it is unreasonable to open up any beaches to vehicular traffic. She asked the Board to rethink these laws next year. She said, "No vehicles should be allowed on the beaches". Mr. Warner replied that this Board feels that those persons who enjoy using their vehicles on the beach are entitled to some consideration also.

Ronald Arcate, Attorney, and his brother Robert Arcate, owner of East End Jet Ski and Mariner's Cove Marina were present. They discussed with the Board "safety on the water". They were hoping the Board could make laws limiting the age for operating a boat and for licensing boat operators. Robert Arcate said it is all too obvious that many boat operators are too young and many persons operating boats have no knowledge of how to safely operate them or of the rules of the waterways. He is proposing some type of education program, or mandatory classes of instruction. Mr. Warner stated this would be up to the State, not the Town. Mr. Arcate called attention to the Town ordinance requiring chase boats for commercial Jet Ski operations, stating this had worked out well. Why can't the Town create other ordinances? The Board feels the State Legislature should be contacted. This is not a Town function.

Frank Smith said Jet skis are in danger of being eliminated unless better controlled. Mr. Robert Arcate

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replied that they are running a hard line business with their customers. Any of their customers who do not abide by the laws and regulations are not welcome.

Mr. Arcate also asked if Town laws could incorporate the requirement of life preservers so the Bay Constables could enforce this law. John Wourgola agreed to go over Ordinance 20 with the Arcate brothers for possible improvements.

Attorney Timothy McCulley, with his clients, Mr. and Mrs. Marcel Damielki, were present. They are having further problems with Tom Conklin cutting the road. Edward Warner asked if there were witnesses to Mr. Conklin cutting the road. They replied "yes". There are two. John Wourgola stated the cutting the road was in clear violation of the court order, and the Damielki's will have to take the matter back to the courts.

Fourteen (14) applications for permit were approved.

Three (3) applications for permit were held.

Twenty Eight (28) Mooring Permits were approved.

One (1) Potting Permit was approved.

CORRESPONDANCE: Dave Bofill Marine re: dock built without a permit. An application form will be sent to Mr. Bofill.

Charles A. Guthrie, Regional Fisheries Manager (Acting), New York State DEC re: management of Lake Nowedona, and other fresh water ponds in the Town of Southampton. Mr. Guthrie will be thanked for his suggestions to be taken under consideration.

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Lobster Inn: Press Release announcing winners of logo contest.

Joseph J. Risi to Supervisor Mardythe DiPirro re: problems with rowdy persons at Washington Avenue, Hampton Bays.

Stephen A. Hendrickson, New York State DEC thanking Ed Warner for shellfish transplant report.

Frank Panek, Regional Supervisor of Natural Resources, New York State DEC to Joseph Colao, President, Wildwood Lake Association: Approval for clean up program at Wildwood Lake.

Stephen R. Angel, Attorney representing Thomas and Barbara Monahan re: dock owned by the Hampton Point Association on Dave's Creek. They are requesting the dock permit issued to the Association 30 years ago be rescinded. John Wourgola will reply. The Trustees will not rescind the permit and the Monahans will be reminded that Permit No. 5425 required they move their dock 8 feet, which has not been done to date.

William Luhrs was present to ask about the Monahan dock. Mr. Luhrs said he does not understand why the Monahans are causing such problems. If they would just move their dock the 8 feet, the situation would be resolved.

Bill received from Hampton Press, Inc. for printing of Rules and Regulations in the amount of \$611.90. A motion was made by William Frank, seconded by Paul Parash and

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duly carried to pay this amount from the Trustee's checking account.

Edward Warner reported he had finally contacted the President of the Tiana Shores Association and located a spoil site on the bathing beach. When the letter of approval is received from the Association, DEC permits will be applied for.

Mr. Warner said he received a call from John Guldi about dredging Wells Creek, Hampton Bays. He said the County will not dredge beyond the Town dock. The area most needed in up towards Springville Road.

Mr. Warner said he also had a request for dredging at Penny Pond. He conferred with the Bay Constables who stated it is not needed.

Corinne Motivans of the Nature Conservancy was present to ask for the Trustee's endorsement of the piping plover protection program along the ocean beaches. The Trustees had met last week with Ms. Motivans and are in favor of this program. Ms. Motivans presented maps showing this year's crucial areas. Frank Smith asked that the newspapers make the public aware of the nesting birds. William Bennett said he thinks the program of protection should be started earlier in the year. Ms. Motivans replied that nesting areas vary from year to year, and so until it is known where the birds are nesting, nothing can be done. She asked that the Bay Constables assist in the enforcement.

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Sr. Bay Constable John Andersen joined the meeting. He has obtained prices for an outboard motor for the impounded boat they will be putting into service. A motion was made by William Bennett, seconded by William Frank and duly carried to advertise bids for the outboard.

Mr. Andersen also stated a P.A. System is needed for Marine Unit 7, the only marine unit without one. A motion was made by William Bennett, seconded by William Frank and duly carried to purchase a P.A. System at a cost of \$390.00 from the Trustee's checking account.

John Andersen said that the revisions to Ordinance 20 are urgently needed.

Edward Warner said he has been investigating an oyster transplant from Oyster Pond in Montauk. He was authorized to apply for necessary permits.

William Frank introduced the following resolution:

RESOLVED, that the Town Attorney's office is hereby authorized to investigate the feasibility of commencing an action in New York State Supreme Court against the owners of the Lobster Inn Restaurant to compel removal of that portion of the restaurant building and other structures encroaching on property owned by the Trustees of the Freeholders and Commonalty of the Town of Southampton. The motion was seconded by Frank Smith and passed by a vote of 3 to 2. William Frank, Frank Smith and William Bennett voted yes. Edward Warner and Paul Parash voted no. Paul Parash made a statement for his no vote. He said he feels

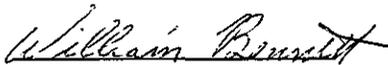
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the exchange of land proposed, 20 ft. for 200 ft., is of more benefit to the Town. Edward Warner said his no vote was also for that reason and in addition he feels legal action will be very costly to the Town.

Bill White, John Burns Mooney would like to meet with the Board to discuss closing off three nightclubs on Dune Road, Neptune Club, Summers Club and Cat Ballou, in order to build a marina in that area. The meeting will be set for June 19th at 11:45 a.m. in the Trustee office.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5507 is issued to PAUL CIANCI, 335 Bay Avenue, East Quogue, to add 32 feet of floating dock to the north side of existing docks, as approved on Permit No. 5248. Dock is to be used for six (6) boats only. Project located off owners property on Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5508 is issued to Douglas R. Penny agent for ELI AND PATRICIA ROUSSO, Wildwood Lane, Quogue, to construct a walkway, 5' x 26', a fixed dock 4' x 73', a ramp 4' x 10' leading to a floating dock, 6' x 20', off owner's property on Quantuck Bay, as per application and survey submitted. Permit No. 3886 issued May 16, 1983 is voided.

PERMIT NO. 5509 is issued to SUFFOLK COUNTY DEPT. OF PUBLIC WORKS to rehabilitate the Quogue bridge by replacing machinery and electrical systems along with repairs to the bridge structure and towers. Also, replace 252 lf of timber bulkhead with 375 lf of coated steel bulkheading and backfilling with 150 cy of fill. Bulkhead replacements will be in same location as existing with longer returns. This permit is issued for three (3) years: expiration date: June 5, 1992.

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PERMIT NO. 5510 is issued to Inter-Science Research Associates, Inc. agent for CHARLES DEWEY, Shinnecock Avenue, Quogue, to construct a dock consisting of a 4' x 35' fixed dock, 4' x 10' ramp, 4' x 20' fixed dock and a 8' x 20' "T" ending fixed dock, and, four (4) mooring pilings off the end of the dock. Project is located off owner's property on the Quogue Canal, as per application and survey submitted.

PERMIT NO. 5511 is issued to En-Consultants, Inc. agent for WILLIAM WHITE and SHERMAN GINSBERG, Harbor Lane, East Quogue, to construct a dock consisting of a 4' x 4' fixed elevated platform; 4' x 20' hinged ramp; and 6' x 20' float secured by (2) 6" x 6" posts. Project is located off owner's property on Little Weesuck Creek, as per application and survey submitted. Permit No. 5471 previously issued is voided.

PERMIT NO. 5512 is issued to Michael Sylvester agent for STEPHEN DECKOFF, 47 Indian Run, East Quogue, to replace within 18" of existing, 100 lf of deteriorated bulkheading located above mean high water and to backfill with 50 cy of clean fill to be trucked in from an upland source. Project located on owner's property on Carter Creek, as per application and survey submitted.

PERMIT NO. 5513 is issued to En-Consultants, Inc. agent for GUIDO & ELIZABETH SCHULER, Hawthorne Road, Southampton, to replace 100 lf of existing timber retaining wall, within 18" of existing, and backfill with 25 cy of clean fill to be trucked in. Rebuild staircase and 10' x 9' deck, landward of bulkhead. To construct 3' x 3' platform and step from bulkhead to beach. Project located on owner's property on Shinnecock Bay, as per application and survey submitted. NOTE: "If any of the retaining wall, platform or step, are located on Shinnecock Beach Road, a Trustee road, and in the future, the public demands the restoration of the road, the construction may have to be removed." Permit No. 5453 previously issued is voided.

PERMIT NO. 5514 is issued to En-Consultants, Inc. agent for JAMES FRANCOLINI, Nautilus Drive, Hampton Bays, to construct a timber dock consisting of a 4' x 120' fixed elevated (3.5' above grade) walkway; 4' x 12' hinged ramp; 6' x 20' float secured by (2) 8" diameter pilings, off owner's property on Shinnecock Bay, as per application and surveys submitted.

PERMIT NO. 5515 is issued to Richard Michna, Quogue Dock Builders, agent for MRS. MAUD N. POLLOCK, 57 North Road, Southampton, to renew Permit No. 5238 for one year.

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PERMIT NO. 5516 is issued to En-Consultants, Inc. agent for OLD HARBOR COLONY PROPERTY OWNER'S ASSOCIATION, INC., P.O. Box 476, Hampton Bays, to maintenance dredge shoals from entrance of lagoon. Two irregular-shaped areas (100+ x 15+) will be removed to depth of 4' below mean low water. Approximately 20 cy of spoil will be placed on adjacent parcel to north west of dredge site. Project located in dug lagoon off Smith's Creek, as per application and survey submitted.

PERMIT NO. 5517 is issued to En-Consultants, Inc. agent for MARGUIRITE GRIFFING, 2 Apaucuck Cove Lane, Westhampton, to dredge a 35' x 75' area within man-made boat slip to depth of 4' below mean low water. Approximately 150 cy of spoil will be removed and placed on adjacent upland of owner. (75 cy estimated from Town waters). Project located in Beaver Dam Creek, as per application and survey submitted.

PERMIT NO. 5518 is issued to Steven L. Maresca agent for DAVID SAWYER, Meadow Lane and Halsey Neck Lane, Southampton, to extend existing dock structure, by adding 20' x 3' dock, 20' x 4' floating dock and 12' x 3' ramp, with four (4) tie off poles. Project is located off owner's property on Taylor Creek, as per application and survey submitted.

PERMIT NO. 5519 is issued to En-Consultants, Inc. agent for RICHARD KASTLEMAN, Inlet Road, Southampton, to construct a timber dock consisting of a 4' x 100' fixed elevated (4' above grade of marsh) walkway; 4' x 14' hinged ramp; 6' x 20' float secured by (2) 8" diameter pilings, off owner's property on Cold Spring Pond, as per application and survey submitted.

PERMIT NO. 5520 is issued to En-Consultants, Inc. agent for GERALDINE WEISS, Heady Creek Lane, Southampton, to renew Permit No. 5256 for one year.

The application of En-Consultants, Inc. agent for Swee Lo O'Reilly continues to be held.

The application of En-Consultants, Inc. agent for Stephen J. Perricone, 57 Shore Road, Westhampton to construct a dock is held.

The application of En-Consultants, Inc. agent for Peter Damone, Quantuck Bay Road, Quogue, is held for consent of other property owners having the use of the right of way.

MOORING PERMITS ISSUED

NO. 89-49 to Peter Baselice, 666 Dune Road, Westhampton Beach: Moriches Bay.

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NO 89-50 to Wesley P. Bradley, 92 Lake Drive, Noyac: Fresh Pond (Herne Oaks)

NO. 89-51 to Anthony J. Cianciotto, 30 Shore Road, Southampton: North Sea Cove.

NO. 89-52 to William C. Coulbourn, 17 Carmel Lane, Hampton Bays: Shinnecock Bay.

NO. 89-53 to William C. Coulbourn, 17 Carmel Lane, Hampton Bays: Shinnecock Bay.

NO. 89-54 to Peter F. Couloumbis, 354 Maple Lane, Sag Harbor: Noyac Creek.

NO. 89-55 to Howard Dunn, Laurel Trail, Noyac: Noyac Creek.

NO. 89-56 to Jerry Faer, 53 Towd Point Road, Southampton: North Sea Harbor.

NO. 89-57 to Nicholas Gagliardo, Oak Grove Road & Lake Drive, Southampton: Fresh Pond (Herne Oaks).

NO. 89-58 to Sam Geraci, Dogwood Street, Sag Harbor: Mill Creek.

NO. 89-59 to John Griffin, 47 Donellan Road, Hampton Bays: Cold Spring Pond.

NO. 89-60 to D. Hickey, 51 Lake Drive, Southampton: Fresh Pond.

NO. 89-61 to Joseph Jabour, 40 Point Road, Westhampton: Moriches Bay.

NO. 89-62 to En-Consultants, Inc. agent for Richard Kastleman, 45 Inlet Road East, Southampton: Cold Spring Pond.

NO. 89-63 to Thomas J. Keane, 35 Bay Avenue, Southampton: North Sea Harbor.

NO. 89-64 to W. Philip Kraft, 68 Far Pond Road, Southampton: Shinnecock Bay.

NO. 89-65 to Chris Massarotti, 85 Middle Pond Road, Southampton: Far Pond.

NO. 89-66 to Wayne Mordes, 18 Foster Avenue, Hampton Bays: Shinnecock Bay.

NO. 89-67 to Dr. Fayek Nakhla, 25 East Point Lane, Hampton Bays: Smith's Creek.

(Continued, June 5, 1989, BOARD OF TRUSTEES)

NO. 89-68 to Bernard Risse, 407M Poplar Street, Noyac, Sag Harbor: Mill Creek.

NO. 89-69 to Michael Santo, 6 Dune Lane, Westhampton Beach: Moriches Bay.

NO. 89-70 to David Sawyer, Halsey Neck and Meadow Lane, Southampton: Bullhead Bay.

NO. 89-71 to Mary B. Snyder, Lenape Road, Shinnecock Hills, Southampton: Shinnecock Bay.

NO. 89-72 to Anthony Vatter, 333 Millstone Brook Road, Southampton: Bullhead Bay.

NO. 89-73 to Bobbiegita c/o Barbara Walker, 48 Inlet Road East, Southampton: Cold Spring Pond.

NO. 89-74 Bernard J. Waters, 29 East Point Lane, Hampton Bays: Smith' Creek.

NO. 89-75 to Heather Hill Worthington, 45 E. Argonne Road, Hampton Bays: Shinnecock Bay.

NO. 89-76 to John Zelano, 460 Old Trail Road, Water Mill: North Sea Harbor.

POTTING PERMIT ISSUED

NO. 1989 to Craig R. Carter, Howell Place, Speonk.

JUNE 19, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, JUNE 19, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of June 5, 1989, were read and approved as read.

Edward Warner reported that the Wildwood Lake Association had their "Clean Up Day" and a lot of debris was removed from the Lake area.

Douglas Penny, Attorney, representing a group of homeowners objecting to the Swee Lo O'Reilly application for a dock at Rampasture Point, was present. He had several concerns about the application, namely the size of the dock proposed, the location and the proposed usage. Edward Warner said soundings had been taken and a 90 ft. dock would give 4 feet of water at the end. Mr. Warner approves of the dock and will request that stairs be built on either side for pass and re-pass. William Bennett stated the number of boats using the dock will be limited.

(Continued, June 19, 1989, Board of Trustees)

Steve Dodge, Rampasture Road, Hampton Bays, questioned the placement of the ramp parallel to the beach. He also cited the 1972 ruling at Roses Grove on passing rights and said a staircase is not practical as it invites accidents. He also talked about a fish trap located north of the proposed dock and stated they could not co-exist.

James Houlihan, a property owner on the other side of the right of way, said a lot of people use the safe sandy beach and increased boat traffic would be a safety hazard to young children. He is also concerned with discharge and spillage from the boats destroying the quality of the beach.

Dr. Gary Boll, Tiana Circle, said the dock would destroy the only nice sandy beach in the area which is used by 40 or 50 people. The dock would be off a vacant parcel of property.

Bill Schacter said the dock would be an eyesore and out of place. He also has sanitation and pollution concerns.

Harold Corcoran, homeowner five homes north of the proposed dock, agrees, and he also objects on grounds of an eyesore and obstruction to navigation.

Mr. Warner stated the decision on this application will be made at the July 3rd meeting of the Board.

Robert Ganz and Dr. Peggy Wurm, homeowners adjacent to the Lobster Inn, were present. They stated they would like a Health Dept. inspection to determine sources of pollution in Cold Spring Pond. They said all the shellfish

(Continued, June 19, 1989, Board of Trustees)

were gone and that garbage being left along the shoreline is a real problem. If a land swap is made, they want a covenant that a parking area will not be created.

William Bennett stated the Conservation Board has requested the Inn map out their septic systems.

John Wourgola said no decision is to be made today. This Board has not received a "concrete proposal". All that has been discussed is a land swap, no additional expansion. This is not in the jurisdiction of the Trustees. As to the violations, if there is a land swap, the only violation against the Lobster Inn that would be removed would be the side yard variance.

Mr. Warner stated the violation against this Board involves a two foot encroachment. The land swap was to be 20 feet for 150 to 200 feet. He feels the whole deal has been blown out of proportion.

Paul Parash said space in marinas is getting exclusionary. The additional property would give the local people a place to launch their boats.

Carol Miller, Inlet Road East, stated there are two ramps in the area now that are not heavily used. There is no need for a third. Mr. Warner said there was no danger of a new ramp being installed as the N.Y.S.D.E.C. would never allow a ramp in that location.

Frank Smith stated that the land swap deal has not been finalized and no ramp was ever suggested. He would like the existing ramps repaved.

(Continued, June 19, 1989, Board of Trustees)

Mary Jane Asato, Attorney for the Lobster Inn, defended her clients by stating they are prime endorsers of pollution control in this area and are greatly concerned about water preservation.

Another neighbor, Lorraine Durgen said that after a heavy rain, the odor in the Inn parking lot is horrendous.

Ms. Asato said at this point, the Tollefsens are talking to many agencies about their violations. They have pre-existing non-conforming uses of the property and they must be careful not to relinquish them when correcting violations. Until legal solutions are reached, nothing can be done.

Thomas Burke, also Attorney for the Lobster Inn, stated that no definite proposal is ready to present to the Trustees. They are waiting for reports from the surveyors.

Gloria Dunn, another area resident, said she has watched the building up of the Lobster Inn over the years and has not been pleased by their operation.

John Wourgola said the Trustees must have a more concrete proposal to act upon.

Mr. Ganz then said this group would like to be considered in the final decision.

The group left the Board with a petition of 44 signatures stating "We the people of the Town of Southampton and Cold Spring Pond area, petition the Southampton Town Trustees to have a public hearing on the matter of the Lobster Inn Land "Deal".

(Continued, June 19, 1989, Board of Trustees)

Sr. Bay Constable Andersen joined the meeting to report that Mecox Bay is high and will be opened.

Mr. Andersen said the dock at Flanders has not been placed as it is in bad shape. He proposes taking five sections from the 10 section Argonne Road dock. Mr. Warner requested he try 3 sections from Argonne Road and use 2 of the older sections for this year.

Also, the Baycrest Avenue dock is in bad shape. William Bennett will get estimates for repairs, a brush jetty and for removal of the sand at the ramp.

Mr. Andersen reported to the Board that the general expense account has been depleted.

Twelve (12) applications for permit were approved.

Two (2) applications for permit were held.

Ten (10) Mooring applications were approved.

CORRESPONDANCE: Charles A. Guthrie, Regional Fisheries Manager, New York State DEC re: stocking Wildwood Lake.

Leonard and Ingrid Hutton re: Rosko Island/Middle Pond Inlet property.

Walter Lane and Roger Kozofsky: Thank you for transplants and extension of the hard clam churning area through the winter months.

William A. Frankenbach, Combined Veterans Organization, Southampton: Invitation to participate in July 4th parade. William Frank will attend.

Gregg Rivara, Cooperative Extension Agent, Marine Program, Cornell Cooperative Extension re: New York

(Continued, June 19, 1989, Board of Trustees)

Aquaculture Development Act.

A bill in the amount of \$294.87 has been submitted by William Fawcett, who hit a submerged buoy at the Shinnecock Inlet and damaged his boat. A motion was made by William Bennett, seconded by William Frank and duly carried to pay this amount from the Trustee's checking account.

A motion was made by Paul Parash, seconded by William Frank and duly carried to pass the following resolution:

RESOLVED, that the Southampton Town Trustees enter into an agreement with the Inc. Village of Southampton to reroute the road along Lake Agawam, in front of the Bathing Corp., subject to approval by the Town Attorney who will draw up the lease.

John Wourgola has an appointment with Mrs. Ritter who is objecting to the dock approved for Sherman Ginsburg and William White on Little Weesuck Creek.

John Wourgola announced a court date for the Conklin vs. Damiecki, Conklin vs. Town Trustees, trial. He requested Mr. Warner and Constable Andersen be present on July 17th at 9:30 a.m.

Paul Parash said people are still unaware of the free parking area available to Village and Town residents. This is the Munns Parking area at Road B and an identification sticker is required, which can be obtained from the Trustee office or the Village office.

(Continued, June 19, 1989, Board of Trustees)

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5521 is issued to En-Consultants, Inc. agent for STEPHEN J. PERRICONE, 57 Shore Road, Westhampton, to construct a timber dock consisting of a 3' x 25' fixed elevated (4' above grade) walkway; 3' x 12' ramp; 6' x 24' float secured by (2) 8" diameter pilings, off owner's property on Moriches Bay, as per application and survey submitted.

PERMIT NO. 5522 is issued to En-Consultants, Inc. agent for RONALD SOLOMON, Sandpiper Court, Westhampton, to replace within 18", 83' existing bulkhead and backfill with 7 cy clean fill to be trucked in from upland source. Project located on owner's property on Moriches Bay, as per application and survey submitted.

PERMIT NO. 5523 is issued to Frederick M. Showers agent for WESTHAMPTON LANDING CONDOMINIUMS, Mitchell Road, Westhampton Beach, to replace 55 lf of existing timber bulkheading on owner's property on Moneybogue Canal, as per application and survey submitted.

PERMIT NO. 5524 is issued to En-Consultants, Inc. agent for STANLEY ZINBERG, Stokes Lane, Remsenburg, to extend Permit No. 5333 for one year from date of expiration, September 7, 1989.

PERMIT NO. 5525 is issued to Al Toscani agent for EDWARD RIDLEY FINCH, JR., 47 Sunsywyck Avenue, Westhampton, to repair approximately 200 lf of existing deteriorating timber bulkheading on owner's property on Quantuck Bay, as per application and survey submitted.

PERMIT NO. 5526 is issued to Glenn E. Just/ J.M.O. Consulting, agent for JOEL J. SILVER, 25 Dune Road, Quogue, to install four (4) 10" x 20' pilings for the purpose of constructing a hydraulic boat lift off owner's property on a basin off the Quogue Canal, as per application and survey submitted.

(Continued, June 19, 1989, Board of Trustees)

PERMIT NO. 5527 is issued to Michael Sylvester agent for NATALIE REDLEAF & FAMILY, 27 Shinnecock Road, East Quogue, to resheath 150 lf of deteriorating bulkheading at 24 and 26 Shinnecock Road, as per application and survey submitted.

PERMIT NO. 5528 is issued to Glenn E. Just/ J.M.O. Consulting, agent for ROBERT E. RIORDAN, Bay View Drive, Quogue, to construct approximately 176 lf of timber bulkheading with a 16' return on either end and to backfill with approximately 50 cy of clean sand to be trucked in from an upland source. Project is located on owner's property on a dug canal off the Quogue Canal, as per application and survey submitted. NOTE: Retaining wall is to be placed above Spartina Alternaflora. Grade of backfill is to be no higher than 8" below retaining wall.

PERMIT NO. 5529 is issued to En-Consultants, Inc. agent for JAMES MAGEE, Seaweed Road, Southampton, to place an 8' x 8' swimming float, secured by (2) mushroom anchors, off owner's property in Davis Creek, as per application and survey submitted. Float is to be removed in winter months.

PERMIT NO. 5530 is issued to En-Consultants, Inc. agent for KAMRAN ELGHANAYAN, Wheaton Way, Mecox, to renew Permit No. 5110 for one year.

PERMIT NO. 5531 is issued to Costello Marine Contracting Corp. agent for JAMES SUOZZO, Noyac Road, Noyac, Sag Harbor, to construct a 4' x 75' timber catwalk (4' above grade of marsh), leading to a 4' x 50' main dock, off owner's property on Paynes Creek, as per application and survey submitted. NO VEGETATION IS TO BE REMOVED FROM THE WETLANDS AREA AS INDICATED ON THE SURVEY.

PERMIT NO. 5532 is issued to En-Consultants, Inc. agent for JOANNE HERMAN, 210 Springville Road, Hampton Bays, to construct a dock to extend a maximum of 135' offshore of MHW and consisting of a catwalk, 100' x 4'; a hinged ramp 12' x 4'; a float 20' x 6' off owner's property on Smith's Creek, as per application and survey submitted. Dock is to be no closer than 10' from the southerly property line.

The application of En-Consultants, Inc. agent for Barry Skolnick, Bay Point Condos, Bay Avenue, East Quogue, was held for an inspection by the Board.

The application of Fred Sassone, 5 Wells Lane, Hampton Bays to dredge is held. Proof that the area has been dredged previously must be produced by the applicant.

MOORING PERMITS ISSUED

NO. 89-77 to Henry L. Hawkins, 229 Shore Road, Southampton: North Sea Harbor

(Continued, June 19, 1989, Board of Trustees)

NO. 89-78 to Jeffrey Hoever, 100 Oceanview Drive, Southampton: Shinnecock Bay.

NO. 89-79 to Edward C. Jablonsky, Crescent Street, Sag Harbor: Staff Payne's Creek.

NO. 89-80 to Eric D. Jonassen, 773 Maple Lane, Noyac: Noyac Creek.

NO. 89-81 to Carl W. Kloss, Jr., 7 West Neck Circle, Southampton: Bullhead Bay.

NO. 89-82 to James Loesch, 237A Oak Road, Noyac: Mill Creek.

NO. 89-83 to Otilie Kovacek, R.R.2, Box 259, Sag Harbor: Upper Sag Harbor Cove.

NO. 89-84 to John Anthony Smith, 70 Library Avenue, Westhampton Beach: Shinnecock Bay.

NO. 89-85 to Anthony Tadduni, 245 Pine Road, Noyac: Mill Creek.

NO. 89-86 to Westhampton Yacht Squadron Ltd., New St. & Shore Road, Remsenburg: Moriches Bay (15 moorings)

NO. 89-87 to Jon Semlear, 301 Pine Neck Avenue, Sag Harbor: Mill Creek (horseshoe crab holding pen).

JULY 3, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, JULY 3, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, Paul W. Parash and William T. Frank, and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of June 19, 1989, were read amended, and approved as amended.

Mr. Warner reported that the dock at Flanders has been installed.

William Frank reported the brush jetty has been installed at Baycrest Avenue, Westhampton, and the Highway Dept. has removed the sand.

Steve Dodge, Hampton Bays, was present in regard to the Swee Lo O'Reilly application. He was advised that En-Consultants will be submitting an amended application so no action is to be taken today.

Councilwoman Patricia Neumann inquired about Mecox Inlet being open. She was informed it will be closed on Thursday .

Roy Haje and his client, Lowell Harwood, were present regarding Mr. Harwood's applications. They will be approved today.

(Continued, July 3, 1989, BOARD OF TRUSTEES)

Dr. Harrison Allen and Donald Broadwell presented the Board with a petition to dredge Noyac Creek to the easterly end of Noyac Harbor. A motion was made by William Frank, seconded by Paul Parash and duly carried to request the County do the project.

Three applications for permit were approved.

Forty Six (46) applications for Mooring Permits were approved.

One (1) application for a Potting Permit was approved.

CORRESPONDANCE: Nature Conservancy: Invitation to Sixth Annual Benefit Dinner Dance to be held on August 5th at the Mashomack Preserve, Shelter Island.

L.I. Bassmasters, Inc. re: preservation of Peconic River corridor.

George Larsen, Park Manager, East End, N.Y.S. Office of Parks, Recreation and Historic Preservation re: request by Mr. Warner for an oyster transplant from Oyster Pond in Montauk.

New York State Dept. of Environmental Conservation: Notice of freshwater wetlands hearing on Tuesday, July 18, 1989 in the Town Board Room. John Wourgola will attend this meeting on behalf of the Town and the Trustees.

Kenneth H. Thommen, Town Clerk: Resolution of Town Board for Maritime Records Clerk for Board of Trustees.

Daniel H. Fricke, Cooperative Extension Agent, Cornell Co-operative Extension- SeaGrant Program. The County has made drastic budget cuts which will imperil the workings

(Continued, July 3, 1989, BOARD OF TRUSTEES)

of the SeaGrant Program. A letter will be sent to Suffolk County Executive Halpin, urging he reconsider these budget cuts. Services to this Board such as oyster sampling at Mecox, the spawner clam farms in Quantuck and Shinnecock Bays, and the many informative seminars given by the SeaGrant Program, will be cited.

Romana Drive Association: Petition for the dredging of the Romana Drive lagoon. Acknowledgment will be sent, stating the Board is still waiting for a letter from the Association President, approving the use of the spoil area.

Southampton Town Parks & Recreation Dept.: Notice that all keys to outer doors of Town Hall will be changed soon and new keys must be picked up at their office.

Councilperson Marietta Seaman re: 4-Wheel Drive complaints on Squires Pond in Hampton Bays. This was turned over to Sr. Bay Constable Andersen.

Edward Warner requested a letter of thanks be sent to the Group for the South Fork for their donation of money for the purchase of 11,000 escallops for transplant in Town waters, from the Shinnecock Oyster Project.

Paul Parash asked if the contractors doing dredging work for the Board have proper insurance. It was agreed that James H. Rambo, Inc. and Diversified Services will be requested to submit certificates of insurance to be kept on file.

Long Island Lighting Company: Easement for underground electric service to building on property on Raymond Ogren,

(Continued, July 3, 1989, BOARD OF TRUSTEES)

Noyack Path, Southampton. A motion was made by William Frank, seconded by Paul Parash and duly carried authorizing Board President Warner sign this easement.

At 2 p.m. bids were opened for one (1) 1989 150 H.P. V-6 Outboard Motor. Bids received were as follows:

Peerless Marine Center, Inc.

1989 Johnson \$5,750.00

Raynor & Mitchell Marine, Inc.

1989 Johnson \$6,405.00

A motion was made by William Frank, seconded by Frank Smith and duly carried to accept the bid of Peerless Marine, Inc., as low bidder, subject to approval of the specifications by Sr. Bay Constable Andersen.

A motion was made by Paul Parash, seconded by Frank Smith and duly carried to pass the following resolution:

WHEREAS, prior to 1986, many mooring permits were issued by the Town Trustees.

WHEREAS, many of these permits had no expiration date.

WHEREAS, subsequent to the aforementioned date, the Trustees have enacted comprehensive regulations for issuance of mooring permits, and

WHEREAS, said regulations provide for, among other things, expiration of permits after three years, and

WHEREAS, it was the intention of the Trustees in enacting the regulations, to require that all existing mooring permits be renewed under the current regulation.

In furtherance of the foregoing, be it,

(Continued, July 3, 1989, BOARD OF TRUSTEES)

RESOLVED, that all mooring permits issued prior to 1986 be cancelled in accordance with the terms of those permits;

And be it further,

RESOLVED, that those permit holders shall be required to make application for a new mooring permit and pay the appropriate fee, within 30 days from date hereof.

A motion was made by William Frank, seconded by Paul Parash and duly carried to transfer \$10,000 from the Trustees checking account to the Money Market Account at Bank of the Hamptons.

John Andersen joined the meeting. A motion was made by William Frank, seconded by Paul Parash and duly carried to allow Mr. Andersen purchase the following equipment needed for the department: CB Radio for new maintenance vehicle, Two (2) Manual typewriters for Bay Constables, lumber to build two (2) new docks. The two new docks would be added to two 4' x 12' sections which had been impounded some years ago, to make a dock at the Little Neck Road ramp.

Mr. Andersen stated he checked on a complaint about the Corwin Lane and found the only problem to be shallow water at low tide.

In response to a complaint from Mrs. Bricker, Constable Andersen checked on the docks at Rovina Marina. He spoke to the owner, James Francolini, who promised to correct a violation by moving a finger dock.

Mr. Andersen reported the Peconic Road ramp cement slab needs to be refurbished and could use two additional slabs. He was authorized to get prices.

(Continued, July 3, 1989, BOARD OF TRUSTEES)

Also, the trailer for Marine Unit 4 needs some parts replaced, and the motor on the Privateer Patrol Boat needs repairs. Mr. Andersen will get estimates on these jobs.

There was discussion on what can be done about complaints of parking on the Conscience Point ramp area by customers of the adjoining Inn. No definite conclusions were reached.

It was reported that Unit 784's vehicle was broken in to and an attempt to take the radio was made. No damage was done.

Two over 45 mph speed limit on Town waters summons' have been issued by the Bay Constable and one disorderly conduct arrest was made.

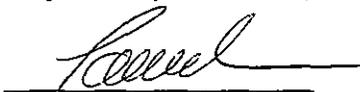
A motion was made by Paul Parash, seconded by William Frank and duly carried to pass the following resolution:

RESOLVED, that Ruggs Path, Noyac, be added to the list of roads to be turned over to the Town Council between May 15th and September 15th, 1989, for the purpose of allowing the Southampton Town Police Department to enforce Town laws, codes and regulations on said roads.

Frank Smith would like a change to the signs at the Town ramps changed to read not only "motors off when loading" but "unloading". He has observed damage being done by persons using their motors when unloading their boats. John Andersen agreed and will take care of having the signs changed.

The meeting on motion was adjourned.

Respectfully submitted,



Paul W. Parash
Acting Secretary

PERMITS ISSUED

PERMIT NO. 5533 is issued to En-Consultants, Inc. agent for LOWELL HARWOOD, Beach Road, Southampton, to install an 8' x 20' float secured by (2) 8" diameter pilings, off owner's property on Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5534 is issued to En-Consultants, Inc. agent for RAYMOND GLYNN, 143 Cold Spring Point Road, Southampton, to construct a timber dock consisting of a 3' x 25' fixed elevated (4' above grade) walkway; 3' x 12' hinged ramp; 8' x 16' float secured by (2) 8" diameter pilings, off owner's property on Cold Spring Bay Inlet, as per application and survey submitted.

PERMIT NO. 5535 is issued to En-Consultants, Inc. agent for LYNN PACKARD, Flying Point Road, Southampton, to construct a timber dock consisting of a 4' x 50' fixed elevated (3.5') pier with inclined landward end, off owner's property on Mecox Bay, as per application and survey submitted.

MOORING PERMITS ISSUED

PERMIT NO. 89-89 is issued to BERTEL BRUUN, M.D., 59 Shore Road, Westhampton: in Moriches Bay.

PERMIT NO. 89-90 is issued to ARTHUR BUSIELLO, Bayview Drive, Sag Harbor: Sag Harbor Cove.er Kohnken.

PERMIT NO. 89-91 is issued to CHRIS CAFIERO, Stony Hill Road, Sag Harbor:Sag Harbor Cove.

PERMIT NO. 89-92 is issued to ANTHONY CHRISTON, 608A Dune Road, Westhampton: Moriches Bay

PERMIT NO. T-89-93 is issued to FRANK CUNNINGHAM, Pine Tree Avenue and Noyac Road, Sag Harbor: North Sea Harbor.

PERMIT NO. 89-94 is issued to ARTHUR L. DANN, 5 Woodcock Lane, Remsenburg: Speonk River.

(Continued, July 3, 1989, BOARD OF TRUSTEES)

PERMIT NO. 89-95 is issued to MERLE DEBUSKEY, 774 Dune Road, Westhampton Beach: Moriches Bay.

PERMIT NO. 89-96 is issued to PETER DEL COL, 301 Dune Road, Westhampton Beach: Moriches Bay.

PERMIT NO. 89-97 is issued to DONALD G. DENIHAN, 286 Dune Road, Westhampton Beach: Moriches Bay.

PERMIT NO. 89-98 is issued to STANLEY DEUTSCH, 9 Higbee Road, Hampton Bays; Shinnecock Bay.
\$75.00 fee paid.

PERMIT NO. 89-99 is issued to JEFFERY DOREMUS, 712 Dune Road, Westhampton; Moriches Bay.

PERMIT NO. T89-100 is issued to JAMES H. GEER, 409 Dune Road, Westhampton Beach; Moriches Bay.

PERMIT NO. 89-101 is issued to JACK GORA, 302 Dune Road, Westhampton Beach: Moriches Bay.

PERMIT NO. 89-102 is issued to WALTER GUMERSELL, 12 Cold Spring Court, Southampton: Cold Spring Pond.

PERMIT NO. 89-103 is issued to MURRAY HABER, Cross Road, Remsenburg: Moriches Bay.

PERMIT NO. 89-104 is issued to MURRAY HABER, Cross Road, Remsenburg: Moriches Bay.

PERMIT NO. 89-105 is issued to LOWELL R. HARWOOD, Beach Road, Southampton: Shinnecock Bay.

PERMIT NO. T89-106 is issued to SCOTT JOHNSTON, 117 Harbor Road, Westhampton Beach: Moriches Bay.

PERMIT NO. 89-107 is issued to ROSE LA ROSA, 108 Reeves Bay Trail, Flanders: Reeves Bay.

PERMIT NO. 89-108 is issued to PETER S. LO, 40 Eisenhower Drive, East Quogue: Cold Spring Pond.

PERMIT NO. T89-109 is issued to ALICE MALLOY, 332 Dune Road, Westhampton: Moriches Bay.

PERMIT NO. T89-110 is issued to PAUL W. MANTINI, 496 Dune Road, Westhampton Beach: Moriches Bay.

PERMIT NO. 89-111 is issued to JACQUES H. MARCHAL, 61 Shore Road, Westhampton: Moriches Bay.

PERMIT NO. 89-112 is issued to BRIAN McGRATH, Montauk Highway, Bridgehampton: Noyac Creek.

(Continued, July 3, 1989, BOARD OF TRUSTEES)

PERMIT NO. 89-113 is issued to STANDISH F. MEDINA, Apaucuck Point Lane, Westhampton: Beaver Dam Cove.

PERMIT NO. 89-114 is issued to STANDISH F. MEDINA, JR., Westhampton: Moriches Bay.

PERMIT NO. 89-115 is issued to JOHN C. MERRITT, 33 Point Road, Westhampton Beach: Moriches Bay.

PERMIT NO. 89-116 is issued to JOHN C. MERRITT, 33 Point Road, Westhampton Beach: Moriches Bay.

PERMIT NO. 89-117 is issued to SIDNEY J. MILLER, 644 Dune Road, Westhampton Beach: Moriches Bay.

PERMIT NO. 89-118 is issued to MARK MONTGOMERY, 65A Lynn Avenue, Hampton Bays: Shinnecock Bay.

PERMIT NO. 89-119 is issued to RAYMOND J. MULVANEY, 565 Montauk Highway, Southampton: Cold Spring Pond.

PERMIT NO. T89-120 is issued to JENNIFER & GARY OLSEN, 12 Cold Spring Court, Southampton: Cold Spring Pond.

PERMIT NO. 89-121 is issued to H. W. OPPENHEIMER, Hawthorne Road, Southampton: Shinnecock Bay.

PERMIT NO. 89-122 is issued to JAMES E. PAULSON, 53 W. Tiana Road, Hampton Bays: Middle Pond.

PERMIT NO. 89-123 is issued to DALE L. PETRUSKA, 346 Flanders Road, Flanders: Red Creek Pond.

PERMIT NO. 89-124 is issued to JONATHAN PIEL, Westhampton: Moriches Bay.

PERMIT NO. 89-125 is issued to EUGENE V. PIZZO, East Drive, North Haven, Sag Harbor: Genet Creek.

PERMIT NO. 89-126 is issued to ROBERT PUTUKIAN, 18 Ludlow Lane, Hampton Bays: Smith's Creek.

PERMIT NO. 89-127 is issued to ELLIOT SEALOVE, 2 Duckwood Lane, Hampton Bays: Red Creek Pond.

PERMIT NO. 89-128 is issued to ANGELO SICURANZA, 101 Little Neck Road, Southampton: Middle Pond.

PERMIT NO. T89-129 is issued to ROY K. YEAGER, Cedar and Atterbury Roads, Shinnecock Hills, Southampton: Shinnecock Bay.

PERMIT NO. 89-130 is issued to WILLIAM VON ELM, Edgemere Drive, Southampton: Wooley Pond.

(Continued, July 3, 1989, BOARD OF TRUSTEES)

PERMIT NO. 89-131 is issued to MALCOLM YORKSTON, 49
Fanning Avenue, Hampton Bays: Red Creek Pond.

PERMIT NO. 89-132 is issued to DWIGHT E. ZELLER, 624 Dune
Road, Westhampton Beach: Moriches Bay.

PERMIT NO. T89-133 is issued to MARCO FILA, Georgian Lane,
Water Mill: Mecox Bay.

JULY 17, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, JULY 17, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, and Deputy Town Attorney Michael Walsh.

The minutes of the meeting of July 3, 1989, were read and approved as read.

Donald Allen, Towd Point, was present to express his opinion on the dredging project at North Sea Harbor. He feels the dredging being done is unnecessary. He said the tides do a good scouring job, keeping the channel at a good depth. Also the dredge being used is too small to do a good job. This is a waste of funds.

Allen Levine, Rose Hill Road, Water Mill, was present to complain about jet skis and seaplanes at Hayground Cove. He would like a Bay Constable in the area on weekends to observe the violations. Also, the 5 MPH sign at the Cove is missing. He said the violations were being committed by persons who reside on the cove.

Phil Tocci, bayman, requested that Moriches Bay be opened to towing of the rakes. William Bennett said he does not favor opening any additional areas. If Moriches

(Continued, July 17, 1989, BOARD OF TRUSTEES)

Bay were opened, he would recommend closing the other towing areas. Edward Warner stated that if more baymen supported the proposal, it might be considered in the future.

Mr. Levine questioned if a fisherman with nets is allowed in Hayground Cove. He was advised it is legal.

Mr. Warner welcomed Tina Van Zile who has joined the department as the new Maritime Records Clerk.

A motion was made by William Bennett, seconded by William Frank and duly carried to pass the following resolutions:

RESOLVED, that Tina Van Zile is hired to the position of Maritime Records Clerk in the office of the Southampton Town Trustees, effective July 17, 1989, at entry level, Grade 4, \$12.36 per hour. This is a provisional appointment subject to taking the Civil Service Test for Maritime Records Clerk.

RESOLVED, that \$11,786.84 be paid from the Trustees Special Accounts to the Southampton Town Board, to cover the position of Maritime Records Clerk from July 17, 1989 through December 31, 1989.

Seven (7) applications for permit were approved.

Eighteen (18) Mooring Permits were approved.

One (1) Potting Permit was approved.

Steve Frano, Ordinance Inspector, Southampton Town Police Dept. came before the Board regarding a problem at Dolphin Lane. He stated tickets had been issued to

(Continued, July 17, 1989, BOARD OF TRUSTEES)

persons parking along the road who were violating the "Residents only" signs. On checking the Town Code, it was found there is no ordinance covering this parking regulation. Attorney Mike Walsh said proper legislation can be passed at the next Town Board meeting. After some discussion, it was agreed some careful thought should be given on this subject before any laws are passed. Mr. Warner will meet with the Town Attorneys and Mr. Frano.

Sr. Bay Constable Andersen joined the meeting. When questioned about the problems at Hayground Cove, he stated the sign was torn down and will be replaced. He is aware of the problems, but has been unable to be on the scene at the "right" time.

Mr. Andersen requested \$150.00 to pay for 1- CB Radio, including antenna for the new vehicle. A motion was made by Paul Parash, seconded by William Bennett and duly carried approved this expenditure.

In regard to the Peconic Road ramp, James H. Rambo, Inc. has suggested the forms be made by a local cement company, delivered to the site, where Rambo would do the installation. Mr. Andersen is to get prices.

A motion was made by Paul Parash, seconded by William Frank and duly carried approving the expenditure of \$82.02 for a new tongue for the boat trailer.

A motion was made by William Frank, seconded by Paul Parash and duly carried authorizing the purchase of two (2) reconditioned IBM typewriters @\$449.00 each for use by the Bay Constables.

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Mr. Andersen reported that recent repairs to Marine Unit 3 cost \$227.00.

The Rovina Marina violations have been corrected.

Chief Overton of the Southampton Town Police Dept. has requested two patrol boats, each manned by two Bay Constables, to patrol off Meschutt Beach on July 29th, should the Town Board approve the fireworks display proposed by the Tollefsens. He would like the boats to remain patrolling for two hours after the display has been completed to insure the safety of the boaters in the area. It was noted that there are no extra funds for overtime in the Trustees accounts. A motion was made by William Bennett, seconded by William Frank and duly carried to pass the following resolution:

RESOLVED, pursuant to the issuance of a permit for a fireworks display to the Tollefsens on July 29th by the Town Board, the Town Board be requested to reimburse the Board of Trustees for the overtime required to patrol off Meschutt Beach.

Allyn Jackson, Director of Parks & Recreation, has requested a patrol boat for the Windsurfing Regatta to be held off Long Beach on Saturday, August 12th, between 5 p.m. and 8 p.m. Again, funds for overtime were questioned. It is the feeling of the Board that the private individual sponsoring the contest should pay the Bay Constable's time. Insurance was discussed. Also, Mr. Warner feels a permit from the Trustees is required.

(Continued, July 17, 1989, BOARD OF TRUSTEES)

Mr. Andersen stated that at the complaint of John Battaglia, speed limit signs and channel whips had been placed at Reeves Bay. The sign was gone in one day and will not be replaced as it costs \$150.00. The Bay Constables will patrol and will issue summons to violators of the speed limit.

Reported was a deep hole at the entrance of Birch Creek Road, Flanders. John Andersen will contact Deputy Highway Superintendent, Barry Cain, to request the Highway Dept. repair the hole.

A Mr. Stern complained to Constable Andersen about "No trespassing" signs placed by the Bridgehampton Bath & Tennis Club. He said he knows the laws of pass and re-pass, but he objects to the signs.

A motion was made by William Bennett, seconded by William Frank and duly carried, authorizing the purchase of materials to repair the Mill Creek dock.

Sagg Pond is high and must be opened. Also, Mecox Inlet will have to be opened soon.

John Andersen was requested to take photos of the Omabegho/Gullo dock at Towd Point.

Mr. Andersen reported problems at Bayberry Land, with fires on the beach, etc. Mr. Warner suggests the property be surveyed by the owners. Then the location of the Trustee road can be established for enforcement.

Mr. Andersen requested the Trustees review the present laws pertaining to vehicles on the beaches.

(Continued, July 17, 1989, BOARD OF TRUSTEES)

CORRESPONDANCE: James H. Rambo, Inc.: Certificate of liability insurance.

Bruce Anderson, Environmentalist II, Town of Southampton to N.Y.S.D.E.C. re: application of Herbert Mandel, Flanders.

John J. Bennett, Town Attorney, to Governor Mario Cuomo re: Senate Bill 2801 Amendment to Section 2- Navigation Law to include Counties of Nassau and Suffolk.

Chalmers Hardenbergh re: Peace and quiet at Quantuck Bay. Mr. Hardenbergh commended Bay Constable Sadleir for enforcing the speed limits for waterskiers and speedboats.

Gilbert S. Foster, Chairman, Southampton Town Conservation Board: Rainfall report for May.

Daniel Patrick Moynihan, United States Senate to Kenneth H. Thommen re: Shinnecock Inlet dredging.

Supervisor Mardythe DiPirro to Joseph J. Risi re: problems at Corwin Lane and Washington Drive, Hampton Bays. This has been referred to the Bay Constables.

Intercontinental Philtelics Inc. to Thomas Thorsen, Director of Natural Resources, Town of Southampton re: Freshwater Wetlands Permit-Application 51-Stuckart Development.

John Sartorius, Commodore of the Shinnecock Yacht Club has requested that the new two year lease, which expires May 1990, be extended for one year. The Board prefers to leave the lease as is. A new lease will be discussed the first part of 1990.

(Continued, July 17, 1989, BOARD OF TRUSTEES)

William Bennett will get estimates to repair the Bay Avenue, Eastport dock.

Edward Warner stated the County wants Sagg Inlet open, but the Nature Conservancy has the area fenced off for protection of nesting birds. Due to yesterdays heavy rains, the bird nesting area is now under water. Also, complaints have received of flooded basements, roads, etc. A motion was made by Paul Parash, seconded by William Frank and duly carried to have Clifford Foster open Sagg Inlet. Mr. Lifford of the Suffolk County Dept. of Public Works will be advised.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5536 is issued to En-Consultants, Inc. agent for DAVID SIROTA, 220 Dune Road, Westhampton Beach, to dredge an existing 15' x 20' boatslip to 4' below MLW. Approximately 10 cy of spoil will be removed and placed on adjacent upland behind bulkheads. Project is located on owner's property off Moneybogue Bay, as per application and survey submitted.

PERMIT NO. 5537 is issued to En-Consultants, Inc. agent for RUBIN BEGLEITER, r.o.w. off Jagger Lane, Westhampton, to replace within 18", 137 lf of existing timber bulkheading and to backfill with 10 cy of clean fill to be trucked in from upland source. Project located on owner's property on Moriches Bay, as per application and survey submitted.

PERMIT NO. 5538 is issued to En-Consultants, Inc. agent for BARRY SKOLNICK, Bay Point Condos, Bay Avenue, East

(Continued, July 17, 1989, BOARD OF TRUSTEES)

Quogue, to maintenance dredge 10' x 20' slip to 4' below MLW. Approximately 10 cy of spoil will be removed and placed behind bulkhead. Project is located off owner's property on Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5539 is issued to En-Consultants, Inc. agent for STUART GOLDSTEIN, S. Ferry Road, North Haven, to install two (2) tie off poles off existing dock off owner's property on lower Sag Harbor Cove, as per application and survey submitted.

PERMIT NO. 5540 is issued to En-Consultants, Inc. agent for MAXINE MILLER AND JOHN CANNISTRACI, Phillips Lane, Southampton, to construct a timber upland walkway and dock consisting of a 4' x 80' fixed elevated (4' over grade of marsh area only) walkway; 4' x 12' hinged ramp; 6' x 16' float secured by two (2) 8" diameter pilings, on and off owner's property on Far Pond, as per application and survey submitted.

PERMIT NO. 5541 is issued to En-Consultants, Inc. agent for HARVEY BROOKS, Morris Cove Lane, Sag Harbor, to construct an irregular shaped upland walkway approximately 4' x 240' (4' above grade), leading to a 4' x 18' fixed elevated (4' above grade of marsh) dock; 4' x 12' hinged ramp; 6' x 18' float, secured by two (2) 8" diameter piles. 6' x 18' float is to be installed parallel to the shore line. Project is located on and off owner's property on a canal off Sag Harbor Cove, as per application and survey submitted.

PERMIT NO. 5542 is issued to Richard T. Haefeli, Esq. agent for SHEILA ROSENBLATT and MARY HURLEY, e/s Rogers Lane, Remsenburg, to install a 20' x 6' floating dock and a 3' x 6' ramp, off property on a dug canal off Moriches Bay, as per application and survey.

MOORING PERMITS ISSUED

PERMIT NO. 89-134 is issued to MICHAEL ALHANTI, 642 Dune Road, Westhampton: in Moriches Bay.

PERMIT NO. 89-135 is issued to JOHN AURILIA, 8 Lands End Lane, Southampton: in Cold Spring Pond.

PERMIT NO. 89-136 is issued to JOSH BELURY, 81 Hillcrest Avenue, Southampton: in North Sea.

PERMIT NO. 89-137 is issued to JOSEPH O. BRUSCO, 304 Dune Road, Westhampton Beach: in Moriches Bay.

PERMIT NO. 89-138 is issued to JOHN DICANIO, 20 Cold Spring Court, Southampton: in Cold Spring Pond.

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PERMIT NO. 89-139 is issued to STANLEY EPSTEIN, 437 Dune Road, Westhampton Beach: in Pond Point.

PERMIT NO. 89-140 is issued to VICENT A. GUARINO, 24 Harbor Road, Westhampton Beach: in Pond Point.

PERMIT NO. 89-141 is issued to DONALD GREENE, 3 Sandpiper Court, Westhampton: in Moriches Bay.

PERMIT NO. T89-142 is issued to RICHARD HARRITON, 42 Shinnecock Road, East Quogue: in Shinnecock Bay.

PERMIT NO. 89-143 is issued to PETER IMPERIALE, 344 West Neck Road, Southampton: in Bullhead Bay.

PERMIT NO. T89-144 is issued to ROBERT P. MEYER, Shore Road, Southampton,: in North Sea Harbor.

PERMIT NO. 89-145 is issued to EUGENE C. PACELLI, 539 Noyac Road, Southampton: in North Sea Harbor.

PERMIT NO. T89-146 is issued to MARK PETERS, 139 Point Road, Westhampton: in Moriches Bay at Point Road.

PERMIT NO. 89-147 is issued to HENRY PLEMPER, 15 Pawuee Street, Hampton Bays: in Shinnecock Bay.

PERMIT NO. T89-148 is issued to ERIC M. RUTTENBERG, Meadow Lane Ns, Southampton: in Bullhead Bay.

PERMIT NO. T89-149 is issued to ERIC SARETSKY, 16 Cove Lane, Westhampton Beach: in Moriches Bay

PERMIT NO. T89-150 is issued to RICHARD P. SCHEURER, 75 Squiretown Road, Hampton Bays: in Red Creek.

PERMIT NO. 89-151 VOID.

PERMIT NO. 89-152 is issued to BARBARA E. SLATIN, 105 Towd Point Road, Southampton: in Davis Creek.

POT PERMIT ISSUED

PERMIT NO. 2189 is issued to DAVID S. KROUSE, Montauk Highway, Westhampton.

AUGUST 7, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, AUGUST 7, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, Paul W. Parash and William T. Frank.

The minutes of the meeting of July 17, 1989, were read and approved as read.

A motion was made by William Frank, seconded by Paul Parash and duly carried, approving the estimate of Henry McCavanagh for repairs to the Eastport dock in the amount of \$650.00.

Edward Warner reported that Birch Creek Road has been repaired by the Highway Dept.

Richard Schoemmel was present regarding the application of the Bullhead Yacht Club for repairs to their docks. He was told the application will be approved today.

A motion was made by William Bennett, seconded by Frank Smith and duly carried to change the September 4th meeting to September 6th, due to the Labor Day Holiday.

Mr. and Mrs. Faer were present to question the Omabegho/Gullo dock problem. Mr. Frank informed them the courts have made no decision to date. Mr. Faer said he understood an injunction had been given that the dock was not to be used, but this weekend a boat was at the dock.

(Continued, August 7, 1989, BOARD OF TRUSTEES)

George Stamatiades of the Long Neck Royal Canal Association was present to complain about jet skis launching off the end of Long Neck Blvd., raising havoc with the bathers and boats in the area. Mr. Warner told him of the law on the books prohibiting the launching of jet skis unless there is a ramp. Frank Smith stated that jet skis can not travel over 5 MPH within 500 ft. of the shoreline. A motion was made by Frank Smith, seconded by William Bennett and duly carried to place a sign at the end of Long Neck Blvd. stating jet skis cannot be launched.

Mr. Stamatiades also questioned the dredging of the channels to the Royal and Sylvan Canals, stating these projects had been dropped by the County several years ago, supposedly due to lack of funds. Mr. Warner stated another factor was that these are "private canals".

Fourteen (14) applications for permit were approved.

Six (6) applications for permit were held.

Thirty (30) Mooring Permits were approved.

Two (2) Pot Permits were approved.

A motion was made by William Frank, seconded by William Bennett and duly carried to no longer accept any applications for permit unless they are submitted complete, including all fees due.

Sr. Bay Constable Andersen joined the meeting. He was told about the need for a sign at Long Neck Blvd.

Mr. Andersen reported the new pick up was involved in an accident and he had estimates for repairs as follows:

(Continued, August 7, 1989, BOARD OF TRUSTEES)

Mid Hampton Collision, Inc.	\$1,336.93
Otis Ford Auto Body	\$1,559.28
Village Auto Body, Inc.	\$1,246.20
Corwith's Auto Body	\$1,425.10

A motion was made by Paul Parash, seconded by William Frank and duly carried to accept the estimate of Village Auto Body, Inc. This work is to be paid from the Trustee's checking account.

There was discussion on a complaint of a dock placed on the wrong property. Mr. Wourgola has been asked to handle this matter.

Mr. Andersen reported Sagg Pond and Mecox Inlet have both been opened.

There are several derelict wooden boats which need to be disposed of. John Andersen will check with George's Sanitation for prices for disposal.

Mr. Andersen stated he has been unsuccessfully trying to contact the Clam Farm regarding the seed clam order.

Albert Francis, Hampton Bays, came to the Trustee office with several violation complaints. Mr. Andersen has been unable to reach Mr. Francis to discuss them.

John Andersen requested the Trustees consider changing the proposed budget to given the old vehicle to the Police Dept. rather than trading it in. Mr. Warner does not agree.

The Mill Creek dock is being worked on and should be open to the public soon.

(Continued, August 7, 1989, BOARD OF TRUSTEES)

Mrs. Faer questioned John Andersen on the Omabegho/Gullo dock. She was shown the photos which he had taken. She stated that Mr. Wourgola has the new survey.

A newspaper article entitled "State Aims to Cut Time For Wetlands Permit Review", taken from the August 3rd issue of Newsday, was read. Fees for wetlands permits are to be raised considerably, with the increased revenues going to increasing the size of the staff that monitors the state wetlands program.

CORRESPONDANCE: Gerald A. Axelrod re: Property at the south end of Tuthill Lane. This letter will be turned over to the Town Council with a copy to David Emilita, Town Planner.

Joseph F. Vella re: placement of ramp permits. Mr. Vella suggests that the permit would be better placed on the boat trailer instead of the vehicle. A reply will be sent that the majority of the Board approved the permits. It is a new system and may have some problems which can be adjusted in the future.

Mr. John Sartorious, Jr., Commodore, Shinnecock Yacht Club, enclosing checks as follows: \$200.00 for rent from May 1, 1989 to April 30, 1990. \$75.00 for rent from May 1, 1988 to April 30, 1989. Previous sum of \$125.00 had been paid. \$100.00 contribution to the Trustees seed clam projects. A thank you will be sent to the Shinnecock Yacht Club for their generous donation to the shellfish program.

(Continued, August 7, 1989, BOARD OF TRUSTEES)

Suffolk County Executive Patrick Halpin in response to Mr. Warner's letter re: budget cuts for the Suffolk County Cooperative Extension Association. A copy of the letter will be sent to Dan Fricke, Cooperative Extension.

Report and photos taken by Sr. Bay Constable Andersen of the Omabegho/Gullo dock.

Roy L. Haje, En-Consultants, Inc. re: proposals of Herbert Mandel, Flanders.

Kenneth H. Thommen, Town Clerk: Resolution of Town Board hiring Tina Van Zile to the position of Maritime Records Clerk.

Kenneth H. Thommen, Town Clerk: Resolution of Town Board re: Rules and Regulations for operation of the Shinnecock Commercial Fishing Dock, and the Trustee Basin at Road "H".

Cornell Cooperative Extension: Program for the 1989 Save The Bays Workshop to be held on August 17th at Suffolk Community College at Selden. Paul Parash will attend this session.

Peter Harmantas, the President of the Romana Drive Association, has advised that he has a letter prepared, approving a spoil area for the Romana Creek dredging. He cannot release it until the Association meets on the 12th of August.

Discussed was the Heady Creek/Taylor Creek agreement which expires on October 15th. It was agreed the agreement will be renewed. This is to be done at a September meeting.

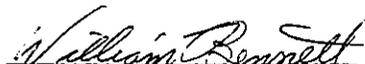
(Continued, August 7, 1989, BOARD OF TRUSTEES)

Paul Parash discussed an inspection he made at Landing Road at the head of Heady Creek. The complaintant's bulkhead is being washed out by run off from a private road. Not a Trustee problem.

Jim Flaherty appeared to place the Bay Constables on notice that they may be requested to appear at his hearing on August 22nd at 7:30 p.m. in regard to his suit against the Town for dockage at the Shinnecock Commercial Fishing dock.

The meeting on motion was adjourned.

Respectfully submitted,


William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5543 is issued to Harry S. Price, agent for BULLHEAD YACHT CLUB INC., West Neck Road, Southampton, to install a 100' of timber bulkhead, in front of existing bulkhead, on owners property on West Neck Harbor, as per application and survey. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5544 is issued to En-Consultants, Inc. agent for VICTOR AMASS, 7 East Beach Drive, Southampton, to extend Permit No. 5315.
For 1 year.

PERMIT NO. 5545 is issued to Mockridge General Contracting, Inc. agent for HELEN JAGGER, Jagger Lane Westhampton, to reface existing 124' of timber bulkhead, cap with a 5' x 124' boardwalk, and to backfill with 100 cubic yards of clean sand from upland source, as per application and survey. Project is located on owners property on Moriches Bay.

PERMIT NO. 5546 is issued to Glenn E. Just/J.M.O. Consulting agent for MARILYN KATZ, Bob White Lane, Rensenburg, to resheath 252' of timber bulkhead, and to install 4" x 6" support, as per application and survey. Project is located on owners property on Speonk Cove

(Continued, August 7, 1989, BOARD OF TRUSTEES)

PERMIT NO. 5547 is issued to Glenn E. Just/J.M.O. Consulting agent for MURIEL KARASIK, 50 Dune Road, Westhampton Beach, to extend Permit No. 5262, for 1 year, as per application and survey.

PERMIT NO. 5548 is issued to En-Consultants, Inc. agent for FRANK LYNCH, Turtle Lane, Quogue, to replace existing dock 4' x 80' fixed elevated walk (4' above grade of marsh); 4' x 12' hinged ramp; (2) 18.5' x 7' floats with (2) 6' x 20' floats to form a "U", as per application and survey. Project is located on owners property on Penniman Creek

PERMIT NO. 5549 is issued to Michael Sylvester agent for JAMES BRADY, 32 Shinnecock Road, East Quogue, to resheath 75' of deteriorated bulkhead, as per application and survey. Project is located on owners property, on a dug canal off Shinnecock Bay

PERMIT NO. 5550 is issued to Michael Sylvester, agent for ANTHONY RABASCO, 42 Shinnecock Road, East Quogue, to resheath 100' of navy bulkhead, backfill with 15 - 20 yards of clean sand to be trucked in from upland source, as per application and survey. Project is located on owners property on dug lagoon off Shinnecock Bay.

PERMIT NO. 5551 is issued to En-Consultants, Inc., agent for MICHAEL SEYMOUR & EDWARD TRENCH, Montauk Highway, Quogue, to replace existing timber bulkhead, and backfill with 17 c.y. of clean sand and loam to be trucked in from upland source, as per application and survey. Project is located on owners property off Phillips Creek

PERMIT NO. 5552 is issued to Joseph Frederick Gazza, 3 Ogden Lane, Quogue to install a 4' x 260' catwalk (elevated 4' above grade of marsh), 5' x 8' floating dock with 3 tie off posts, as per application and survey. Project is located on owners property off Quogue Canal. NOTE: Fee is to be charged for 160' of catwalk going over wetlands only. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5553 is issued to Jeffrey Florimont, agent for Phillippe Charroil, Bay Avenue East, Hampton Bays, to add 25' of bulkhead to an existing return, the deadman will be 6' on center, as per application and survey. The project is located on owners property off Shinnecock Bay.

PERMIT NO. 5554 is issued to Sal Caiola, 71 Lynn Avenue, Hampton Bays, to convert existing ramp to dock with addition of 12' x 3' ramp, 4' x 50' floating dock, 4 piles, on offshore end. Install 4' x 20' catwalk from existing bulkhead to inshore of existing boat ramp, permitting public access over any structure above mean

(Continued, August 7, 1989, BOARD OF TRUSTEES)

high water, and 10 anchor piles for float. Structures to be removed in winter months. Project is located off owners property at Shinnecock Bay as per application and survey. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5555 is issued to Fred Sassone, 5 Wells Lane, Hampton Bays, to dredge 50 yards in front of bulkhead at above property, deposit backfill behind bulkhead, part of backfill to fill in several depressions in backyard, as per application and survey. Project is located on owners property off Wells Creek.

PERMIT NO. 5556 is issued to En-Consultants, Inc., agent for ARTHUR BUSIELLO, Bayview & Cliff Drive, Sag Harbor, to install a 32' x 4' open timber dock, 4' above present grade, 4' x 14' ramp, and 8' x 20' float secured by (2) 8" diameter pilings, as per application and survey. Project is located off owners property on Sag Harbor Cove. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

The application of Joseph & Mary Aragona, 4 Sun Valley Road, Hampton Bays continues to be held for information.

The application of Roy Davis, 2 Sandpiper Court, Westhampton is held for conference with John Wourgola.

The application of En-Consultants, Inc. agent for Peter Damone, Quantuck Bay Road, Quogue is held for conference with John Wourgola.

The application of The Land Use Co. for Irving Elias, Apacuck Point Lane, Westhampton, is held. The Board feels the dock is excessive. They will not allow 8' width in residential area. 4' would be allowed. Also, the overall length of the dock must be cut back 20' and only two (2) boats can be kept at the dock. If further information is required, the applicant should contact Mr. Bennett.

The application of D. Harrison Allen agent for Noyac Harbor Association to dredge Noyac Creek is held.

MOORING PERMITS ISSUED

NO. 89-153 to Ralph Neubauer, PO Box 268, Quogue: Red Creek Pond

NO. 89-154 to Sal Nobile, Inlet Road East, Southampton: Cold Spring Pond.

NO. 89-155 to Donald E. Normoyle, 2 Jackson Avenue, Hampton Bays: Red Creek Pond.

NO. 89-156 to Ronald Rosenberg, 417A Dune Road, Westhampton Beach: Moriches Bay.

NO. 89-157 to Jack Slavin, 3B Beachdale Road, Hampton Bays: Red Creek Pond.

(Continued, August 7, 1989, BOARD OF TRUSTEES)

NO. 89-158 to Robert Wiley, Red Creek Road, Hampton Bays:
Red Creek Pond.

NO. 89-159 to Gerard P. Blinn, 473 Dune Road, Westhampton
Beach: Moriches Bay.

NO. 89-160 to David Comando, 143 Priscilla Avenue,
Riverhead: Red Creek Pond.

NO. 89-161 to Martin Melzer, 12 Seatuck Lane, Remsenburg:
Moriches Bay.

NO. 89-162 to Walt Aurnhammer, RR 75, Edgemere Drive,
Southampton: Fresh Pond.

NO. 89-163 to Thomas Brady, 23 Tiana Circle, Hampton
Bays: Tiana Bay.

NO. 89-164 to Larry Buccellato, 265 Lake Drive,
Southampton: Fresh Pond.

NO. T89-165 to Richard J. Freitas, 496 Dune Road,
Westhampton Beach: Moriches Bay.

NO. T89-166 to Emmanuel Geronimos, 1 Clam Road,
Southampton: Cold Spring Pond.

NO. 89-167 to Julie Governale, East Landing Road, Hampton
Bays: Red Creek Pond.

NO. 89-168 to Peter Grealish/James Huddleston, PO Box 566,
Water Mill: Fresh Pond.

NO. 89-169 to Thomas J. Groark, 311C Munchogue Drive,
Noyac: Mill Creek.

NO. 89-170 to Robert M. Katz, West Neck Point Road,
Southampton: Little Sebonac Creek.

NO. 89-171 to Leo-Arthur Kelmenson, Cedar Lane,
Remsenburg: Moriches Bay.

NO. 89-172 to Gabriel Lamarre, RR. 1, Box 1017, Sag
Harbor: Noyack Creek.

NO. 89-173 to Louis Marinelli, 72 Far Pond Road,
Southampton: Shinnecock Bay.

NO. 89-174 to Louis Marinelli, 72 Far Pond Road,
Southampton: Shinnecock Bay.

NO. 89-175 to Kevin McBreen, 512M Inlet Road West,
Southampton: Cold Spring Pond.

(Continued, August 7, 1989, BOARD OF TRUSTEES)

NO. 89-176 to Steven and Adele O'Connell, Walnut Street,
Sag Harbor: Mill Creek.

NO. 89-177 to John W. Patane, Middle Pond Estates,
Southampton: Middle Pond.

NO. 89-178 to Domenico Pate, 500 Dune Road, Westhampton
Beach: Moriches Bay.

NO. 89-179 to Paul K. Piccone, 409 Dune Road, Westhampton
Beach: Moriches Bay.

NO. 89-180 to Donald Ryan, 623 Noyac Road, Southampton:
Fresh Pond.

NO. 89-181 to Brian Spears, 165 Bayview Road, Southampton:
Fresh Pond.

NO. 89-182 to Leo-Arthur Kelmenson, Cedar Lane,
Remsenburg: Moriches Bay.

POT PERMITS ISSUED

NO. 2190 to Theodore W. DeCastri, 6 Stuart Court, Hampton
Bays.

NO. 2191 to Paul Smith, 33 Tuttle Avenue, Eastport.

AUGUST 21, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, AUGUST 21, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of August 7, 1989, were read, amended, then approved as amended.

William Frank stated the Southampton Town Fire Marshalls would like to be considered for the vehicle that we are trading in, for use on Dune Road. Edward Warner stated that Supervisor DiPirro has already requested the vehicle for the Police Department. He told her \$2,500 should then be credited to the Trustees Budget.

William Frank reported the Mill Creek Dock to be in good shape, and in use again.

Charles Eckert was present for observation.

Louis J. Tuzzi was present to dispute the charge of mooring permits. He also complained that there were no general guidelines, that it was all left up to the Bay Constables, that they were "Judge and Jury". William Bennett replied that the guidelines are up to the Bay Constables for Safety of the water and boats. Edward Warner stated that Mr. Tuzzi could keep his dinghy on Trustees property without permit.

(Continued, August 21, 1989, BOARD OF TRUSTEES)

Henry Plemper was present to address his plans for a 200' dock, off his property on Shinnecock Bay. An application for permit has not yet been submitted.

Stephen Schiavoni, was present to request re-alignment of Old Mill Stone Road, Noyac, a Trustee Road. The re-alignment would give him a larger piece of property. No decision was made. Dennis Downes, Attorney for Mr. Schiavoni, is to contact John Wourgola.

Eight (8) applications for permit were approved.

Five (5) applications for permit were held.

Seven (7) Mooring Permits were approved.

CORRESPONDANCE:

The Lease between Southampton Colonial Society and The Board of Trustees of the Town of Southampton, for premises located off North Sea Road for the consideration of One dollar for twenty-five years, for Edward Warner to sign, was accepted by Paul Parash, seconded by William Frank and duly carried.

Henrietta Acampora, Supervisor of Brookhaven Town: re: Recreational Boating Conference, August 28, 1989 at 5:30 p.m. Senior Bay Constable Andersen will be ask to attend.

Neptune Cove Property Owners Association: re:

Letter to James Haggerty, Army Corp. of Engineers, objection to James Francolini's application to build a dock. Edward Warner stated his application for permit is similar to other docks in the area, that he has no objection of the permit. Also James Francolini has rights

(Continued, August 21, 1989, BOARD OF TRUSTEES)

to the marina in the cove, but they cannot accept vessels 20' or over. His boat is 30'.

Martin R. Cantor, Commissioner of Department of Economic Development: re: Suffolk County Commercial Fisheries Task Force Meeting September 1st at 1:00 p.m. William Frank will attend.

Memo from Town Council: Re: request from Sgt. Malloy of Police Department to hold a closed meeting with all departments to address "New Strategies - Summer Activity", to be held on September 14th at 10:00 a.m., Senior Bay Constable Andersen will be asked to attend.

Letter from Roy Wines to Alan Birthwhistle: re: Road Review Application - John Leonard & Carl Marino. The Board will hold an inspection, Wednesday, September 6th at 10 a.m. at Trout Pond.

Morton L. Janklow to Ms. Shirley Baty, The Water Mill Watch, criticizing the last opening of Mecox Bay. Mr. Warner stated that the Trustees have been opening Mecox Bay for years and will continue to do so. He feels flooded cellars are more urgent than recreational activities. The heavy rains and influx of fresh water killed the shellfish. William Frank stated that one week after the last opening, the bay was full again and the bay is now very high. It will not be opened at this time on advice of Constable Andersen.

Peter L. Langer, Bay Haven Association re: Great Pond Creek and Fresh Pond. William Frank stated he had

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inspected the ponds recently and the Bay Constables had run tests last year. The ponds are in excellent health. A reply will be sent to Mr. Langer that the Trustees are in agreement with him and have no plans to dredge.

Pieter Van Volkenburgh, Chief, Bureau of Shellfisheries, N.Y.S.D.E.C. to Supervisor Mardythe DiPirro re: Conditional shellfish area openings for 1989-90. Each town is limited to two areas. The Trustees will request Reeves Bay, Flanders to include Mill Creek, Birch Creek and Goose Creek and a new area: Fish Cove at North Sea.

David Emilita, Chairman, Open Space Advisory Committee, Town of Southampton, to Gerald A. Axelrod advising him that the area requested for preservation is to be included in the Stokes-Poges Marsh Wildlife Preserve.

Marietta Seaman, Town Council re: Fireworks event planned by Roger Tollefsen. The date has been changed to September 16th. A copy of a letter from the Group Commander of the U.S. Coast Guard is attached, stating the Coast Guard is ready to support the event.

Kenneth H. Jones, Chief Fire Marshall, Town of Southampton to James Pearsall advising that Captain Overton of the S.H.T.P.D. will not sign the application for the fireworks display, therefore, a permit will be denied.

Trudy and William Ash to Supervisor Mardythe DiPirro re: development of Beaver Lake at Westhampton.

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Hofstra Cultural Center: Notice of Interdisciplinary Conference to be held on June 7,8, and 9, 1990.

Bruce Anderson, Environmentalist II, Town Conservation Board re: Proposed County dredging at North Sea.

Joseph Frederick Gazza has requested a reduction of the fees due on his application for a catwalk, since Quogue Village will issue a permit for this structure. The Board feels the fee for 160' of the catwalk is justified.

Councilman George Stavropoulos joined the meeting. He inquired about the dredging at Royal and Sylvan Canals, and Goose Creek in Flanders. He was told the subject was addressed at the last meeting and will be given a copy of those minutes.

William Bennett requested a letter be sent to Legislator Thiele, and Commissioner Hurley, Suffolk County Department of Public Works: re: repairing the badly deteriorated bulkhead at the Speonk River Bridge, as the backfill is washing into our bay bottom. Also request removal of a split rail fence on the south east side.

Paul Parash reported on the "Save The Bays" Workshop, Edward Warner and he attended. "Damage of Storm Water Run Off" was the topic of discussion. 50 % of the pollution is due to "acid rain", the remainder from various other run offs. Mr. Parash said he was surprised to hear that "animal feces" was a large polluter, followed by heavy metals and rubber from automobiles. Also Identified were two types of run-off, point & non-point. Point coming from

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specific known substances such as sewage plants. Non-point coming from substances such as heavy metals, PCB's, & animal feces. East Hampton Township has budgeted \$100,000 to commence a program to control road run-off.

Edward Warner requested a letter be sent to Legislator Thiele, Suffolk County Department of Public Works, Suffolk County Legislator Patrick Halpin, and the New York State Department of Environmental Conservation, re: re-construction of the Fish Cove Bridge. The Board feels filtered catch basins should be provided. Fish Cove is a productive shellfish area which would be effected by road run-off.

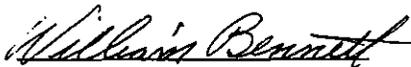
Edward Warner recommended the Trustees subscribe to the Cornell Cooperative Extension publication "On The Water". Subscription is \$14.00 for 30 months. A motion was made by William Frank, seconded by Paul Parash, and duly carried to purchase the subscription.

John Wourgola discussed the problem of Jet Skis at Mecox Bay, and the need for decreasing the overall speed limit. Edward Warner stated this would be addressed after Labor Day.

Commanding Officer Schmitt requests an informal meeting with the board. No date was set.

The meeting on motion was adjourned.

Respectfully submitted,



William Bennett, Secretary

(Continued, August 21, 1989, BOARD OF TRUSTEES)

PERMITS ISSUED:

PERMIT NO. 5557 is issued to En-Consultants, Inc. agent for DONALD POSNER, 18 Tanners Neck Lane, Westhampton, to construct a 4' wide walk and dock of overall length 145' with 4' x 30' "T" in creek. Over upland, walk will be 1' above grade. Over narrow marsh fringe it will be 4' above grade. Project is located on owner's property off Dug Canal, off Moriches Bay, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5558 is issued to Charles Bowman of Land Use Company, agent for IRVING ELIAS, Apacuck Point Lane, Westhampton, to construct a 4' x 30' fixed dock with handrails which shall be elevated a minimum of 4' over existing vegetation, leading to a 5' x 16' ramp with handrails, leading to an 6' x 42' float and two 6' x 15' floats. Two 4' x 5' Jet Ski ramps, and an out mooring pile shall also be installed. Project is located on owner's property off Moriches Bay, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5559 is issued to En-Consultants, agent for LOUIS MARINELLI, Jr., 72 Far Pond Road, Southampton, to add stone to existing 115' rip-rap wall to increase height by 2' - 3'. Project is located on owner's property off Shinnecock Bay, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5560 is issued to JOSEPH & MARY ARAGONA, 4 Sun Valley Road, Hampton Bays, to install 50 feet of wood bulkheading plus a 10' return, at the above location to align with existing at adjoining property. Project is located on owner's property off Shinnecock Bay, as per application and survey submitted. Written permission to tie into neighbor's bulkhead (Sinclair) is on file. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5561 is issued to En-Consultants, agent for HOWARD & PEARL BEDELL, Sandringham Lane, Southampton, to construct a 4' wide x 18' long stairway down face of bluff. Project is located on owner's property off Shinnecock Bay, as per application and survey submitted. STIPULATION: "If any of the staircase should exist on a Trustee road known as Shinnecock Beach Road, and in the

future, the public should demand the restoration of this road, the staircase may have to be removed." "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5562 is issued to En-Consultants, agent for GERALD GOLDSMITH, Redwood Road, Sag Harbor, for construction of a second 6' x 20' floating dock at the northerly end of the existing structure (Permit No. 4966), and relocation of uninstalled mooring piles approved by Permit No. 5098. Project is located on owner's property off Sag Harbor Cove, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5563 is issued to En-Consultants, agent for SIYOUN MAHFAR, Mashomack Drive, North Haven, to construct a timber dock consisting of a 4' x 225' fixed elevated (4' above grade minimum) pier with 4' x 25' stepdown platform on outer south side. Proposed dock will extend as far as existing dock to south. Project is located on owner's property off Mashomack Drive, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5564 is issued to Harbor Marine Construction Inc., agent for HELEN BARER, Brennan's Moor Road, Mecox, to amend permit No. 5286 to include a 4' x 10' walkway, fixed elevated 4' above grade. Project is located on owner's property off Mecox Bay, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

APPLICATION FOR PERMITS HELD:

The application of Douglas Carlsen, agent for Walter Goldstein, 289 Main Street, Westhampton Beach is held. The Board will not approve the octagon structure and find the length of the dock excessive. It must be reduced by one half.

The application of En-Consultants, Inc., agent for Peter Damone, Quantuck Bay Road, Quogue is held. The Board requests an abstract of title, showing there are no persons with a right of way to the strip of property.

The application of En-Consultants, Inc., agent for Walter Olsen, 1139 Flanders Road, Riverhead is held for conference with Edward Warner.

The application of En-Consultants, Inc., agent for Monique Romeo, 35 Bay Avenue West, Hampton Bays is held for conference with Edward Warner.

The application of D. Harrison & H. Allen, agents for Noyac Harbor Association, is held for further information.

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MOORING PERMITS ISSUED:

PERMIT NO. 89-183 to STEPHEN M. BRENNER, 8 Dune Lane,
Westhampton Beach: Moriches Bay.

PERMIT NO. 89-184 to EDWARD D. HEAD, 927 Dune Road,
Westhampton Beach: Moriches Bay.

PERMIT NO. 89-185 to EDWARD D. HEAD, 927 Dune Road,
Westhampton Beach: Moriches Bay.

PERMIT NO. 89-186 to MELVIN KENNEDY, 22 Lynn Court,
Hampton Bays: Shinnecock Bay.

PERMIT NO. 89-187 to DANIEL D. SKINNER, Partridge Drive,
Sag Harbor: Noyac Creek.

PERMIT NO. T89-188 to PATRICK N. TURNER, Scuttle Hole
Road, Bridgehampton: North Sea Harbor.

PERMIT NO. 89-189 to CLYDE BARNES & FRANK BARNES, R.R.4,
Box 443, Sag Harbor: Sag Harbor Cove.

SEPTEMBER 6, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON WEDNESDAY, SEPTEMBER 6, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett and William T. Frank and Deputy Town Attorney, John M. Wourgola.

The minutes of the meeting of August 21, 1989, were read, amended, then approved as amended.

Mr. Charles Fischer, President of Southport Estates Ltd., was present to question the Board on Hildreth Road. He stated that Jake Buccheit of Dolliver Associates was unable to find documentation for a 50 foot wide road. A 20 foot width is stated in the deed of exchange of 1987 between the Trustees and Southport Ltd. Mr. Fischer said the Title Co. states that inasmuch as the Trustees cannot produce a deed to Hildreth Road, they can claim the existing width only. Southport has sold property to the County through which a portion of Hildreth Road runs and it is necessary for a width to be established. Attorney John Wourgola will research the matter before any decision is made. A letter was then read from Richard F. Finn, Acting Commissioner, Department of Parks, Recreation and Conservation, County of Suffolk, requesting the closing of Hildreth Road immediately north of the "five corners"

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intersection running north to its intersection with the Red Creek Ridge subdivision. Mr. Finn stated, "the County now owns lands on both sides and it doesn't provide access points for the Department of Parks; furthermore, it will likely become a chronic source of dumping as it has been in the past". Edward Warner stated that he feels Hildreth Road is an important access road, especially for the Fire Department. A motion was made by William Frank, seconded by Frank Smith and duly carried to leave Hildreth Road in its natural state. This reply will be sent to the County after Mr. Wourgola has reported on his research.

Sr. Bay Constable John Andersen reported that he has been researching Noyac Harbor in response to the request of the Noyac Harbor Association for dredging. To date, he has been unable to locate any information indicating previous dredging.

John Andersen recommended to the Board, the banning of Jet Skis and water skiing at Mecox Bay, also, within 1,000 to 2,000 feet from the Shinnecock Inlet.

Arlene Goldman, who lives on Hayground Cove, stated she feels the owners of the Jet Skis are unaware of the laws and should be advised of the Rules and Regulations. Mr. Andersen replied that he knows most of the owners and they do know the laws. Only three or four are offenders. They have been issued summons, paid fines, but money seems to be no object and they continue to violate the laws. Mr. Goldman agreed the Bay Constable patrolled all weekend. He had assisted one with the use of his boat. Mr. Andersen

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said that ideally two shifts of Bay Constables are needed, from 8 to 4 and 4 to midnight, but the Town budget will not allow this.

Frank Smith feels a speed limit for Mecox Bay could eliminate all water skiing, Jet Skis, speed boats, etc. leaving the bay for sailboats and rowboats only. He doesn't feel Jet Skis alone can be eliminated legally.

Letters were read objecting to the speed boats, water skiers, jet skis and sea planes at Hayground Cove and Mecox Bay, from the following: Mrs. Norma V. Zucker, Virginia G. Lubrano, Nancy Drosd and Mrs. Samuel W. West. All will be acknowledged. It was agreed some solutions must be reached prior to next spring.

Fourteen (14) applications for permit were received.

Five (5) applications for permit were held.

Fourteen (14) Mooring Permits were approved.

One (1) Pot Permit was approved.

Constable Andersen reported the Bay Avenue, East Quogue dock needs repairs and if it is a matter of a lack of funds, he feels should be repaired before the West Neck dock.

He asked if dredging at Mecox would be put out to bid, to complete the work started by the County.

Mecox Inlet was opened on the 5th, but closed that same night. Another attempt is to be made tomorrow.

Mr. Andersen reported repairs are needed on the outboard motor for Marine Unit 5.

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Roy Haje of En-Consultants, Inc., Steven Dodge, William Schacter and Douglas Penny, Attorney representing many property owners in the area, were present in reference to the Swee Lo O'Reilly application for a dock on Smiths Creek. Mr. Penny objected to the sketch submitted by Mr. Haje, stating it was not to scale. Mr. Haje stated it was at the time the sketch was drawn, but that the tide lines were constantly changing. Mr. Penny submitted a petition with 65 signatures which read as follows: "We, the undersigned, are strongly opposed to construction of any dock out into Tiana Bay in the vicinity of the right of way off Tiana Circle as proposed by Swee Lo O'Reilly. Such construction and attendant use would create ecological health and safety hazard to all local residents who use the beach and waters for swimming, clamming etc." Mr. Penny went on to say that a major concern was the dock would be on vacant lot. If the dock must be approved, he listed several conditions he would like imposed, i.e., minimum size, number of boats allowed, etc. Edward Warner stated that anyone who owns waterfront property is entitled to a dock. Steven Dodge said the angle of the dock as shown on the survey is misleading. He also feels the owner should be advised of the past history of the property, stating at one time there were two ponds which a previous owner had filled back in the 50's. Mr. Dodge suggests that a boat basin dug into the property on the south side would be better for both bathers and the owner. Roy Haje suggested a meeting be arranged by the Trustees

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with the contractor on site before construction, so there are no mis-conceptions as to location, size, etc. Mr. Warner said the Board is trying to appease all concerned, but he still maintains the property owner has a right to a dock. The matter was held for the next meeting of the Board, when Attorney John Wourgola will present a written decision.

CORRESPONDANCE:

Mrs. Carol Gloninger re: Great Pond, North Haven. In regard to this matter, William Frank reported receiving a call from Janice Hines, North Haven Village Clerk. He asked for a copy of the Board letter to Peter Langer be sent to Ms. Hines as well as a copy of page 380 of the last Trustee minutes. A reply will be sent to Mrs. Gloninger, enclosing a copy of the letter to Mr. Langer, which clearly states the Board's position.

Lisa P. Tettelbach, Marine Resources Specialist, New York State DEC: Notice of Bacteriological Water Quality Evaluation of North Sea Harbor. A large portion of North Sea Harbor and Fish Cove are scheduled to be closed to shellfishing soon. Edward Warner said he spoke to Ms. Tettelbach and requested the closures be classified as "Seasonal Areas". He explained that the new Fish Cove Bridge will have sumps to catch the road run off which should help the pollution in the Cove. These are productive shellfish areas and it would be a shame to have them closed permanently. A letter with this request will

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be sent to Pieter VanVolkenburgh at the DEC with a copy to Lisa.

Fred W. Thiele, Jr. Suffolk County Legislator, re: Speonk River Bridge bulkheading.

Joseph P. Hurley, Commissioner, County of Suffolk, Department of Public Works re: Speonk River Bridge. A copy of Mr. Hurley's letter will be sent to Highway Superintendent Lavelle.

Fred W. Thiele, Jr. re: Round Pond, Sag Harbor. Bay Constable Chris Kohnken is going to inspect the pond. When his report is received, a reply will be sent to Mr. Thiele.

"Earth Matters": Notice of "Inherit the Earth Workshop", an ecology workshop to be held on September 15 and 16 at Southampton High School. William Frank indicated he will attend the Friday, 7:30 session.

Traffic Control Officer R. Behrle, S.H.T. Police Dept., to Constable Chris Kohnken, thanking him for assisting at a vehicle fire on August 25th.

Clifford H. Foster & Kenneth R. Helstowski d/b/a Diversified Services of Sagaponack, Inc.: Certificate of Liability Insurance effective from 5/1/89 to 5/1/90.

Eastern Suffolk Printing: Invoice in the amount of \$231.70 for register receipts and 1-register machine. A motion was made by William Frank, seconded by William Bennett and duly carried to pay this bill from the Trustee's checking account.

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A motion was made by William Bennett, seconded by William Frank and passed by a vote of 3 - 1 (Edward Warner voted no) to pass the following resolution: RESOLVED, that the Trustees of the Freeholders and Commonalty of the Town of Southampton hereby accept a deed from Lester E. Gerard & Lillian K. Goldstein for premises situated northeasterly side of Montauk Highway, Eastport, more particularly known as Suffolk County Tax Map #0900-350-01-5.001. This land consists of a 5 1/2 acre pond with adjacent lands. Edward Warner stated he was against due to the liability expense to the town.

At the request of Town Planner, David Emilita, a survey of the Trustee property at Lake Nowedonah (Mill Creek) has been ordered. Also, property owned by the Town of Southampton at Rose Hill Avenue, Water Mill will be surveyed and monumented. The Trustees have a ramp off this property.

A Motion was made by William Bennett, seconded by William Frank and duly carried to pass the following resolution:

RESOLVED: in reference to proposed dredging by the County of Suffolk at Middle Pond and Far Pond, Town of Southampton, Supervisor Mardythe DiPirro be requested to sign the necessary assurances to the County of Suffolk to provide the necessary easements, rights-of-way, spoil area agreements, and assurances to hold the County of Suffolk free from all claims and damages which might result on account of said dredging.

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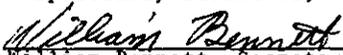
Bay Constable Kohnken reported an illegal structure off the property of Gerard W. Ford, Bluff Point Road, Sag Harbor. A certified letter will be sent to Mr. Ford giving him 30 days to correct his violations.

William Frank showed samples of clams taken from Mill Creek in Noyac, results of the transplants. He had samples of both "Notata" and hard clams and it was agreed there was excellent growth for both.

Edward Warner and Frank Smith inspected the property of Henry Plemper on Shinnecock Bay in regard to his request for a dock. They agreed a 150 foot dock would be allowed, not 200 feet as requested. Mr. Warner will advise Mr. Plemper of the decision.

The meeting on motion was adjourned.

Respectfully submitted,


William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5565 is issued to FREDERICK KELLING & BARBARA LERNER, 70 Main Street, Westhampton Beach, for renewal of PERMIT NO. 5307. PERMIT VALID FOR ONE YEAR.

PERMIT NO. 5566 is issued to WILLIAM F. SAWYER, 5 Pleasant Avenue, Westhampton, to Rebuild existing Dock (8' x 16'6") and Ramp (4' x 22'6"). No vegetation is to be disturbed on the edge of the bank. Project is located on owner's property off Beaver Dam Creek, as per application and survey submitted.

PERMIT NO. 5567 is issued to Douglas P. Carlsen, agent for WALTER GOLDSTEIN, 319 Main Street, Westhampton Beach to construct a 4' x 60' walkway, 4' x 12' ramp, 6' x 10' floating dock, and a 6' x 20' floating dock. Project is located on owner's property off Aspatuck Creek, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

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PERMIT NO. 5568 is issued to Steven L. Maresca, agent for ANDREW EDELMAN, 28 Stacey Lane, Westhampton Beach, to replace, 53' timber retaining structure, within 18" of existing structure; an 8' walkway along length of bulkhead. Project is located on owner's property off dug Canal, Moriches Bay, as per application and survey submitted.

PERMIT NO. 5569 is issued to Michael Sylvester, agent for ROBERT GOERGEN, 27 Leeward Lane, Quogue, to resheath 125' of smooth faced bulkhead, No dredging. Project is located on owner's property off Quogue Canal, as per application and survey submitted.

PERMIT NO. 5570 is issued to THEODORE ANGELL, 20 Dam Trail, Riverhead, for renewal PERMIT NO. 5340. PERMIT IS VALID FOR ONE YEAR.

PERMIT NO. 5571 is issued to JOSEPH & JOSEPHINE BARRERA, 11 Hyler Drive, Hampton Bays, for renewal PERMIT NO. 5363. PERMIT IS VALID FOR ONE YEAR.

PERMIT NO. 5572 is issued to Michael Sylvester, agent for JOSEPH SUSSILLO, 2 Wilson Avenue, Hampton Bays, to replace 225' of deteriorated bulkhead, and approximately 125 to 150 yards of clean backfill will be trucked in to replace eroded area behind bulkhead. Project is located on owner's property off Shinnecock Bay, as per application and survey submitted. *HAMPTON HILLS ASSOCIATION

PERMIT NO. 5573 is issued to RON ARCATE, 91 Foster Avenue, Hampton Bays, to repair existing Brush Jetty. Project is located on owner's property off Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5574 is issued to Suffolk County Department of Public Works, agent for TOWN OF SOUTHAMPTON, for maintenance dredging at Far Pond, Shinnecock Bay. This permit is valid for five (5) years.

PERMIT NO. 5575 is issued to Suffolk County Department of Public Works, agent for TOWN OF SOUTHAMPTON, for maintenance dredging at Middle Pond, Shinnecock Bay. Permit is valid for five (5) years.

PERMIT NO. 5576 is issued to En-Consultants, agent for TERENCE CULLEN, Seaweed Road, Southampton, for renewal PERMIT NO. 5347. PERMIT IS VALID FOR ONE YEAR.

PERMIT NO. 5577 is issued to Harbor Marine Construction, Inc., agent for HELEN BARER, Brennan's Moor Road, Southampton, to amend PERMIT NO. 5506, to include a 4' x 100' walkway (elevated 4' above grade of marsh). Project is located on owner's property off Hayground Cove, Mecox

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Bay, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5578 is issued to Costello Marine Contracting Corp., agent for BARRY GLICK, Harbor Drive, Sag Harbor, to construct a 76' timber bulkhead with a 16' return, 4' x 60' timber catwalk dock, 36" x 16' aluminum ramp, 8' x 20' float dock and (2) 2-pile dolphins to support floats. Bulkhead is to be 6" to 8" above grade of backfill. Project is located on owner's property off Sag Harbor Cove, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5579 is issued to Costello Marine Contracting Corp., agent for JEANETTE LEWIS, North Drive, North Haven, to install 48' of splashboard system to an existing dock: Approximately 33' on Northern side and 15' on Westerly side, to be placed in perfect alignment with existing piles. Project is located on owner's property off Shelter Island Sound, as per application and survey submitted.

APPLICATIONS FOR PERMIT HELD

The application of En-Consultants, Inc. agent for Michael Carroll, Homans Avenue, Quogue, for a timber dock is held for permission of owner's of right of way and certification of ownership of the right of way.

The application of En-Consultants, Inc. agent for Peter Damone, Quantuck Bay Road, Quogue, was held for certification of ownership of the right of way.

The application of En-Consultants, agent for Walter Olsen, Flanders Road, Flanders, was held. The project is to be staked out for an inspection by the Board.

The application of En-Consultants, Inc. agent for Swee Lo O'Reilly, Tiana Circle, Hampton Bays, is held for a written decision by John Wourgola at the next meeting.

MOORING PERMITS ISSUED

NO. T89-190 to Alain Dupuis, 414 Dune Road, Westhampton Beach: Moriches Bay.

NO. T89-191 to Alain Dupuis, 414 Dune Road, Westhampton Beach: Moriches Bay.

NO. 90-1 to Alfred E. Burke, 437 North Main Street, Southampton: Bullhead Bay.

NO. 90-2 to Jim Duffy, 1 Willow Shade Lane, East Quogue: Tiana Bay.

NO. 90-3 to Chrisanne Hamilton, 244 Mecox Road, Southampton: Upper Sag Harbor Cove.

(Continued, September 6, 1989, BOARD OF TRUSTEES)

NO. 90-4 to Muriel Karasik, 50 Dune Road, Westhampton Beach: Moriches Bay.

NO. 90-5 to Michael David Lewis, 24 Indian Run, East Quogue: Tiana Bay.

NO. 90-6 to Don Meyer, 352 Dune Road, Westhampton Beach: Moriches Bay.

No. 90-7 to Jane H. Morse, 54 Dune Road, Westhampton Beach: Quantuck Bay.

NO. 90-8 to Ana Maria Robaina, 95 Little Neck Road, Southampton: Middle Pond.

NO. 90-9 to Norman Rosen, 19 Jackson Avenue, East Quogue: Shinnecock Bay.

NO. 90-10 to Mark Sagliocca, 392 Dune Road, Westhampton Beach: Moriches Bay.

NO. 90-11 to Salvatore Sciame, 265 Noyac Avenue, Sag Harbor: Mill Creek, Noyac.

NO. 90-12 to Fred A. Waltzer, 32 Dune Lane, Westhampton Beach: Moriches Bay.

POTTING PERMITS ISSUED

NO. 2191 to James W. Lashuk, Ketchum Avenue, Eastport.

SEPTEMBER 18, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, SEPTEMBER 18, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, and Town Attorney John Bennett.

The minutes of the meeting of September 6, 1989, were read, amended, then approved as amended.

W.L. Button, Jr., from Noyac Harbor Property Association, to discuss the application for permit to dredge Noyac Harbor. He read the July 29, 1962 minutes of The Property Owners Association of Noyac Harbor, stating the harbor was currently being dredged. More research is necessary.

David Wilcox, Town Planning Board was present to discuss the Deed of Dedication to a 13,504 square foot parcel of the proposed Subdivision Map of Property of David W. Tuttle, situate at Eastport. At the advise of John Bennett the following PUBLIC NOTICE will be published.

TAKE NOTICE, that a PUBLIC HEARING will be held by the BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. on OCTOBER 2, 1989, at 2 P.M., at the Southampton Town Hall, 116 Hampton Road, Southampton, N.Y., to hear any and all persons either for or against the acceptance of a Deed of Dedication to a

(Continued, September 18, 1989, BOARD OF TRUSTEES)

13,504 square foot parcel, as shown on the proposed Subdivision Map of Property of David W. Tuttle, situate at Eastport.

A delegation from the Southampton Cove Property Owner's Association was present to discuss the dredging of Fish Cove. Present were Glenn Hitt, President, Bill Camperalingo, Vice President, Harold Snedeker, Treasurer Frank Clarke, Joan Brennan, Bob Metcalfe, Jim Boyd, Kurt Mattingly, Nancy Micallef. Joan Brennan read from a prepared statement "...We are here today to formally request that the Town Trustees begin the process of filing the permits necessary for the renewed maintenance dredging of Fish Cove....The Cove is filling in again. We do not get enough tidal interchange. Our waters are, or will be, closed to shellfishing, the water is becoming stagnant and polluted - born out by recent DEC studies of the water quality of Fish Cove...Gentlemen: WE NEED YOUR HELP!". Edward Warner stated that when the bridge is being built sumps will be put into place, so there will be NO ROAD RUN-OFF in Fish Cove. Frank Smith stated there are three (3) causes of water pollution:

1. Road Run-off - colorform bacteria.
2. Cesspools - all cesspools over 20 years old are leaking into the bays.
3. Insecticides/Fertilizers - all liquids leach towards the cove.

At the present time there is 2' of water at M.L.W., there is a good exchange of water in Fish Cove. If we could divert road run-off, change all the cesspools to meet

(Continued, September 18, 1989, BOARD OF TRUSTEES)

regulations, and stop insecticides & fertilizers, there would not be any elements polluting the cove. Bill Camperlingo has written letters discussing the contaminates of Fish Cove, but has not received any response. John Bennett stated this board does not control the leachate problem, that this would have to be discussed at one of the Town Board meetings. Bill Camperlingo stated that 125 family's along the cove are concerned about the maintenance dredging. Paul Parash suggests the Board meet down there before the next meeting. Edward Warner requested the Bay Constables stake it out at M.L.W. Frank Clarke had a picture of the road run-off from Fish Cove Road, 150' of sand. Glenn Hitt showed pictures of road drains on Helens lane & Watersedge Road all run down to one drain, which runs into Fish Cove. Paul Parash explained we believe that the cesspools do leach after 20 years, but that something could be done about it. The Little Fresh Pond Association along with the Conservation Board worked together to clean up their waters, and that Southampton Cove Property Owner's Association could do the same. Edward Warner stated that road run-off is under the jurisdiction of the Town Board and the Highway Department. We handle the dredging. Jim Boyd said the Highway Department knows of this, but is not doing any thing. Mrs. Brennan exclaimed the Highway Department says it is not in their jurisdiction. John Andersen stated they should push the Highway Department, not this board. William Bennett stated that the Board

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should meet with Chuck Hamilton of the NYSDEC, Army Corp. of Engineers, Group of the South Fork, for an on site inspection before any decision is made.

John Andersen stated the 10,000 scallop were transplanted in the following area's: Sag Harbor, Noyac Creek, North Sea Harbor, West Neck (Sebonac), Cold Spring and Red Creek, all paid for by the Group for the South Fork. The Trustees order earlier this year of 40,000 to arrive the first part of November. These would be 30mm size. He will try to get them the middle of October, even though might be smaller than ordered, but will be able to transplant in good weather. Also another 40,000 were ordered, but it is uncertain when they can be delivered until the middle of October.

Mecox Bay was open Wednesday, September 13. It ran good. The level was lowered a couple of feet. Mecox closed again yesterday.

The Trustee's gave a fund of \$800. to remove derelict boats, 2 - 17', 1 - 14', and 1 - 15'. George's Sanitation estimate if taken to him \$378. If we load into a 10 yard bin it would cost \$280, which is well under the \$800. Motion was made by Paul Parash, second by Frank Smith to pay from Trustee's Fund \$380, for disposal of Boats. John Andersen stated that in the new ordinance a charge for removal of these boats should be added.

John Andersen reported that M/5 had to have a new engine from Peerless Marine. Peerless Marine called Johnson, explained what the problems are, that it is a

(Continued, September 18, 1989, BOARD OF TRUSTEES)

defect. Peerless Marine will install the powerhead for an estimate \$600-700.

John Andersen, would like to have Warning Summons form printed up to give the Bay Constables, the option of written warnings before summons. Will get prices on these. The Board gives their approval to purchase forms. Also would like to obtain a separate impound card for boats.

John Andersen stated, to show the state speed limit, he would like to place 45 mph speed limit signs in certain places of the town, so people will know the laws.

John Andersen reported that 3 pairs of Binoculars, and 6 Hagstrom's are need for the Bay Constables. The Board authorized him to procure 3 pairs of water-proof binoculars, and 6 1990 Hagstrom's.

Charles Eckart asked if Scallops were transplanted with the intent to have them reproduce, and if so did they look for favorable conditions. William Bennett replied the bays are full of eel grasses now. The Scallops were planted for spawning purposes.

Paul Parash questioned whether Cold Spring Pond Inlet will be dredged. Edward Warner replied that it does not look like it needs to be dredged, but a north east wind could change things. There will be no dredging until spring.

Ten (10) applications for permit were received.

Two (2) applications for permit were held.

Two (2) Mooring permits were approved.

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CORRESPONDANCE:

David J. Gilmartin, Attorney, re: Beil vs. Trustees & Levy & Tannen vs. Trustees.

Bruce Anderson, Environmentalist II, Town of Southampton, re: Freshwater Wetlands Environmental Monitoring Project (FWEMP) Pond Studies. A reply will be send to request Big Fresh Pond, Long Pond and later on Speonk Pond and East Pond.

T.O.S. to: Town Clerk from: Town Council re: Petitions for Noyac Bay, 16 pages of signatures, which stated "We, the undersigned, residents of Noyac and North Haven in the Town of Southampton, do hereby petition the Planning Board of the Village of North Haven, as well as the Board of Trustees to do all in their power to prevent the building of docks in Noyac Bay for the West Bank Development. We use Noyac Bay for bathing and fishing and are horrified at the thought of the pollution that such construction will bring. We urge you to do your duty and deny any developer the right to destroy the pristine beauty of our environment for his own profit." The Board has this application for permit on hold.

T.O.S. To: Mardythe DiPirro From: Kenneth Thommen Re: Resolution to dredge at Middle Pond and Far Pond.

T.O.S. To: Allyn Jackson From: Kenneth Thommen Re: Resolution to change slip classification at commercial basin.

T.O.S. To: Allyn Jackson From: Kenneth Thommen Re: Resolution that Mr. Lofstad has until August 1st, 1990 to

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produce a new vessel for slip #9.

T.O.S. To: Allyn Jackson From: Kenneth Thommen Re: Resolution that Mr. Moss has until February 1st, 1990 to produce a new vessel.

NYSDEC to: Edward Warner from Christopher La Porta, re: reorganization of the responsibilities between Lisa Tettlebach and himself.

cc letter to: Commissioner Hurley , From Fred Thiele, S.C. Legislator Re: Fish Cove Bridge.

The publication ordered from New York Public Interest Research Group, Inc. (NYPIRG) title 'A Citizen Guide to Stormwater Pollution Hazards on Long Island'. A copy will be distributed to each Trustee.

The flyer addressing Retirement Party for Chief Teller & Lieutenant Tom Peyton.

Jacqueline Pinardi, To: John Andersen, re: appreciation of Bay Constable Chris Kohnken.

A motion was made by Paul Parash, seconded by William Frank and duly carried to pass the following resolution:

RESOLVED: that the proposal for the preservation of Heady Creek and Taylor Creek as a research area, adopted by this Board on October 15, 1969 for a period of five years, extended for another five years by resolution of the Board on September 16, 1974, again on September 10, 1979, and again on September 17, 1984, be hereby extended for a further period of five years (until October 15, 1994), reserving to the Board their full responsibility to the residents of the Town of Southampton to protect the

(Continued, September 18, 1989, BOARD OF TRUSTEES)

area from storms and other natural catastrophes and to repair such damages as may be caused thereby.

The following written statement, prepared by Deputy Town Attorney John Wourgola was read:

In the matter of the application of Swee Lo O'Reilly:1. En-Consultants, Inc. made application to the Trustees on behalf of Swee Lo O'Reilly for construction of a timber dock consisting of a 4' x 100' fixed elevated walk; 4' x 12' hinged ramp; 6' x 20' floating dock secured by two 8" diameter pilings.

2. Applicant is the owner of a parcel of real property located at Tiana Circle, Hampton Bays, New York, more particularly described as Suffolk County Tax Map No. 0900-345-02-7.1.

3. Said parcel of property has frontage on Shinnecock Bay and Tiana Bay.

4. Applicant introduced evidence that there is approximately 2 1/2' - 3' of water at low tide in Tiana Bay at the northerly end of the proposed dock.

5. Applicant further introduced testimony to the effect that the proposed location is the location which would protect the dock from the natural elements.

6. Applicant testified that she has already obtained approvals from the New York State Department of Environmental Conservation and the Army Corps of Engineers.

7. Douglas R. Penny appeared on behalf of neighboring property owners in opposition to the application.

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8. Mr. Penny testified that the proposed dock would adversely affect the use of the beach by persons benefiting from a right of way adjacent to the subject premises on the north. Several other persons spoke in opposition to this application.

Based on the foregoing findings of fact, this Board makes the following conclusions:

1. By virtue of the fee ownership of this waterfront parcel, applicant is entitled to certain rights.
2. Notwithstanding the applicant's rights, these rights are clearly subject to reasonable regulation in order to preserve the rights and property values of neighboring properties and owners.
3. The location of the dock on Tiana Bay as opposed to Shinnecock Bay is a much better location, in that the dock would be more sheltered from the natural elements.
4. Notwithstanding the foregoing, upon a visual inspection of the premises, it appears that the applicant does not need the 100' in order to get out to deep water and 75' appears to be sufficient.
5. Additionally, the proposed dock could be moved further to the west in order to minimize the impact on the right of way to the east.

Based on the foregoing findings of fact and conclusions, a motion was made by Paul Parash, seconded by William Frank and duly carried that the applicant be granted a permit to erect a timber dock consisting of a 4' x 48' fixed elevated walk (3.5' above grade); a 4' x 12' hinged ramp;

(Continued, September 18, 1989, BOARD OF TRUSTEES)

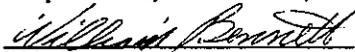
6' x 20' floating dock secured by two (2) 8: diameter pilings subject to the following conditions, all as shown on sketch of proposed dock dated 3/25/89 and last revised 8/15/89:

1. The maximum length of the dock shall not exceed 75'.
2. The dock shall be located at least 85 feet west of the westerly property line of the existing right of way.
3. The dock shall be placed at an angle, as shown on the aforementioned sketch, so as to minimize the impact on the right of way to the east.
4. The applicant shall provide a means of pass and repass on the upland property for the public above the mean high water mark.
5. There shall be a maximum of two (2) boats using the dock to be owned by the owner of the premises of her guests and in no event shall space at this dock be rented nor shall the dock in any way be used for commercial purposes.
6. The dock shall not be erected until after January 1, 1990, due to the fact that a fish trap currently is located where the dock is proposed.

Edward Warner stated that Rambo has finished the eastern rock jetty at Shinnecock Canal, and added they did a wonderful job.

The meeting on motion was adjourned.

Respectfully submitted,


William Bennett, Secretary

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PERMITS ISSUED:

PERMIT NO. 5580 is issued to En-Consultants, Inc., agent for MICHAEL MARESCA, 38 Cedar Lane, Remsenburg, to renewal Permit No. 5388. PERMIT IS VALID FOR ONE YEAR. Project is located on owner's property off Basket Neck Pond, as per application and survey submitted.

PERMIT NO. 5581 is issued to Glenn E. Just/ J.M.O. Consulting, agent for JOHN & DEBORAH NOCERA, Sandpiper Court, Westhampton, to maintenance dredge an existing bulkhead boat basin and a 90' x 25' section of the man-made lagoon to 4' at M.L.W. Resultant spoil approx. 200 c.y. of sand shall be trucked to an upland site for disposal. Project is located on owner's property off Sandpiper Canal, as per application and survey submitted.

PERMIT NO. 5582 is issued to ALFRED SCHLANGER, 9 Windermere Lane, Hampton Bays, to receive permit for 1985 existing 112' x 3'10" walkway. Project is located on owner's property off Wells Creek, as per application and survey submitted.

PERMIT NO. 5583 is issued to En-Consultants, Inc., agent for KEVIN GILGAN, 43 Oak Lane, Hampton Bays, to replace (within 18") 220.5 l.f. of timber bulkhead and backfill with 35 c.y. of clean sand and loam to be trucked in from upland source. Project is located on owner's property off Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5584 is issued to GLORIA ORBAN, 4 Beatrice Court, Hampton Bays, to dredge approx. 50 yds. on waterside of property, with removal to upland landfill (non-wetland) with no return to waterway. Project is located on owner's property off Wells Creek, Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5585 is issued to En-Consultants, Inc., agent for SWEE LO O'REILLY, Tiana Circle, Hampton Bays, to erect a timber dock consisting of a 4' x 48' fixed elevated walk (3.5' above grade); a 4' x 12' hinged ramp; 6' x 20' floating dock secured by two 8" diameter pilings. Project is located on owner's property off Tiana Bay, as per application and survey submitted. All as shown on sketch of proposed dock dated 3/25/89 and last revised 8/15/89. Also subject to special conditions see attached page.

PERMIT NO. 5585 - is subject to the following special conditions:

1. The maximum length of the dock shall not exceed 75' overall.

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2. The dock shall be located at least 85' west of the westerly property line of the existing right of way.
3. The dock shall be placed at an angle, as shown on the aforementioned sketch, so as to minimize the impact on the right of way to the east.
4. The applicant shall provide a means of pass and repass on the upland property for the public above the mean high water mark.
5. There shall be a maximum of two boats using the dock to be owned by the owner of the premises or her guests and in no event shall space at this dock be rented nor shall the dock in any way be used for commercial purposes.
6. The dock shall not be erected until after January 1, 1990, due to the fact that a fish trap currently is located where the dock is proposed.

"As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5586 is issued to En-Consultants, Inc., agent for MONIQUE ROMEO, 35 Bay Avenue West, Hampton Bays, to construct a timber dock consisting of a 4' x 120' fixed elevated (3.5' above grade) walk; 4' x 14' hinged ramp; 6' x 20' float secured by (2) 8" diameter poles. Its overall length will be no greater than 150'. No portion of the dock is to go above M.H.W. The Area between M.H.W. and the bulkhead is to be left open at all times for pass and repass. If any portion of the dock should exist on Shinnecock Beach Road, A Trustee road, and in the future, the public should demand the restoration of the road, the dock may have to be removed. Bulkhead line to be set by Trustee Edward Warner. **NO WORK TO BE DONE UNTIL CONTRACTOR HAS MET WITH TRUSTEE, EDWARD WARNER.** Project is located on owner's property off Shinnecock Bay, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5587 is issued to Costello Marine Contracting Corp., agent for RONALD SYLVESTER, Pine Neck Avenue, Noyac, to resheath approximately 90 feet of existing bulkhead. There will be no dredging, no filling and no placement of piles. Project is located on owner's property off Mill Creek, Noyac Bay, as per application and survey submitted.

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APPLICATIONS FOR PERMIT HELD:

The application of En-Consultants, Inc. agent for ANTHONY BEVACQUA, Pine Tree Road, Westhampton to remove a section of bulkhead and construct a 40' x 30' boat slip, and dredge an area up to 15' is held until owner submits a application for permit for the davit he has installed.

The application of Owen & Broniecki Construction, Inc., agent for ANNA MOERS, Lake Drive, North Sea is held for further investigation.

MOORING PERMITS ISSUED:

PERMIT NO. 90-13 to David O. Feder, Chestnut Street, Sag Harbor: Mill Creek, Noyac.

PERMIT NO. 90-14 to Theron R. Worth, Columbia Street, Sag Harbor: Morris Cove, Upper Sag Harbor Cove.

OCTOBER 2, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, OCTOBER 2, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul Parash and William T. Frank and Deputy Town Attorney, John M. Wourgola.

The minutes of the meeting of September 18, 1989, were read, and approved as read.

Patrick A. Heaney, Jr., candidate for Town Trustee, was present to observe.

Edward Warner told John Andersen, Senior Bay Constable, not to widen the area of Fish Cove Channel when it is staked out for the full board inspection. Mr. Heaney is to be advised when the inspection date is set.

Research showed in 1962, Richard Thayer was paid by the Trustees to dredge a portion of Noyac Harbor. This did not include the area mentioned in the 1962 minutes of the Noyac Harbor Property Association. It will be up to the Association to prove further dredging.

At 2 p.m. the public hearing was opened to hear any and all persons either for or against the acceptance of a Deed of Dedication. As no one was present, the hearing was declared closed. A motion was made by William Frank, seconded by William Bennett, and duly carried to pass the following resolution: RESOLVED, that the Deed of

(Continued, October 2, 1989, BOARD OF TRUSTEES)

Dedication to a 13,504 square foot parcel, as shown on the proposed Subdivision Map of Property of David W. Tuttle, situate at Eastport, be accepted by the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton. This is for the future site of a town launching ramp. Mr. Wourgola will prepare the Dedication and Release form.

Robert Weinreb, of Bayview Oaks, was present to discuss the October 5, 1988 letter from the Board of Trustees to Greg Robbins in reference to the beach easement on his property. Mr. Wourgola felt Mr. Robbins misunderstood the intent of the letter, and has written to him to clarify the matter. John Wourgola stated that the dispute is not within the domain of the Trustees. He advised Robert Weinreb to consult a private attorney.

John Andersen stated that he received a message from Councilman Tony Gil regarding Dwayne Buoniello, of Cold Spring Pond, wanting the Trustees to do something about the duck hunting in that area. Mr. Buoniello would like to turn it into a sanctuary. John explain that most of the area was owned by Bayberry Land and that there are laws on the book to handle it.

John Andersen received estimates to purchase a trailer tongue. Spellman's Marine estimated \$140. Peconic Marina estimated \$120. A motion was made by William Bennett, seconded by William Frank and duly carried to procure the Trailer tongue from Peconic Marina, to be paid from the Trustees account.

(Continued, October 2, 1989, BOARD OF TRUSTEES)

A motion was made by William Frank, seconded by Paul Parash and duly carried to purchase one thousand 1990 green Ramp Permit from Deluxe Silk Screening Corp. for \$319.

John Andersen was authorized to purchase five hundred Impound Cards from Hampton Press for \$46.35.

John Andersen stated that he received prices on the Binoculars from American Field & Trap. Three pair of Simmons would cost \$77.00 each, six pair \$70.00 each. Three pair of Bushnell would cost \$82.00 each, six pair \$75.00 each. John Wourgola stated he knew of a mail order catalog from which you can purchase Bushnell for \$52 a pair. William Bennett suggested that the Board keep the old pairs. John Andersen will look into this further.

John Andersen received an estimate of \$10 each for 12, 1990 Hagstroms. The Hagstroms will not be available until the spring of 1990.

John Andersen explained that (4) 5 MPH signs need repair after receiving the weather conditions due to Hurricane Hugo. A motion was made by William Frank, seconded by William Bennett, and duly carried to allow the maintenance men purchase the materials required to fix the signs.

John Andersen noted that all derelict boats have been taken to George's Sanitation for disposal for \$378 as approved of last meeting.

John Andersen suggested that it should be put in the Ordinance to limit the vessel size on any commercial docks

(Continued, October 2, 1989, BOARD OF TRUSTEES)

to 24' - 26'. He stated that the users should be pulled from a lottery system, and should be pleasure crafts, not commercial. John Andersen will consult with Bay Constable Ted Sadleir.

John Andersen explained that Mecox Bay needs to be open again. The Board will wait on opening Mecox, because with the tides and weather Mecox might open itself. William Bennett suggested that in the future we go out to bid for the remaining 500' that the County did not dredge in Mecox.

John Andersen stated that on October 12, 1989, the Bay Constables will pull the clams out of the racks for transplanting.

Senior Bay Constable Andersen stated that we should receive from the insurance adjusters \$2,111.35. This is what we spent to fix M/4, before John found that it was covered in our Boat Insurance.

CORRESPONDANCE:

Peter J. Harmantas, President, Tiana Shores Association, Inc.: Permission for use of spoil site for dredging at Romana Drive. A reply will be sent to Mr. Harmantas, advising him that nothing can be done without a survey. The permits from the Army Corps and DEC will take a good six months to obtain, so the matter is most urgent.

US Army Corps of Engineers Re: FMP Motel Partnership Application # 89-0789-LI. We will advise them of the boards objection to the caliber of the dock, and of the spoil by mean high water without a retaining wall.

(Continued, October 2, 1989, BOARD OF TRUSTEES)

DEC RE: Notice of Public Hearing PAUL ROBINSON, 125 Shore Road, Southampton, slated for November 1, 1989.

DEC RE: Notice of Public Hearing ARTHUR BUSIELLO, Bayview Drive, Sag Harbor, slated for November 2, 1989.

DEC Charles Guthrie re: Planning for 1990 for fresh water ponds. A meeting has been slated for Wednesday, October 18th at 3 p.m.

SC Water Authority Re: chlorination of water mains at North Haven.

SC Department of Public Works Re: Quogue Bridge rehabilitation, permitting in lieu of the bulkheading below the bridge, a rock revetment over filter fabric.

T.O.S. to Allyn Jackson from Kenneth Thommen re: reclassification of the Shinnecock Commercial Docks.

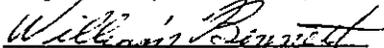
Southampton Cove Owner's Association re: thanking Trustee's for meeting on Fish Cove.

Southampton Cove Owner's Association to Thomas Lavelle, Highway Department re: run-off in Fish Cove. A lengthy discussion on the Fish Cove area took place.

Land Use Co.: information circular of beach grasses available.

The meeting on motion was adjourned.

Respectfully submitted,


William Bennett, Secretary

(Continued, October 2, 1989, BOARD OF TRUSTEES)

PERMITS ISSUED:

PERMIT NO. 5588 is issued to Glenn E. Just/J.M.O. Consulting agent for ORLIDIA & ADELMO SCALERA, 2 Seatuck Lane, Remsenburg, to construct a 4' x 40' fixed dock, elevated a minimum of 4' over grade as per enclosed plans. Project is located on owner's property off Moriches Bay, as per application and survey submitted.

APPLICATIONS FOR PERMIT HELD:

The application of En-Consultants, Inc., agent for John T. Folks, Lot 15, Pine Tree Lane, Remsenburg, is being held for written permission of Lot 14, and the fees of \$5.00 per cubic yard (for portions being dug from Town bay bottom).

The application of Glenn Just/J.M.O. Consulting, agent for Robert Shapiro, 530A Dune Road, Westhampton Beach, is being held for Board inspection on 16 Oct 89.

The application of Dennis & Diane Gleason, Squires Terrace, Hampton Bays is being held for an updated survey. As it appears a portion of this bulkhead is on Trustee property.

The application of Owen & Broniecki Const. Inc., agent for Anna Moers, Lake Drive, North Sea, is Being held for Board inspection on 16 Oct 89.

The application of Inter-Science Research Associates, Inc., agent for Henry Kravis, Meadow Lane, Southampton, is Being held for Board inspection on 16 Oct 89.

The application of Gerard Ford, Bluff Point Road, Sag Harbor is being held for an updated survey of the property (no more than one year old), an application form complete with all information including dimensions of the ramp, floating dock, etc.

MOORING PERMITS ISSUED:

PERMIT NO. 90-15 to EDWARD BATCHELLER, P.O. Box 478, Westhampton: Moriches Bay by Jagger Lane Cove.

OCTOBER 16, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, OCTOBER 16, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, and Town Attorney John Wourgola.

The minutes of the meeting of October 2, 1989, were read, amended, then approved as amended.

In reference to the October 2, 1989 minutes, John Andersen replied that W. L. Button, Jr., of the Noyac Harbor Property Association, pointed out to him that the Trustees did not pay Richard Thayer, in 1962, for the continued dredging in Noyac Harbor, the Association did, and will obtain an affidavit stating so.

John S. & Roseann Battaglia along with Chuck Bowman were present to discuss with the Board their application for permit, which the Army Corp. of Engineer has declined because their survey does not show the existing dock at Gateway. Frank Smith explained that the dock has been there for years. At first it was a flimsy straight dock, but when the new owners took over they put in the floating dock. To date we do not have a permit for this, or any dock on file. A lengthy discussion followed. John Wourgola explained to Mrs. Battaglia to write to the Army Corp of Engineers explaining that she has researched and

(Continued, October 16, 1989, BOARD OF TRUSTEES)

found no permits for this dock on file.

Rosemary Scheinropf was present to address the matter of the condition of Old Squires Road, a Trustee Road. She explained that there is an extreme risk of liability with regards to public safety. She noted that Red Creek Ridge has created additional through traffic as well as the proposed additional subdivision. Mrs. Scheinropf asked the Trustees to grade this three to four times a year. She stated that there is an increase of illegal dumping in the area. John Wourgola explained that as more subdivisions are approved the road has to be brought up to certain standards. Mr. Wourgola would like to speak to John Johnsen, the Town Engineer on this matter. William Bennett told Mrs. Scheinropf to send a letter to Thomas Lavelle, Highway Dept. explaining the condition of the road.

Roy Haje, En-Consultants, Inc., was present to discuss his applications for permit. Mr. Haje also asked the Board if Sams Creek, Mecox Bay has ever been dredged. William Bennett stated nothing has been dredged to his knowledge.

Edward Warner stated that this year they have found little bug scallops on eel pots. William Frank replied that the bug scallops have also been found in Noyac and Sag Harbor Cove, along with soft clams.

Frank Smith, Shellfish Chairman, stated he would like to take this opportunity to thank all the Bay Constables, Maintenance Men, and the 100% turn out of Trustees on

(Continued, October 16, 1989, BOARD OF TRUSTEES)

October 12, 1989 for the Clam Transplant. He read the following report:

12 OCT 89 CLAM TRANSPLANT

Removed 2,130 lbs. of seed.
365 lbs was put in on 28 Apr. 89.
80 lbs. = 4700 clams, (58.75 clams/lb.)
Total count removed = 125,137 clams.
Average size of clams 25-45 mm.
Lost 6 trays during summer (retrieved 4).

Placed in Town waters as Follows:

EAST QUOGUE:

370 lbs.
21,737 clams.
by Bay Constable Chris Kohnken, Maintenance men Jim Squires, and Jim White

TIANA & SHINNECOCK (EAST):

1020 lbs.
59,925 clams.
by Bay Constables Ken Malone, and Dale Petruska

MORICHES:

710 lbs.
41,712 clams.
by Trustee William Bennett, Bay Constables Ted Sadleir, and Stuart Rose

NOYAC:

30 lbs.
1762 clams.
by Trustee William Frank

On 28 Apr. 89 placed in racks 126,119 clams size 9-30 mm (ave size 14-18 mm). Survival rate nearly 100%.
NOTE: Many soft clams set in trays, many barnacles on racks.

1989	4/21/89	Placed	85,135	seeds in bays.
	4/28/89	Placed	81,293	seeds in bays.
	10/12/89	Placed	<u>125,137</u>	seeds in bays.

Total 291.565 seeds in bays.

Respectfully submitted by Ted H. Sadleir.

(Continued, October 16, 1989, BOARD OF TRUSTEES)

Edward Warner explained that Alex Biel, Southampton Press was present at the October 12th Clam Transplant, but unfortunately they never spotted her on the shore.

Eleven (11) applications for permit were received.
One (1) applications for permit was held.
Two (2) application for permit were denied.
Ten (10) Mooring permits were approved.
One (1) Pot permit was approved.

CORRESPONDANCE:

From: Joan Behrle To: Trustees re: Retirement.

From: John Bennett To: Trustees re: David Tuttle property.

From: Supervisor DiPirro To: Trustees re: dedication of the Ponquogue Bridge as a Recreational Fishing Pier, October 31, 1989 at 11:00 a.m. The Trustees will attend. The Bay Constables were invited.

From: The Nature Center TO: TRUSTEES re: permit to collect fish from Shinnecock Bay. A reply will be sent to Peter Fraboni, Associate Director explaining that looking out for the best interest of the Freeholders and Commonalty of the Town of Southampton, the Board feels the permission should not be granted. Although Frank Smith would be more than happy to collect the species for them.

From: NYS DEC PUBLIC NOTICE re: Paul Robinson, 125 Shore Road, Southampton, slated for November 1, 1989.

(Continued, October 16, 1989, BOARD OF TRUSTEES)

John Wourgola will attend.

From: NYS DEC PUBLIC NOTICE re: Arthur Busiello,
Bayview Drive, Sag Harbor, slated for November 2, 1989.
John Wourgola will attend.

John Andersen stated he would like to thank the Trustees for putting in a long day, on October 12, for the clam transplant.

John Andersen, Senior Bay Constable reported the following:

Submitted a graph of the Fish Cove area, that Bay Constable Chris Kohnken and he staked out for inspection.

Bay Constable Dale Petruska and himself staked out Mecox Bay. They staked where the county stopped dredging out to the ocean. John stated this should be dredged in the winter months.

In order to pick up the Scallops from Fishers Island, they must be called the night before. The Bay Constables will wait for better weather before informing Fishers Island.

He would like to order clams for next year, but needs to know what amount to order. Edward Warner stated to order the same amount as this year, which was double the amount ordered in the previous years. He wanted to know how many scallops to purchase from Fishers Island. Edward Warner explained that we will wait and see how they are this year first.

Bay Constable Ted Sadleir has designed two portable A frames for use on the clam racks next year. He will obtain prices on this.

(Continued, October 16, 1989, BOARD OF TRUSTEES)

That he has been working with John Wourgola on Ordinance 20, and hopes to bring the proposal to the next meeting.

Will get prices on 25' of 1 1/2" fire hose.

Would like to purchase a fiberglass measuring tape cost approximately \$25. Permission was granted to purchase one tape measure.

At the recommendation of John Andersen, a motion was made by Paul Parash, seconded by William Frank and duly carried to pass the following resolution, amending the Trustees Rules and Regulations:

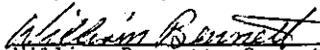
Section 9 - CRABS

A. No person shall take female crabs bearing eggs visible thereon from town waters, nor offer for sale or possess same within the Town of Southampton.

B. Crabs may be taken with a dredge, such dredge having an opening at the mouth not to exceed thirty-six (36) inches width, when towed by a boat operated by mechanical power or other means, provided that such dredge is brought aboard by hand power without the use of a mechanical device.

The meeting on motion was adjourned.

Respectfully submitted,


William Bennett, Secretary

(Continued, October 16, 1989, BOARD OF TRUSTEES)

PERMITS ISSUED:

PERMIT NO. 5589 is issued to Glenn E. Just, agent for Dr. JEROME SCHWEITZER, S. end of Seafield Lane, Westhampton Beach, to reconstruct within 18" approximately 697' of timber bulkhead, and to backfill structure with approximately 400 c.y. of clean sand, which shall be trucked in from an upland source. Project is located on owner's property off Quantuck Bay, as per application and survey submitted.

PERMIT NO. 5590 is issued to Michael Sylvester, agent for JOSEPH CELLO, 40 Dolphin Road, East Quogue, to reface lower half of existing navy bulkhead for 75' length with 2" x 10" x 6' cca sheathing. Project is located on owner's property off dug canal, Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5591 is issued to Michael Sylvester, agent for JEAN BAURLEYNILL, 22 Marlin Road, East Quogue, to replace 95' of deteriorated bulkhead with 3" x 10 smooth faced sheathing. Approximately 25 yds of trucked in material will be used for backfill. Project is located of owner's property off dug canal, Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5592 is issued to Michael Sylvester, agent for Mr. & Mrs. JACOB PADRUSCH, 2 Marlin Road, East Quogue, to resheath 55' of existing smooth faced bulkhead with 2" x 10" x 10' cca sheathing. Also replace top whaler with new 4" x 6" walers with tiebacks (3/4" tierods with deadmen) on 6' centers. Project is located of owner's property off dug canal, Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5593 is issued to DENNIS & DIANE GLEASON, Squires Terrace, Hampton Bays, to replace 100' of existing bulkhead. If any of the bulkhead should exist on a Trustee's right of way known as Peconic Beach Road, and in the future, the public demands restoration of this road, the bulkhead will have to be removed. Project is located of owner's property off dug canal, Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5594 is issued to En-Consultants, Inc., agent for STANLEY & JANE MOSS, Rose Hill Road, Water Mill, to extend Permit No. 5360. To plant two areas with Spartina Alterniflora, and bayberry to trap sand and stabilize eroding spit of lane. Project is located of owner's property off Mecox Bay, as per application and survey submitted.

(Continued, October 16, 1989, BOARD OF TRUSTEES)

PERMIT NO. 5595 is issued to En-Consultants, Inc., agent for MARY BAUMBERGER, Meadow Lane, Southampton, to extend Permit No. 5276. To reconstruct an existing low-profile groin, 115' long. Project is located off owner's property off the Atlantic Ocean, as per application and survey submitted.

APPLICATIONS FOR PERMIT HELD:

The application of Glenn E. Just, J.M.O. Consulting, agent for ROBERT SHAPIRO, 530A Dune Road, Westhampton Beach, to amend Permit No. 5414 to allow for an additional 4' x 50' section of elevated catwalk to be added to the docking facility is held for owner and/or agent to appear before the Board of Trustees at their next meeting, November 6, 1989 at 1:00 p.m.

APPLICATIONS FOR PERMIT DENIED:

The application of Inter-Science Research Associates, Inc., agent for HENRY KRAVIS, Meadow Lane, Southampton to construct three 4' x 18' floating dock additions, and one 8' x 18' floating dock addition onto an existing floating dock, the 8' x 18' floating dock includes an 8' x 8' ramp was denied. The Trustees held a full board inspection on October 16, 1989, and felt the addition would be too large for the single family dwelling.

The application of Owen & Broniecki Const. Inc, agent for ANNA MOERS, Lake Drive, North Sea for permit of existing 12' x 10' floating dock with 14' - 6 x 3-6 floating connection was denied. The owner must remove the floating dock, and the old dock material within 30 days. Failure to do so the above will be removed at the expense of Ms. Moers. Once all has been removed, applicant may re-apply for a smaller dock. The Trustees held a full board inspection on October 16, 1989, and felt that the existing dock is much too large, and out of character with regards to the area.

MOORING PERMITS ISSUED:

PERMIT NO. 90-16 is issued to Irwin E. Billman, Ring Neck Road, Remsenburg: in Speonk River.

PERMIT NO. 90-17 is issued to George F. Chelius, 303 Montauk Highway, Hampton Bays: in Shinnecock Bay.

PERMIT NO. 90-18 is issued to Alfred J. Del Rey, Jr., 480 Dune Road, Westhampton Beach: in Moriches Bay.

(Continued, October 16, 1989, BOARD OF TRUSTEES)

PERMIT NO. 90-19 is issued to R. Roy Genova, 4 Magee Drive, Southampton: in Bullshead Bay.

PERMIT NO. 90-20 is issued to Gregg Griffin, 44 Squiretown Road, Hampton Bays: in Red Creek Pond.

PERMIT NO. 90-21 is issued to Charles R. Hedberg, 35 Woodland Avenue, Westhampton Beach: in Red Creek Pond.

PERMIT NO. 90-22 is issued to Kelly P. King, 8 Fanning Avenue, Hampton Bays: in Cold Spring Pond.

PERMIT NO. 90-23 is issued to Warren B. Poulson, 1 Acorn Path, East Quogue: in Red Creek Pond.

PERMIT NO. 90-24 is issued to George Sutton, 37 Columbine Avenue, Hampton Bays:

PERMIT NO. 90-25 is issued to Joseph A. Zuhusky, 554 Hill Street, Southampton: in North Sea Harbor near Conscience Point.

POT PERMITS ISSUED:

PERMIT NO. PT1 is issued to Robert Lester, 113 Sebonac Road, Southampton, to place eel pots in the Town of Southampton waters for 1990.

NOVEMBER 6, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, NOVEMBER 6, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul Parash and William T. Frank, and Deputy Town Attorney Michael Walsh.

The minutes of the meeting of October 16, 1989, were read, and approved as read.

Patrick A. Heaney, Republican candidate for Town Trustee, was present to observe.

Charles Eckert, Democratic candidate for Town Trustee, was present to observe.

William Frank reported that W. L. Button spoke with Richard Thayer. Mr. Thayer will not give him an affidavit to the effect that he had done dredging in 1962, in Noyac Harbor for the Noyac Harbor Property Association.

Glenn Just from J.M.O. Consulting was present in regards to the application for permit of Robert Shapiro, 530A Dune Road, Westhampton Beach, for the catwalk & dock. Mr. Shapiro is willing to remove the illegal 50' portion of the dock, relocate and lower the entire catwalk to specs. William Bennett stated he staked out the best location for the structure. Mr. Just explained that Ron Barnish, South Shore Docks, is at the location today

(Continued, November 6, 1989, BOARD OF TRUSTEES)

removing the floating dock and ramp. Mr. Just will withdraw the current application for permit for the additional 50' and submit new application.

Donald Getz, Marine Science at Southampton College was present with a delegation to request the dredging of Old Fort Pond. Mr. Getz explained that in 1985, the Board of Trustees denied dredging. He feels the worst areas of shoaling in the pond are between the College Marine Station and the Town Dock, and also to the mouth of Middle Pond Inlet. He submitted soundings and photographs showing the shoal areas. Also, submitted was a 15 page petition that reads "We, the undersigned citizens and taxpayers, request the dredging of a 6' deep channel 50 to 100 feet in width in Old Fort Pond from Shinnecock Bay to the Southampton Town Dock." Mr. Getz estimates that if dredged, it would be 20 years before any maintenance dredging would be required. Old Fort Pond has never been dredged in its entirety so this would be a "new dredging" project. William Bennett asked Mr. Getz if they have considered the Shinnecock Indian's Oyster project. Dr. Alvin Siegel, Dean of Southampton College, explained, with help from Senator Lavelle, the college will be acquiring a new instrument to be used on the research vessels for sampling pollution. Hopefully this will help find the cause of brown tides. Dr. Siegel said it will be difficult to schedule classes around the tides, which will

(Continued, November 6, 1989, BOARD OF TRUSTEES)

be necessary if dredging is not done. He mentioned that the College Marine Station is on the location of a former marina. Edward Warner stated the area between Best Boat Works and the College Marine Station could be done if a spoil area can be found. Mr. Getz went on to say this was not satisfactory as the County does not feel it is feasible to do such a small area. Mr. Getz stated the Shinnecock Indians will not provide a spot for spoil. Also, due to the shoaling, there has been an added maintenance expense to the college for repairs of their boats. Richard Bulloss, a homeowner in the area stated the pond is filling in and even the small boats have problems at low tide. If it is not dredged, what will happen to the pond? Mr. Warner explained that the pond will remain the same as in past years but that tides today are running higher and lower. Carol Feret although against dredging, agrees the pond is filling in. She has observed boats from Best Boat Works having problems, even at mid-low tide. Frank Smith explained that 3 years ago, a permit would have been considered if Donald Aldrich could have provided an spoil area. Mr. Getz stated that he is now requesting a 50' channel, 1/2 of what the County had proposed 3 years ago. Frank Smith explained the project would have more success if kept to the 100' width. Cutting down on the amount of spoil makes the project smaller and not economically feasible for the

(Continued, November 6, 1989, BOARD OF TRUSTEES)

County to do. The spoil would have to go to the barrier beach. The State will not allow it inside the pond area. Edward Warner added that Mr. Getz proposal includes an area of Shinnecock Bay outside the pond which William Frank stated is a productive shellfishing area. Bruce Ringers, Captain of the college research vessel "Shinnecock", explained that these shellfish areas are deteriorating and feels the flushing of Old Fort Pond would be beneficial. Dr. Steven Tettlebach, Natural Science Division of Southampton College, concurred with Mr. Ringers and added that flushing the pond could prevent future closures. Mrs. Feret asked if the dredging of the pond would create shoaling for the Landing Lane creek area? Edward Warner replied no. Bruce Ringers and Edward Warner disagree that opening the pond would increase tidal action. Mr. Warner stated State tests of the pond have been very good. William Bennett discussed previous County dredging of creeks in the Westhampton area for the purpose of creating better water flow which actually added to the pollution of Moriches Bay. Mr. Bennett quoting from Clinton Bennett, N.Y.S. Board of Heath, stated it was like opening an abscessed tooth. He referred to areas where there had been duck farms and the sediment was disturbed by the dredging. He feels dredging does not improve water quality. The only value is a good set of clams develop, but that changes within 7 or 8 years and the area becomes completely dead. Bruce Ringers Spoke of "Anoxic bottom".

(Continued, November 6, 1989, BOARD OF TRUSTEES)

He said there is no visible growth on the bottom of Old Fort Pond, only in the shallow areas where there is considerable water action. A lack of marine life concludes there is not a healthy environment. They are trying to cleanse by bringing clean water into the pond from Shinnecock Bay. Mr. Getz suggested studies after dredging. Studies have been done prior and this could be valuable information for the future. He feels dredging would be beneficial to the community as well as the biological effects. Mr. Warner proposed contacting Chuck Hamilton, N.Y.S.D.E.C. Bruce Ringers stated Mr. Hamilton has indicated that if the spoil is proposed for the barrier beach and dredging occurs during the winter months, the State would have no objections. Also present for this discussion were Joseph Corr of Best Boat Works, and Melanie Meade, Marine Science at Southampton College.

Seventeen (17) Applications for permit were received.

Two (2) applications for permit was held.

One (1) application for permit was withdrawn.

Eight (8) Mooring permits were approved.

One (1) Pot permit was approved.

CORRESPONDANCE:

The Board was informed of a call received on October 17th from Dr. John Tanacredi, National Park Services. Dr. Tanacredi explained he was working in conjunction with the

(Continued, November 6, 1989, BOARD OF TRUSTEES)

U.S. Fish & Wildlife. He has permission from the State and Federal Governments. He has a 25' research vessel and wants to collect 100 winter flounder and 100 mummy chugs from Shinnecock Inlet next week, for a research project. He stated the fish were to be tested for growth, blood, etc. Edward Warner returned the call stating the Southampton Town Trustees would not allow any dragging in the bay.

Edward S. Feldmann, Office of Commissioner, N.Y.S.D.E.C., re: Press release dated September 28, 1989 on designation of Noyac Bay as uncertified to shellfishing.

CC: Trustees, letter to the editor of Hampton Chronicle, from Bob Rusnak, Commodore, Eastern Outboard Racing Club, thanking them for their help & support for over 40 years.

Hoverclub of America re: holding a hovercraft regatta here in 1990. A reply will be sent stating the Board does not favor races in Southampton Town waters.

Charles Guthrie re: meeting last week. A copy will be send to Bruce Anderson.

Army Corp of Engineers, re: Shinnecock Inlet dredging project.

A motion was made by William Frank, seconded by Frank Smith and duly carried to pay the following from the Trustees Special Account:

The Clam Farm Inc - Scallops for Transplant	\$ 400.00
Long Island Oyster Farms - Seed Clams	\$ 2,772.00
Morris Studio - Film polaroid	\$ 19.95

(Continued, November 6, 1989, BOARD OF TRUSTEES)

Bangston Pharmacy - Film	\$	63.26
Noyac Hardware Store - Measuring Tape	\$	25.00
Peconic Marina, Inc. - Battery for M/5	\$	52.50
George's Sanitation Service, Inc - Boat disposal	\$	456.00

Frank Smith read the following report:

Escallop Bug Planting October 23, 1989

On October 23, Senior Bay Constable John Andersen, and Bay Constables Ted Sadleir and Chris Kohnken in M/2 picked up 40,000 bug scallops from the Clam Farm, Fishers Island, and returned to Noyac. The scallops were put out in the following places:

Noyac Creek	3,850
North Sea	3,850
West Neck	4,600
Cold Spring Pond	4,600
Shinnecock East	4,200
Cormorant Cove	2,100
Shinnecock Rd-Bay Ave	2,100
West Rampasture	2,100
Pine Neck East	2,100
Pine Neck West	2,100
Tiana Beach	8,400

A motion was made by William Frank, seconded by Paul Parash and duly carried to pass the following resolution:

RESOLVED: At sunrise, November 27, 1989, the following area will be OPENED as an "Experimental Cultivation area" to the taking of hard clams by "Long Lining" only: In

(Continued, November 6, 1989, BOARD OF TRUSTEES)

west Shinnecock Bay, that area east of Mermaid Lane from the old Coast Guard Channel running from the pavilion to the Intra-Coastal Waterway, then east to the Ponquogue Bridge. The area will be CLOSED at sunset on March 31, 1990. Notice to be published.

John Andersen spoke on a complaint from Attorney Ben Carter, acting for Richard and Kristi Coons regarding cutting down of trees along Little Noyac Path also known as Camps Pond Road. An inspection was made by William Frank and John Andersen and they concluded that the trees cut down by Ronald Gryzbowski were on Trustee property, that no harm was done, in fact more trees need to be removed by the maintenance department as they are a hazard to vehicle traffic. Letters are to be sent to all parties involved.

Joseph Gazza was present. He stated he purchased a piece of property in Water Mill, part of the old Bellini duck farm dumping area. The area was flagged as a wetland area. Under the SEQRA process, a 50 ft. buffer was imposed as a scenic easement. Also, a 50 ft. buffer was imposed along Montauk Highway, leaving 35 to 40% of the property to be developed. When the building permit was applied for, Mr. Thorsen of the Southampton Town Planning Board required a wetlands permit and it was referred to the Southampton Town Conservation Board. There was a hearing on four lots with a different requirement set on each. On the last lot, the Conservation Board now wants a

(Continued, November 6, 1989, BOARD OF TRUSTEES)

160 ft. buffer, squeezing the buildable portion down to one corner. Mr. Gazza questions if the Conservation Board has jurisdiction in this matter. The Conservation Board issued a "Freshwater Wetlands Permit" with conditions. Mr. Gazza feels this should have been ruled upon by the Town Trustees. The problem of jurisdiction will be investigated by the Town Attorneys.

John Andersen, Senior Bay Constable reports the following:

Scallops received from Fishers Island, October 23 were in good condition.

Recommended that Sagaponack be opened. The Board approved the inlet be opened by Cliff Foster.

Questioned where the money to winterize the boats would come from. Edward Warner stated to have them winterized but to have the bill come in on the 1st of the year.

On October 24th, Marcel Damiecki complained about work done by Mr. Conklin to the Trustee Road and his own property. Mr. Conklin smoothed out and repaired the Trustees road at the end of the pavement of Noyac Path, which was allowed by the Trustees. Pictures were taken of said problems.

Requested Axel Biel, Southampton Press to publish an article in the paper in regards to the shellfish commercially taken and tagged for selling. This is a new regulation passed June 14, 1989 by the N.Y.S.D.E.C., regarding identification and handling of transplanted shellfish.

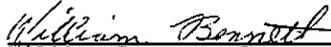
(Continued, November 6, 1989, BOARD OF TRUSTEES)

William Frank provided some pictures taken by Bay Constables Ken Malone and Dale Petruska, showing all ocean beaches were eroded due to an early October storm, rather than from the opening of Mecox Bay, like some residents on Flying Point Road had implied.

Edward Warner explained that west of Shinnecock Inlet, Road I, was always washed over, until the Bay Constables and Maintenance Men erected a snow fence, and placed some brush there. The tide has not washed over since then.

The meeting on motion was adjourned.

Respectfully submitted,


William Bennett, Secretary

PERMITS ISSUED:

PERMIT NO. 5596 is issued to En-Consultants, Inc. agent for ANTHONY BEVACQUA, Pine Tree Road, Westhampton, to remove a section of existing bulkhead and construct a 40' (north wall) x 30' boat slip into property. An area up to 15' off proposed slip will be dredged to 4' below mean low water. Resultant 33 c.y. of spoil will be placed on adjacent upland with 355 yards of upland to be removed from slip itself. Project is located on owner's property off Moriches Bay, as per application and survey submitted.

PERMIT NO. 5597 is issued to En-Consultants, Inc. agent for LYNN DEKWIATKOWSKI, 46 Seafield Lane, Westhampton Beach, to extend Permit No 5468 for a period of one year.. Project is located on owner's property off Quantuck Bay, as per application and survey submitted.

PERMIT NO. 5598 is issued to En-Consultants, Inc. agent for RITA PERNA, Duck Point Road, Remsenburg, to extend Permit No 5373 for a period of one year. Project is located on owner's property off Canal off Moriches Bay, as per application and survey submitted.

(Continued, November 6, 1989, BOARD OF TRUSTEES)

PERMIT NO. 5599 is issued to En-Consultants, Inc. agent for RITA PERNA, Duck Point Road, Remsenburg, to replace 107' of timber bulkhead within 18". Project is located on owner's property off Canal off Moriches Bay, as per application and survey submitted.

PERMIT NO. 5600 is issued to En-Consultants, Inc. agent for EDWARD DZIUK, 203 Long Neck Boulevard, Flanders, to remove and replace (in same location & configuration) 80 l.f. of existing timber bulkhead and dredge an area up to 10' off bulkhead to maximum depth 4' below MLW. Maximum 10 c.y. of spoil will be used for backfill. Project is located on owner's property off Long Neck Canal off Reeves Bay, as per application and survey submitted.

PERMIT NO. 5601 is issued to Joanne Lehman, agent for JAQUELINE WEINROD, 3 Shinnecock Road, East Quogue, to repair 70' of existing bulkhead. Project is located on owner's property off Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5602 is issued to Quogue Dock Builders, agent for DR. LIEBERT TURNER, 1 Quogue Street, Quogue, to renew Permit No. 5291 for a period of one year. Project is located on owner's property off Quantuck Bay, as per application and survey submitted.

PERMIT NO. 5603 is issued to Glenn E. Just/ J.M.O. Consulting, agent for MORTY WOLKOFF, Dune Road, Quogue, to enlarge an existing bulkhead boat basin by removing approximately 75 c.y. of fill, constructing approx. 113' of timer bulkhead and dredge existing basin to 4' at M.L.W. The resultant spoil, approx. 50 c.y. of sand shall be used as backfill for new bulkheading. Project is located on owner's property off Quogue Canal, as per application and survey submitted.

PERMIT NO. 5604 is issued to En-Consultants, Inc., agent for MONIQUE ROMEO, South Beach Road, Shinnecock Hills, to construct 370 l.f. of timber retaining wall generally along toe of bluff in location specified by the Southampton Town Trustees. Backfill with 400 c.y. of clean sand and loam to be trucked in from commercial upland source. Wall will be above mean and spring high water. Existing deteriorated section of bulkhead on e/s will be removed. Construct a staircase from top of bluff to proposed retaining wall with steps to beach. NOTE: Steps on beach shall not extend further than 3' seaward of retaining wall. If any of the retaining wall, bulkhead, staircase should exist on a Trustee's right of way known as Shinnecock Beach Road, and in the future, the public demands restoration of this road, the retaining wall, bulkhead, staircase will have to be removed. Project is located on owner's property off Shinnecock Bay, as per application and survey submitted.

(Continued, November 6, 1989, BOARD OF TRUSTEES)

PERMIT NO. 5605 is issued to En-Consultants, Inc., agent for EDWIN THOMPSON, 27 Rampasture Road, Hampton Bay, to replace (within 18") 225 l.f. of existing timber bulkhead. Dredge a maximum of 5 c.y. from in front of basin, to maximum depth of 4' below MLW. Any additional fill will be trucked in from upland source. Project is located on owner's property off Smiths Creek, as per application and survey submitted.

PERMIT NO. 5606 is issued to Inter-Science Research Associates, Inc., agent for Mulscan Associates c/o Jeff Scannelli, Newtown Road, Hampton Bays, to install timber bulkhead around the perimeter of the proposed boat basin as per site plan. Install a 20' x 40' travel lift slip at the southwest corner of the boat basin. A 6' x 153' timber fixed pier will be constructed on the southern perimere of the boat basin to moor 12 boats. A 6' x 144' timber fixed pier and 8' x 88' timber t-dock will provide a total of 22 slips at the center of the boat basin. Total number of slips provided is 46. Fuel dispensers and pump-out facility to be provided on T-dock. Project is located on owner's property off Shinnecock Canal, as per application and survey submitted.

PERMIT NO. 5607 is issued to Inter-Science Research Associates, Inc., agent for Mulscan Associates c/o Jeff Scannelli, Newtown Road, Hampton Bays, for removal of infrastructure and dredging of the boat basin to a depth of 6' below MLW. This dredging will be accomplished by clamshell bucket on a friction crane. The dredge spoils will be dewatered on-site and removed prior to the upland stages of the development. The dredging project will generate approximately 13,000 cubic yards of fill, most of which will be clean sand and gravel, although a small percentage of silt and clay is expected in the areas of the existing boat basin. Existing bulkheads and boardwalks will be removed. Project is located on owner's property off Shinnecock Canal, as per application and survey submitted.

PERMIT NO. 5608 is issued to En-Consultants, Inc., agent for DAVE BOFILL MARINE, 1810 North Sea Road, Southampton, to renew Permit No. 5349 for a period of one year. Project is located on owner's property off North Sea Harbor, as per application and survey submitted.

PERMIT NO. 5609 is issued to GERARD FORD, Bluff Point, Sag Harbor, to receive permit for a 1965 17' x 46' ramp and 8' x 13' 6" floating dock. Project is located on owner's property off Morris Cove, as per application and survey submitted.

(Continued, November 6, 1989, BOARD OF TRUSTEES)

PERMIT NO. 5610 is issued to En-Consultants, Inc, agent for GEORGE and PENELOPE KOTSONIS, Route 114, North Haven, to renewal Permit No 5219 for a period of 1 year.. Project is located on owner's property off Shelter Island Sound, as per application and survey submitted.

APPLICATION FOR PERMIT HELD:

The application of En-Consultants, Inc. agent for Michael Carroll, Homans Avenue, Quogue, for a timber dock, 1st held on Sept. 6 for certification of ownership of the right of way, deed was submitted, application is held for the Town Attorneys review.

The application of En-Consultants, Inc. agent for Armitage Investments, Inc., Sunset Avenue, East Quogue, to remove and replace (in same location & configuration) 151 l.f. of existing timber bulkhead on s/s basin, dredge an irregular shaped area within basin to 4' below MLW. Approximately 188 c.y. of spoil will be removed and placed behind bulkheads and within owner's yard. Also Construct a 65' timber groin extending off the end of the southerly bulkhead. Length of groin was chosen to duplicate length of bulkhead on n/s basin. Application is held for a full board inspection.

APPLICATION FOR PERMIT WITHDRAWN:

The application of Glenn E. Just, J.M.O. Consulting, agent for ROBERT SHAPIRO, 530A Dune Road, Westhampton Beach, to amend Permit No. 5414 to allow for an additional 4' x 50' section of elevated catwalk to be added to the docking facility was withdrawn by agent Glenn E. Just.

MOORING PERMITS ISSUED:

PERMIT NO. 90-26 is issued to Jeffery C. Barnett, 9 Hazelwood Avenue, Westhampton Beach: in Red Creek Pond.

PERMIT NO. 90-27 is issued to Michael Ceccarelli, Harbor Drive, Sag Harbor: in Sag Harbor Cove.

PERMIT NO. 90-28 is issued to Stephen F. McLaughlin, 1064 Noyac Road, Sag Harbor: in Noyac Creek.

PERMIT NO. 90-29 is issued to Ted Mendel, 115 Bittersweet Avenue, Hampton Bays: in Red Creek.

(Continued, November 6, 1989, BOARD OF TRUSTEES)

PERMIT NO. 90-30 is issued to Michael Raoul-Duval, West Neck Point, Southampton: in West Neck Creek.

PERMIT NO. 90-31 is issued to Kyle Ruhs, 4 Ridge Lane, Hampton Bays: in Shinnecock Bay.

PERMIT NO. 90-32 is issued to Fred Schmalz, Sheridan Road, Hampton Bays: in Red Creek Pond.

PERMIT NO. 90-33 is issued to Richard A. Zaloga, 154 White's Lane, Southampton: in Bullhead Bay.

POT PERMITS ISSUED:

PERMIT NO. PT2 is issued to Michael Mampreyan, Vail Avenue, East Quogue, to place pots in the Town of Southampton waters for 1990.

NOVEMBER 20, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, NOVEMBER 20, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of November 6, 1989, were read, amended, then approved as amended.

Donald Getz of Southampton College appeared before the Board to again present his proposal to have Old Fort Pond dredged. First a letter was read from Edwin Furman, President of the Southampton Town Baymen's Association, opposing dredging of Old Fort Pond and entrance in Shinnecock Bay, as it would be "destructive to the prime shellfish of the immediate area".

Walter Lane, Southampton Town bayman, was also present. He stated that dredging should not be allowed beyond Best Boatworks. He said that several more channel markers would be a great help and the area was the "best shellfish spawning area left in Town waters".

Frank Smith then explained his comments at the last meeting. He had recommended the larger project because if approved, a spoil site would have been available on the

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oceanfront. Also, he was under the impression the area had been dredged before. Research has proved this is not true and he does not favor any new dredging.

Mr. Getz then stated that Bay Bottoms, Inc. has offered to harvest and relocate any shellfish. He feels it will be only a short time before this area will be completely deteriorated to shellfishing and that dredging is the best solution.

William Bennett asked, what proof did Mr. Getz have? Everything he has said is the opposite of what other authorities have said in the past about the effects of dredging.

Mr. Getz asked that the County be allowed to do a survey to see if shoaling has in fact taken place.

Edward Warner stated that dredging will create larger boat traffic and result in more pollution. Mr. Getz did not entirely disagree but said that Corrs cannot handle any larger boats and the College is content with the boats they have but do need a better channel so they can use them.

Mr. Warner replied that Mr. Hamilton of the D.E.C. has indicated the State will go along with the project between the College Marine Station and the boat yard but an environmental impact statement will be required.

Mr. Getz submitted a letter from Michael Irving, Commodore of the Southampton Yacht Club, Inc., urging the Board to grant the college's request for the dredging.

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Again he stated that the limited project cannot be done due a lack of a spoil area. Mr. Warner said that the larger boats will have to be left at other marinas. This Board does not favor the larger project.

Frank Smith then commented on Mr. Getz's suggestion that a study be done after dredging. If the clams are gone, it is too late, the damage has been done. This is now the most productive hard clam area in Town waters.

Paul Parash suggested that the County might be willing to assist the college financially, "the interest of science". Mr. Bennett mentioned that the County does not accept any liability for dredging in Town waters. The Town must sign a release before any work is done

Mr. Getz said, he had tried and will not give up, "I will be back!"

Walter Lane requested the opening of a long lining area in Shinnecock Bay. A motion was made by William Bennett, seconded by Frank Smith and duly carried to publish the following notice:

At sunrise, December 11, 1989, the following area will be OPENED as an "Experimental Cultivation Area" to the taking of hard clams by "LONG LINING", not to exceed use of a 40 HP outboard motor:

SHINNECOCK BAY: from the Peconic Road ramp along the northerly shore to Jackson's Marina; from Mariner's Cove Marina to Cormorant Point; from Cormorant Point to the north east end of the bulkheading at the Coast Guard Station, staying 150 feet from shore.

(Continued, November 20, 1989, BOARD OF TRUSTEES)

Regular clamming will continue. There is to be "NO TOWING OF THE RAKES" in these designated areas. No special permit is required. The area will be CLOSED to "LONG LINING" at SUNSET, March 31, 1990.

Timothy McCulley, Attorney, representing Joel and Yvette Mallah, Pointe Mecox Lane, Mecox, appeared before the Board regarding a wetlands problem with the building department. Mr. McCulley said this was "tidal wetlands" as defined by the NYSDEC. John Wourgola stated that the Trustees have no jurisdiction on the uplands although they do get referrals from other Boards and offer their opinions. Mr. McCulley was advised his matter must be brought to the Planning Board.

Dennis Downes, Attorney, representing Steven Schiavoni, presented a proposal to realign a portion of Old Millstone Road which runs through property owned by Mr. Schiavoni. Realignment would create two parcels. The Board agreed an inspection should be made on December 4th.

Five (5) applications for permit were approved.

Two (2) applications for permit were held.

Three (3) Fyke permits were approved.

CORRESPONDANCE:

Stanley Schlesinger, President, Water Mill Beach Club re: erosion of ocean beach in the area of Mecox Inlet. Edward Warner stated there are three new homes going up on the oceanfront near Mecox. William Frank reported having the Bay Constables photograph ocean beaches from one Town

(Continued, November 20, 1989, BOARD OF TRUSTEES)

line to the other, which proved that Mecox is not the only area affected by erosion, in fact, many other areas were much worse. John Wourgola will prepare a reply to Mr. Schlesinger.

A motion was made by William Frank, seconded by Paul Parash and duly carried to pay the bill of Peerless Marine in the amount of \$647.00 for repairs to Marine Unit 5.

John Andersen distributed copies of the proposed changes to Waterways Ordinance 20 for study by the Board.

Mr. Andersen reported someone has been damming up Olcott's Pond in Quogue. They will check to be certain it is not being done by the Highway Department before taking further action. Frank Smith stated any damming requires the approval of the Trustees.

North Sea Harbor, Davis Creek and Fish Cove were closed by the NYSDEC to shellfishing as of this morning. Approximately 100 acres in North Sea Harbor was left open. Discussion was held on the Trustee's closing this area, with Bay Constable Andersen saying he has concerns about enforcement and confusion of the public. He said imaginary lines are difficult for the average person to deal with. William Bennett stated there are too many closures now and he does not favor closing any more. He has seen commercial baymen working off Conscience Point. It was agreed to leave the open area as is for now.

Edward Warner reported new decking has been completed at the Shinnecock boat basin by the Parks & Recreation Dept.

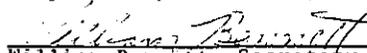
(Continued, November 20, 1989, BOARD OF TRUSTEES)

With the cooperation of Barry Cain, foreman, the Highway Department has cleaned off sand on the ramp at Bay Avenue, East Quogue.

The houseboat at Smith's Creek sunk and has now been pumped out.

The meeting on motion was adjourned.

Respectfully submitted,


William Bennett, Secretary

PERMITS ISSUED

PERMIT NO. 5611 is issued to Tanya Lachenmeyer of the Land Use Co., agent for MARVIN SIMES, Pine Tree Lane Westhampton, to retain boat davits, installed without permits, on owner's property on Moriches Bay, as per application and survey submitted.

PERMIT NO. 5612 is issued to RICHARD C. & DIANE T. IMBERT, Shotgun Lane, Remsenburg, to reconstruct within 18" of existing, 67 linear feet of timber bulkheading; to dredge an area 40' x 90' to a depth of 3' at mean low water and to install two (2) pilings, off owner's property on the Speonk River, as per application and surveys submitted.

NOTE: All special conditions as listed on page 2 of the N.Y.S.D.E.C. permit are also imposed by the Town Trustees.

PERMIT NO. 5613 is issued to En-Consultants, Inc. agent for PETER KOPKE, 67 Romana Drive, Hampton Bays, to replace within 18", 72 linear feet of timber bulkhead and to dredge up to 10' off bulkhead to a maximum depth of 4' below MLW. Maximum of 10 cy of spoil will be used for backfill. Project located off a private dug lagoon off Tiana Bay, as per application and survey submitted.

PERMIT NO. 5614 is issued to En-Consultants, Inc. agent for DANIEL VITUCCI and JOHN KAY, r.o.w. off Hyler Drive, Hampton Bays, to replace within 18", 186 linear feet of existing timber bulkhead and to dredge an area up to 10' off bulkhead to maximum depth of 4' below MLW. A maximum of 10 cy of spoil will be used as backfill. Project located on owner's property on a dug lagoon off Tiana Bay, as per application and survey submitted.

PERMIT NO. 5615 is issued to En-Consultants, Inc. agent for HENRY PLEMPER, Pawnee Street, Hampton Bays, to construct a 4' wide fixed dock extending 14' southward

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from bulkhead over rocks. From this point, dock will extend 150' southward with outer "L" 32' x 8'. Outer 56' of n/s dock and "L" will have removable wave curtain. Two (2) 10" diameter pilings will be installed 16' and 32' n/o "L". Project located off owner's property on Shinnecock Bay, as per application and surveys submitted. NOTE: This is a "Residential Dock". No more than two (2) boats can be docked. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

APPLICATIONS FOR PERMIT HELD:

The application of En-Consultants, Inc. agent for Armitage Investments, Inc. continues to be held. Frank Smith will meet with Roy Haje and Pat Heaney for an inspection.

The application of En-Consultants, Inc. agent for John Harrington, Main Street, Sag Harbor for bulkheading at Otter Pond Creek is held for a full Board inspection.

FISH TRAP PERMITS ISSUED:

FT-243 to Walter Lane, 20 Rampasture Road, Hampton Bays to place a fyke in Tiana Bay, south east of the Flocee Estates man made slip.

FT-244 to Walter Lane, 20 Rampasture Road, Hampton Bays, to place a fyke in Tiana Bay.

FT-245 to Walter Lane, 20 Rampasture Road, Hampton Bays, to place a fyke in south east Tiana Bay.

DECEMBER 4, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, DECEMBER 4, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul Parash and William T. Frank, and Deputy Town Attorney John Wourgola.

The minutes of the meeting of November 20, 1989, were read, and approved as read.

Patrick A. Heaney, Town Trustee-elect was present to observe.

Bruce Anderson, Town Natural Resources Environmentalist II was present to observe.

The Board held inspection this morning at the property of Steven Schiavoni, in reference to the request for re-alignment of Old Millstone Road. The Trustees are not in favor of re-alignment of Old Millstone Road. The Board would allow two flag lot entrances and a small road over Trustee property, 2' above grade, with a culvert of re-inforced concrete pipe.

Donald Getz of Southampton College appeared before the Board referencing his proposal to have Old Fort Pond dredged he asked what the N.Y.S.D.E.C. opposition was with dredging Shinnecock Bay. Edward Warner explained that the D.E.C. gave no opinion for or against dredging Shinnecock

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Bay. He add that the Trustees would evaluate the dredging from Best Boat Works to the College Marine Station after the impact statement has been completed, as would the N.Y.S.D.E.C. Mr. Getz thanked the Board and left the meeting.

Bruce Anderson stated the Trustee Board a couple years ago requested the County to dredge Old Fort Pond. Mr. Warner replied this Board, to his knowledge has never asked the County to Dredge Old Fort Pond.

Nine (9) Applications for permit were received.

One (1) Mooring permit was approved.

CORRESPONDANCE:

Lisa Tettelbach, Marine Resources Specialist,
N.Y.S.D.E.C. 11-17-89 re: North Sea Harbor being
uncertified.

Lisa Tettelbach, Marine Resources Specialist,
N.Y.S.D.E.C. 11-20-89 re: explaining need for more
sampling in Noyac & Mill Creek.

Lisa Tettelbach, Marine Resources Specialist,
N.Y.S.D.E.C. 11-27-89 re: the proposed 65,000 acre
closure. Edward Warner responded to this letter. He
called Lisa and asked her when they do the colliform
testing if it is Middle Line Testing or not. Mrs.
Tettelbach did not know, but asked a colleague, and
responded that most are taken from the top of the water or
1' below the surface. John Andersen stated that the
Baymen should get together and go to the D.E.C. to show

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their opposition on closing the bays. This would help stop more closures by putting pressure on the D.E.C.

CC: Trustees from: John Johnsen, to: Planning Board re: release Performance Bonds of \$30,000.00 for road improvements to Sprig Tree Path. A lengthy discussion followed. John Wourgola will write a reply to John Johnsen and the Planning Board. John Johnsen will be invited to attend the next Trustees meeting to discuss future developments on Trustee's Roads.

A motion was made by William Frank, seconded by Frank Smith and duly carried to pay the following from the Trustees Special Account:

En-Consultants, Inc. - Romana Dr. dredge Project	\$ 350.00
Best Boat Works, Inc. - hauling M/2	\$ 162.00

A motion was made by Edward Warner, Seconded by Frank Smith and duly carried to passed and publish the following resolution: RESOLVED: THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. hereby give notice, that due to holidays falling on the dates of the regularly scheduled meetings in the month of January 1990, these meetings will be held as follows: Wednesday, January 3rd and Wednesday, January 17th, 1990.

John Andersen, Senior Bay Constable, asked if the Trustees were going to request from the N.Y.S.D.E.C. to have Mecox Bay conditional or seasonal. Edward Warner replied that they have not requested this yet this year.

Edward Warner asked that a letter be send to Captain Overton, Southampton Town Police Department, requesting

(Continued, December 4, 1989, BOARD OF TRUSTEES)

his department to once again cooperate with ours by taking a daily Rain Gauge Reading. Also asked for letters to go to WLNG, WRIV, WWHB, requesting their cooperation in making the daily public service announcements, as they have done in previous years.

Edward Warner stated that John Mooney, stop by the office and drop off the Army Corps of Engineers Books on The General Design Memorandum Shinnecock Inlet Project. One Book on the Reformulation Study and Environmental Impact Statement, the other on Supplemental Documentation. These books reference the Shinnecock Dredging Project, and are dated 1987. Mr. Mooney was questioning the where-abouts of these books a couple of weeks ago. Mr. Mooney found them in Bruce Anderson's office, and brought them forth for this Board to read.

The meeting on motion was adjourned.

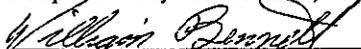
At 1440 the meeting was re-opened. The following Baymen were present to request Moriches Bay be open for towing of the Rack: Edward Warner Jr., Edward White, Michael Mampreyan, Wayne Grothe, Robert Bourguignon, and Philp Tocci. Frank Smith felt that a letter from the Baymen Association was need first to get an overall approval from the Baymen than from just six Baymen. Edward Warner Jr. stated that there is a lack of interest in the Baymens Association, the last meeting approximately 3 baymen showed up, the men in this room are the ones trying to make a living at it. He continued to say what they are requesting in from Speonk west to the Brookhaven

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Township Line. Frank Smith explained that he felt the Trustees should receive a letter from the Baymens Association, showing the majority of Baymen approve of this opening. This would include the baymen that work Moriches Bay. He went on to say he does not mean every baymen should belong to the Baymens Association. Mr. Warner stated that this Board, as elected Officials should make the decision whether or not an area will be open to Tow Racking, and not the Baymens Association. Edward Warner asked John Andersen what his opinion was. John Andersen replied that he had no objection to the opening of Moriches Bay for Tow Racking. A motion was made by William Bennett, seconded by Frank Smith and carried with 4 votes (Edward Warner obtained from his vote) to pass and publish the following resolution: RESOLVED: At SUNRISE, December 23, 1989, the following area will be OPENED as an "Experimental Cultivation Area" to the taking of hard clams by "TOW RAKING": That area of Moriches Bay in the Town of Southampton, north of the Intra-Coastal Waterway, from the Speonk Point Canal to Seatuck Cove (Brookhaven - Southampton Town line). Regular clamming will continue. No Special permit is required. The area will be CLOSED to "TOW RAKING" at SUNSET, April 30, 1990.

The meeting on motion was adjourned at 1500.

Respectfully submitted,


William Bennett, Secretary

(Continued, December 4, 1989, BOARD OF TRUSTEES)

PERMITS ISSUED:

PERMIT NO. 5616 is issued to Glenn E. Just/J.M.O. Consulting agent for UMBERTO BONETTI, 408 Dune Road, Westhampton Beach, to reconstruct in kind/place approximately 80' of timber bulkhead, and to backfill structure with approximately 10 yards of clean fill. Project is located on owner's property off Moriches Bay, as per application and survey submitted.

PERMIT NO. 5617 is issued to Glenn E. Just/J.M.O. Consulting agent for FAY HARBACH, 17 Ogden Lane, Quogue, to reconstruct within 18" approx. 132' of timber bulkhead, a 21' timber return at the northern end, a 32' timber return at the southern end, and to backfill structure with approx. 75 c.y. of clean fill which shall be trucked in from an upland site. Bulkhead must be 6 - 8" above grade, and have a fiberglass mesh retaining wall behind bulkhead. Project is located on owner's property off Ogden Pond, as per application and survey submitted.

PERMIT NO. 5618 is issued to Glenn E. Just/J.M.O. Consulting agent for KATHLEEN MIGGINS-MCVANN, Old Riverhead Road, Quogue, to reconstruct in kind/place approximately 199' of deteriorated timber bulkhead, and backfill structure with approximately 50 c.y. of clean sand which shall be trucked in from an upland site. Project is located on owner's property off Quantuck Creek, as per application and survey submitted.

PERMIT NO. 5619 is issued to En-Consultants, Inc. agent for ARMITAGE INVESTMENTS, INC., Sunset Avenue, East Quogue, to remove and replace (in same location and configuration) 151' of existing timber bulkhead on s/s basin. Dredge an irregular-shaped area within basin to 4' below MLW. Approximately 188 c.y. of spoil will be removed and placed behind bulkheads and within owner's yard. Construct a 60' brush jetty, 25' of which will extend beyond the end of the bulkhead return. Project is located on owner's property off Great Creek, as per application and survey submitted.

PERMIT NO. 5620 is issued to En-Consultants, Inc. agent for ELI BLUME, 31 Nautilus Drive, Hampton Bays, to remove and replace 105 linear feet of timber bulkhead in same location and configuration. Dredge maximum 10 c.y. from area up to 10' in front of bulkhead. Spoil to be used as backfill. Project is located on owner's property off Wells Creek, as per application and survey submitted.

(Continued, December 4, 1989, BOARD OF TRUSTEES)

PERMIT NO. 5621 is issued to Richard F. Scott Design agent for SUGAR LOAF LANDOWNERS ASSOCIATION, West Way, Shinnecock Hills, to rebuild the existing deteriorated stairs. If any of the stairs should exist on a Trustee's right of way known as Shinnecock Beach Road, and in the future, the public demands restoration of this road, the stairs will have to be removed. Project is located on owner's property off Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5622 is issued to Inter-Science Research Assoc., Inc. agent for MARTIN & ANNE RABINOWITZ, Lee Avenue, Southampton, to construct a 4' x 50' fixed pier, 4' x 12' ramp, 8' x 16' floating dock. Project is located on owner's property off Heady Creek, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5623 is issued to MICHAEL CECCARELLI, RR#3 446-1 Harbor Drive, Sag Harbor, to construct a 4' x 35' fixed dock (4' above grade), 4' x 10' ramp, and a 6' x 20' floating dock extending seaward from retaining wall. Project is located on owner's property off Sag Harbor Cove, as per application and survey submitted. "As lead agency for SEQRA, this Board has determined the project will have no significant effect on the environment".

PERMIT NO. 5624 is issued to James H. Rambo, Inc. agent for MRS. HUNTER GOODRICH, Cobb Isle, Water Mill, to reconstruct within 18" 70' of timber bulkhead. Bulkhead must be 6 - 10" above grade. Project is located on owner's property off Meyers Pond, Mecox Bay, as per application and survey submitted.

MOORING PERMITS ISSUED:

PERMIT NO. 90-34 is issued to Helen O' Connor, 8 Duval Drive, Hampton Bays, in Red Creek Pond.

DECEMBER 18, 1989

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALTY OF THE TOWN OF SOUTHAMPTON, N.Y. WAS HELD AT TOWN HALL ON MONDAY, DECEMBER 18, 1989, AT 1 P.M.

PRESENT WERE: President, Edward J. Warner; Trustees Frank L. Smith, William Bennett, Paul W. Parash and William T. Frank, and Deputy Town Attorney John M. Wourgola.

The minutes of the meeting of December 4, 1989, were read, and approved as read.

Councilman Tony Gil, Councilwomen Patricia Neumann and Marietta Seaman were present to present the following Proclamation to Frank L. Smith:

WHEREAS: the Town of Southampton exists as one of the finest communities in the United States because of the contributions of its hardworking and conscientious citizens; and

WHEREAS: FRANK LEROY SMITH has been a Trustee for the Town of Southampton and served the people of the Town faithfully since he was appointed in August, 1970; and

WHEREAS: FRANK LEROY SMITH will enjoy his retirement with his son, WILLIAM; his daughters, LYNN and PATRICIA, and also his grandchildren: MARGIE, SUSIE, CATHY, DIANA, and JENNIFER; and

(Continued, December 18, 1989, BOARD OF TRUSTEES)

WHEREAS: FRANK LEROY SMITH will now be able to enjoy bowling and fishing, reading and bingo.

NOW, THEREFORE BE IT RESOLVED: that in recognition of FRANK LEROY SMITH's valued contribution to the citizens of our community, the Town Board of the Town of Southampton does extend to FRANK LEROY SMITH our congratulations and that of all people in the Town of Southampton.

IN WITNESS WHEREOF: we have hereunto set our hands and caused the seal of the Town of Southampton to be affixed this 18th day of December, nineteen hundred eighty-nine.

Roy Haje, En-Consultants and his client John Harrington were present to discuss Mr. Harrington's application for permit. Mr. Haje asked the Board to hold off on their decision until all other applications have been received. Edward Warner suggested to John Harrington to obtain a rip-rap permit instead. Mr. Harrington will check with Tom Samuels, James H. Rambo, Inc., to see if rip-rap is feasible, but asks the Board to still hold their decision until remaining permits have been received. The Board agreed to due same.

Lee Phillips was present to discuss Ronald Grinblat's property on Mermaid Lane. Mermaid Lane, East Quogue is a Trustee's Road. Approximately 12 c.y. of sand have been removed from Mermaid Lane. Also Mr. Grinblat has built a portion of his retaining wall on Mermaid Lane, as per survey received from Dolliver & Associates. John Wourgola will respond to Ronald Grinblat giving him 10 days to remove the retaining wall that encroaches the Trustee Road

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or the Trustee's will remove same at his cost. Also requiring Mr. Grinblat to restore that portion of Mermaid Lane that was disturbed to its natural state, and to reimburse the Town Trustees for the cost incurred with this violation. This includes but is not limited to the \$775.00 dispersed by the Trustees for preparation of the survey. The letter will be hand delivered to Mr. Grinblat by Bay Constable Kenneth Malone.

Thirteen (13) applications for permit were approved.

Four (4) Mooring permits were approved.

CORRESPONDANCE:

Bruce Anderson To: Trustees; re: Pond Studies.

NYSDEC, To: Trustees; Re: Romana Drive Canal Dredging.

NYSDEC, To: Trustees; Re: Opening of Mill Creek, Noyack Bay; December 15, 1989.

CC: Trustees; From: Michael Corey, NYS Department of State, To: John Guildi, SC Dept Public Works; Re: Speonk Point Canal Dredging.

CC: Trustees; From Mohabir Persaud, NYS Department of State, To: Roy Haje, En-Consultants, Inc.; Re: Long Neck Royal Canal Association.

A motion was made by William Frank, Seconded by Paul Parash and duly carried to pay the following bills from the Trustee's Special Account:

Shinnecock Hardware Inc. / repair to buoys	\$20.44
George's Sanitation Service / 5 yds container	\$125.00
Dolliver Associates / Survey Mermaid Lane	\$775.00

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A motion was made by William Frank, Seconded by Frank Smith, and duly carries to cancel savings account with Chemical Bank, due to low interest, and place in Suffolk County National Bank, money market account, with a higher interest.

A motion was made by William Bennett, seconded by Frank Smith, and duly carried to transfer the funds of Chemical checking account to Bank of the Hamptons, leaving a balance of \$500.00 for the new year.

John Andersen, Senior Bay Constable stated Saft does not manufacture the batteries we need. He will check with other battery company to see if one sell the kind we need. Mr. Andersen received permission to make up the spec's for the vehicle so it may to go out to bid.

Edward Warner explained that the conditional area of Flanders will not open on December 20th as scheduled due to the 35 hundredths of a inch reading taking last Saturday. If there is no more rain fall the conditional area should open on December 23, 1989.

Edward Warner stated that the Hampton Bays Fire Department preformed a rescue with their Hovercraft this past weekend. A clammer had gotten trapped by the ice in Moriches Bay. John Andersen asked why the Bay Constable was not notified. Mr. Warner told him the call came over the ban radio.

A motion was made by William Bennett, seconded by Paul Parash and duly carried that the following resolution be spread on the minutes and a copy thereof be delivered to

(Continued, December 18, 1989, BOARD OF TRUSTEES)

FRANK L. SMITH:

WHEREAS: FRANK L. SMITH, was appointed a Trustee of the Freeholders and Commonalty of the Town of Southampton in August 1970, and was duly elected to that position in November 1971, and served through December 31, 1989; and

WHEREAS: his twenty years of service and devotion to his duties as a Trustee has reflected to the highest interest of the public and credit to this Board; and

WHEREAS: he has been particularly noted for his knowledge of Southampton Town waterways and surrounding areas, his avid protection of those waters and their products, his chairmanship of the Town Shellfish Committee which instituted a seed clam management program and transplant programs for clams, oysters, and scallops;

NOW THEREFORE: it is hereby resolved that this Board of Trustees of the Freeholders and Commonalty of the Town of Southampton, extend to FRANK L. SMITH, a wish for a long life of happiness and good health, and the knowledge of leaving a job well done.

Frank Smith thanked the board, and stated it could not have been done with out them.

The meeting on motion was adjourned.

Respectfully submitted,


William Bennett, Secretary

(Continued, December 18, 1989, BOARD OF TRUSTEES)

PERMITS ISSUED

PERMIT NO. 5625 is issued to En-Consultants, Inc., agent for MICHAEL CARROLL, Homans Avenue, Quoiogue, to Construct a timber dock consisting of a 4' x 80' fixed elevated (4' above grade of marsh) walk; 4' x 12' ramp; and a 6' x 20' float secured by (2) 8" diameter pilings. Project is located on owner's property off Asputuck Creek, as per application and survey submitted.

PERMIT NO. 5626 is issued to Harbor Marine Construction Inc., agent for MARTY MELZER, 12 Seatuck Lane, Remsenburg, to Reconstruct a 75 l.f. of navy style bulkhead with attendant backfill, a 4' x 70' pile supported pier, and boatlift with 4 - 10" x 25' mooring piles. Project is located on owner's property off Moriches Bay, as per application and survey submitted.

PERMIT NO. 5627 is issued to Harbor Marine Construction Inc., agent for DORA WISWELL, 44 Harbor Road, Westhampton Beach, to reconstruct a 70' timber bulkhead within 17" of existing. Backfill with 50 c.y. of clean fill to be trucked in. Project is located on owner's property off Moriches Bay, as per application and survey submitted.

PERMIT NO. 5628 is issued to En-Consultants, Inc., agent for ROBERT CARMEL, Shinnecock Road, Quogue, to extend walk 4' x 30', and replace float with a 10' x 30' float. Final dimensions will be 4' x 130' fixed elevated walk; 4' x 12' ramp; 10' x 30' float secured by 4 timber pilings. The float shall not extend beyond the edge of the channel. Project is located on owner's property off Penniman Creek, as per application and survey submitted.

PERMIT NO. 5629 is issued to En-Consultants, Inc., agent for ROBERT GALLO, Dune Road, Quogue, to construct a 3' x 35' fixed walk on pilongs on outer side of existing boat lift. Project is located on owner's property off Quogue Canal, as per application and survey submitted.

PERMIT NO. 5630 is issued to En-Consultants, Inc., agent for ED & JANICE GERMANO, 93 Dune Road, Quogue, to replace (within 18") 183' timber bulkhead and construct a 20' section on south end of basin. To construct a 4' x 35', 4' x 33', 4' x 38', 4' x 20', 4' x 45', 4' x 26', 4' x 6', 4' x 57' catwalk behind bulkhead of same. Dredge an area 5' in front of new bulkhead to maximum depth of 4' below MLW. Maximum 10 c.y. of spoil will be used for backfill. Project is located on owner's property off Quogue Canal, as per application and survey submitted.

(Continued, December 18, 1989, BOARD OF TRUSTEES)

PERMIT NO. 5631 is issued to En-Consultants, Inc., agent for DR. JOHN GUCK, 18 Sunset Avenue, East Quogue, to reface 35' of existing bulkhead, and 25' return. No dredging approved with this permit. Project is located on owner's property off Phillips Creek, as per application and survey submitted.

PERMIT NO. 5632 is issued to Michael Sylvester, agent for ROBERT POGGI, 13 Dolphin Road, East Quogue, to resheath 75' of bulkhead with 2" x 10" x 10' CCA. No Dredging permitted. Project is located on owner's property off dug canal, off Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5633 is issued to Michael Sylvester, agent for JOHN WEIKERT, 38 Dolphin Road, East Quogue, to resheath 75' of bulkhead and backfill 20 c.y. trucked in material. Project is located on owner's property off dug canal, off Shinnecock Bay, as per application and survey submitted.

PERMIT NO. 5634 is issued to JOHN & FLORENCE HIMMER, 139 Little Neck Road, Southampton, for bulkheading of property (work performed in 1960, in conjunction with other neighbor's (Shoda, Roedel, McCormack, Romaine, Buck, Wandt, Woodward, and DeCarlo) 50.17 of Bulkhead was done in 1960.. Project is located on owner's property off Middle Pond, as per application and survey submitted.

PERMIT NO. 5635 is issued to En-Consultants, Inc., agent for NARROWS AT SQUAW ISLAND, 400 Noyack Road, North Sea, to extend Permit No. 5410 for a period of one year.

PERMIT NO. 5636 is issued to En-Consultants, Inc., agent for DAVE BOFILL MARINE, INC., 1810 North Sea Road, Southampton, to remove and replace (in same location and configuration) 137.5' of existing bulkhead. No dredging permitted with this permit. Project is located on owner's property off North Sea Harbor, as per application and survey submitted.

PERMIT NO. 5637 is issued to Robert Loesch, Dakin Builders Inc., agent for ELIZABETH TIRRELL, Morris Cove Lane, Sag Harbor, to construct a 20' x 4' floating dock, 10' x 4' ramp, and a 10' x 4' stationary ramp (4' above grade.) Project is located on owner's property off Upper Sag Harbor Cove, as per application and survey submitted.

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MOORING PERMITS APPROVED:

PERMIT NO. 90-35 is issued to DONALD BRINK, 787 Pleasure Drive, Flanders, to place a 250 lbs. mushroom anchor mooring and buoy for a 30' Bristol Sloop, in Red Creek Pond, under the direction of Bay Constable Ken Malone.

PERMIT NO. 90-36 is issued to CLEVE CHRISTIE, Robins Nest Road, Hampton Bays, to place a 150 lbs. mushroom anchor mooring and buoy for a 16' Larson O/B (Reg. No. NY8285BZ), in Red Creek Pond, under the direction of Bay Constable Ken Malone.

PERMIT NO. 90-37 is issued to WILLIAM S. COLLINS JR., RR3 424 Bayview Drive, Sag Harbor, to place a 150 lbs. mushroom anchor mooring and buoy for a 24' Albermare (Reg. No. NY7850JU) "KEEP COOL", in Sag Harbor Cove, under the direction of Bay Constable Chris Kohnken.

PERMIT NO. 90-38 is issued to ROBERT KIRSCHNER, 23 Bergen Avenue, Hampton Bays, to place a 125 lbs. mushroom anchor mooring and buoy for a 23' Sailboat (Reg. No. NY3553EA), in Red Creek Pond, under the direction of Bay Constable Ken Malone.