

*North Sea Citizens Advisory Committee
Town of Southampton
164 Fish Cove Road & 18 Pine Tree Rd
Southampton, New York 11968*

631-283-5978 or 631-283-3566

*Lucille Dunne
John Watson
Co-Chairs*

*Secretary
Barbara Fair*

*Members
Joan Barra*
Mary Beatty
Joan Brennan**
John Clark
Daniel Gebbia
Stephanie McNamara
Frank Palmer
Ann Reisman
Arlene Schroeder
Mary E. Topping*

**denotes Seasonal Member
**denotes ex-officio
member*

MINUTES

July 9, 2012

Speaker: Eric Schultz, Southampton Town Trustee

The meeting opened at 8:10 pm with the Pledge of Allegiance.

The minutes of the June 11th meeting were approved.

New Business

Meeting Schedule. The next meeting will be held on September 10 at 8 pm. There will not be a meeting in August.

Little Fresh Pond Update. The CAC offered congratulations to the Little Fresh Pond Association for the court's decision to throw out the SLAPP lawsuit against them.

Trustee Presentation. The Freeholder Trustees are the oldest continuously elected body in North America. Trustee Eric Schultz discussed the Trustees' mandate to protect public access to the water. A key issue today is the building of seawalls. The NYS DEC has delegated the right to enforce Coastal Zone Management requirements to the Villages. As a consequence, standards are not uniformly followed. For example, the Village of Quogue has permitted re-building without moving houses back from the high water mark. After a big storm, some homeowners installed a seawall, and then wanted to put in geotubes. Robert Young, an eminent coastal geologist from Duke University, has stated that observations show these structures are bad for the beach, depriving other areas of nourishment by capturing sand.

Over the years, the Trustees have taken people to court, prevailing in the NYS Court of Appeals on the issue that the Trustees have an easement from the high watermark to the crest of the dunes. However, in the most recent case, the lower court would not allow the injunction requested by the Trustees. This decision will be appealed.

An interesting legal dispute was created when the ocean broke through a cut and deposited sand on areas that were previously bay bottom, creating dry land where none had been before. Adjoining landowners claimed the right to the newly created land. There has been a "massive" lobbying effort by attorneys who represent

homeowners and villages to curtail the jurisdiction of the Trustees. Mr. Schultz stated his belief that the DEC “rules by whim”, favoring big homeowners over “the little people”. The Dongan Patent has been to the US Supreme Court twice, the Court ruling the Trustees have an easement over the inland bays. They also own the stream beds of naturally occurring water bodies, although the Town owns enclosed bay bottoms.

Mr. Schultz outlined some other Trustee initiatives, including spending over \$140,000 on research and treatment options for Mill Pond, operating a shellfish re-stocking program, maintaining Trustee roads, and achieving success in repealing the saltwater fishing license.

New York State owns the bottom of Peconic Bay, and the county has been delegated authority to give shellfish leases to individuals. and the Town conservation Board has jurisdiction above the high water mark. Another question concerned deeds granting title to a parcel “to the high water mark”. Mr. Schultz explained that the coastline changes over time, and it depended on when the surveyor went there. A guest asked who is responsible for the public lands around Little Fresh Pond, and was told the Trustees own up to the average high water line. Above that is a “grey area”. However, they are doing research on the proposed day camp and the matter of swimming in Little Fresh Pond. Other questions concerned how the Trustees were financed. Mr. Schultz indicated they sell parking stickers for the Agawam parking lot, fees generated by dock lotteries go into the bulkhead account, and they sell sand from dredged areas. They also receive funds from the Town each year for their regular operating expenses.

A member asked if the heat was affecting the water bodies, to which Mr. Schultz responded that the Trustees have observed sea level rise in the past two years, and the Brown Tide. On the other hand, clams and oysters were seeding in places where they hadn’t been before. He stated he wasn’t convinced that septic tank discharge causes the Brown Tide or kills off eel grass.

When it was suggested the Trustees appear at the monthly meeting of the CAC’s, Mr Schultz said they have been talking to all the CACs, which are supportive. The Trustees are not looking for money, they are looking for support.

The Trustees can be reached at: southamptontrustees.com. The Trustee minutes, beginning in 1640, can now be seen on the Town website on a searchable index.

Balcomie Terrace. A resident stated she had contacted other homeowners on Balcomie Lane and wrote to Richard Blowes and the Town Board. She received a response and would “like to make it a bigger cause”. Someone had been observed flagging trees. She felt this was part of the White Cedar Swamp and should be protected. The Co-Chair said no decision can be made without coming back to the CAC and no one has told her anything. The community embraced 14 affordable housing units at the Courtyards and the plans for 16 units of workforce housing at Sandy Hollow, but felt the proposed 14 units at Balcomie would overpower the hamlet and that the CAC wanted to know how many affordable homes were in the hamlets. In response to a question about examples of the proposed affordable homes, the Co-Chair said they were “attractive Cape Cods, and energy efficient.”

Adjournment

The meeting was adjourned at 9:45 pm.

Present: Lucille Dunne, Barbara Fair, Dan Gebbia, Stephanie McNamara, Ann Reisman, Frank Palmer, John Watson,

Excused: Joan Barra, Mary Beatty, John Clark, , Arlene Schroeder, Mary Topping