



# Regular Meeting of March 4, 2019

## 1:00 PM

**Monday, March 4, 2019**

**1:00 PM**

**Town Hall - Town Board Room**

### ***I. Call to Order***

1:00 PM Meeting called to order on March 4, 2019 at Town Hall - Town Board Room, 116 Hampton Road, Southampton, NY.

### ***II. Pledge of Allegiance***

### ***III. Roll Call***

| <b>Attendee Name</b>                  | <b>Present</b>           | <b>Absent</b>            | <b>Late</b>              | <b>Arrived</b> |
|---------------------------------------|--------------------------|--------------------------|--------------------------|----------------|
| President Edward J. Warner Jr.        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                |
| Secretary-Treasurer Scott M. Horowitz | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                |
| Trustee William Pell IV               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                |
| Trustee Bruce A. Stafford             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                |
| Trustee Ann Welker                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                |

### ***IV. Next Trustee Meeting***

Regular Meeting: 3/5/19 at **7:00 p.m.** at the **Hampton Bays Senior Center**  
Work Session: 3/13/19 at 3:00 p.m.

### ***V. Minutes Acceptance***

1. Regular Meeting January 11, 2016 1:00 PM
2. Regular Meeting January 20, 2016 1:00 PM
3. Regular Meeting February 24, 2016 1:00 PM
4. Regular Meeting March 7, 2016 1:00 PM
5. Regular Meeting March 21, 2016 1:00 PM
6. Special Meeting March 22, 2016 4:00 PM
7. Special Meeting March 30, 2016 3:15 PM
8. Regular Meeting June 6, 2016 1:00 PM
9. Special Meeting October 7, 2016 4:30 PM
10. Regular Meeting November 7, 2016 1:00 PM
11. Special Meeting November 1, 2017 3:15 PM
12. Special Meeting August 1, 2018 3:15 PM
13. Regular Meeting October 15, 2018 1:00 PM
14. Regular Meeting February 11, 2019 1:00 PM

## VI. Communications

### Letters

U.S. Army Corps of Engineers Applications:

1. Christopher Prochner, 26 Landsend Lane, Southampton to construct a 4' X 24' timber pier on Cold Spring Pond, a tributary of Great Peconic Bay.
2. 20 Whalers Walk LLC, Noyac to construct a 4' X 31' fixed pier on Sag Harbor Cove, a tributary of Shelter Island Sound.

Suffolk County Dept. of Economic Development and Planning:

1. Public Notice regarding the Suffolk County Aquaculture Lease Program in Peconic and Gardiners Bay - Request for Written Comments

Letter from Mr. William Becker regarding Waterfowl Hunting Location Permit issues

## VII. Discussions

Discussion regarding a Proposed Oyster Garden in Red Creek Pond with Sean O'Neill, Executive Director, Peconic Baykeeper and Peter Topping, the Peconic Baykeeper

## VIII. Public Hearings

1. **Public Hearing on the Permit Application of Justin and Barbara Gubbins for the Premises located at 40B Island Creek Road, North Sea, Town of Southampton, New York**

| ✓ Vote Record - Motion  |                      |                          |                          |                          |                          |  |
|---|----------------------|--------------------------|--------------------------|--------------------------|--------------------------|--|
|   |                      | Yes/Aye                  | No/Nay                   | Abstain                  | Absent                   |  |
| <input type="checkbox"/> Adjourned<br><input type="checkbox"/> Closed | Edward J. Warner Jr. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
|   | Scott M. Horowitz    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
|   | William Pell IV      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
|   | Bruce A. Stafford    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
|   | Ann Welker           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |

## IX. Public Portion

## X. Applications for Permits

\*\*Board of Trustees hereby waive a public hearing on the following applications because it has been determined that the following projects do not raise a significant degree of public interest or public input is not needed to aid in the decision making process\*\*

### **Edward J. Warner Jr.**

#### **Trustees Resolution 2019-58**

**Category:** General Permit - Trustees  
**Sponsors:** Edward J. Warner, Jr.  
**Department:** Trustees of the Freeholders  
**Applicant:** Agena Rigdon, DKR Shores, P.O. Box 488, Hampton Bays, New York, 11946

**Application of Jack and Maria Hughes, 14C Penny Lane, Hampton Bays, New York (SCTM No. 0900-323-2-10) Body of Water: Penny Pond**

**WHEREAS,** the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State

Environmental Quality Review Act; now therefore be it

**RESOLVED**, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby authorizes the President and Secretary-Treasurer to sign the Permit of **JACK HUGHES AND MARIA HUGHES** to reconstruct the existing Navy Style (99') bulkhead/in place of existing utilizing vinyl sheet piling ESP 400 series; to reconstruct the existing (width varies) boardwalk (482 s.f.) landward of the new structure; to backfill with 35 cubic yards of clean fill and establish a 10' non turf/stone buffer area; to install a 5' gate for pass/repass as required by Southampton Town Trustees Blue Book Regulations; all material to be untreated for the premises located at **14C Penny Lane, Hampton Bays, New York (SCTM No. 0900-323-2-10)**; and be it

**FURTHER RESOLVED**, the following conditions shall apply:

**Subject to and conditioned upon Permittee receiving any and all approvals required pursuant to the Town Code of the Town of Southampton.**

| ✓ <b>Vote Record - Trustees 2019-TRUS-58</b>    |  |                      |                          |                          |                          |                          |
|---|--|----------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Adopted                |  |                      | <b>Yes/Aye</b>           | <b>No/Nay</b>            | <b>Abstain</b>           | <b>Absent</b>            |
| <input type="checkbox"/> Tabled                 |  | Edward J. Warner Jr. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> No Action              |  | Scott M. Horowitz    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Closed                 |  | William Pell IV      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Reschedule             |  | Bruce A. Stafford    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Adjourned              |  | Ann Welker           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Acknowledged Signature |  |                      |                          |                          |                          |                          |
| <input type="checkbox"/> Adopted as Amended     |  |                      |                          |                          |                          |                          |
| <input type="checkbox"/> Defeated               |  |                      |                          |                          |                          |                          |
| <input type="checkbox"/> Withdrawn              |  |                      |                          |                          |                          |                          |

**Trustees Resolution 2019-59**

**Category:** General Permit - Trustees  
**Sponsors:** Edward J. Warner, Jr.  
**Department:** Trustees of the Freeholders  
**Applicant:** Agena Rigdon, DKR Shores Inc., P.O. Box 488, Hampton Bays, New York 11946

**Application of No Hotel Investors LLC, 16 Penny Lane, Hampton Bays, New York (SCTM No. 0900-323-02-15) Body of Water: Penny Pond**

**WHEREAS**, the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; now therefore be it

**RESOLVED**, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby authorizes the President and Secretary-Treasurer to sign the Permit of **NO HOTEL INVESTORS, LLC** to reconstruct the existing Navy Style (100') bulkhead/in place of existing utilizing vinyl sheet piling ESP 400 Series; to reconstruct the existing (width varies) boardwalk (470 s.f.) landward of the new structure; to backfill with 35 cubic yards of clean fill and establish a 10' non turf/stone buffer area; to install a gate within 5' pass/repass as required by the Southampton Town Trustees Blue Book Regulations; and all material to be untreated for the premises located at **16 Penny Lane, Hampton Bays, New York (SCTM No. 0900-323-02-15)**; and be it

**FURTHER RESOLVED**, the following conditions shall apply:

**Subject to and conditioned upon Permittee receiving any and all approvals required pursuant to the Town Code of the Town of Southampton.**

| ✓ Vote Record - Trustees 2019-TRUS-59  |                      |  |                          |                          |                          |                          |
|--|----------------------|--|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Adopted<br><input type="checkbox"/> Tabled<br><input type="checkbox"/> No Action<br><input type="checkbox"/> Closed<br><input type="checkbox"/> Reschedule<br><input type="checkbox"/> Adjourned<br><input type="checkbox"/> Acknowledged Signature<br><input type="checkbox"/> Adopted as Amended<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Withdrawn |                      |  | <b>Yes/Aye</b>           | <b>No/Nay</b>            | <b>Abstain</b>           | <b>Absent</b>            |
|  | Edward J. Warner Jr. |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Scott M. Horowitz    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | William Pell IV      |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Bruce A. Stafford    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Ann Welker           |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |                      |  |                          |                          |                          |                          |

**Trustees Resolution 2019-60**

**Category:** Waterfowl Hunting Location Permit  
**Sponsors:** Edward J. Warner, Jr.  
**Department:** Trustees of the Freeholders

**Waterfowl Hunting Location Permits Issued Notices of Violations for the 2018/19 Hunting Season**

**WHEREAS**, the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; and

**WHEREAS**, the following Waterfowl Hunting Location Permits were approved for the 2018/19 hunting season and the Permit holders subsequently received various Notices of Violations pursuant to Article V (Waterfowl Hunting), Section 38 from the Southampton Town Bay Constables as follows:

1. **Alexander Falchi**, Permit #100 (Failure to Arrange for a Visual Inspection by 12/31/18);
2. **Soebhas Sital**, Permit #73 (Failure to Grass/Place Blind and Arrange for a Visual Inspection by 12/31/18);
3. **Richard Richardson**, Permit #10 (Failure to Grass/Place Blind and Arrange for a Visual Inspection by 12/31/18); now therefore be it

**RESOLVED**, that upon a showing of good cause from each of the above permittees, the Board of Trustees has decided not to revoke the Waterfowl Hunting Location permits listed above and to allow the permit holders to renew for the 2019/20 hunting season. **No similar relief will be granted to these permit holders in the future unless agreed upon by a majority plus one of the Board of Trustees.**

| ✓ Vote Record - Trustees 2019-TRUS-60  |                      |  |                          |                          |                          |                          |
|--|----------------------|--|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Adopted<br><input type="checkbox"/> Tabled<br><input type="checkbox"/> No Action<br><input type="checkbox"/> Closed<br><input type="checkbox"/> Reschedule<br><input type="checkbox"/> Adjourned<br><input type="checkbox"/> Acknowledged Signature<br><input type="checkbox"/> Adopted as Amended<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Withdrawn |                      |  | <b>Yes/Aye</b>           | <b>No/Nay</b>            | <b>Abstain</b>           | <b>Absent</b>            |
|  | Edward J. Warner Jr. |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Scott M. Horowitz    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | William Pell IV      |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Bruce A. Stafford    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Ann Welker           |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |                      |  |                          |                          |                          |                          |

## Scott M. Horowitz

### Trustees Resolution 2019-61

**Category:** General Permit - Trustees  
**Sponsors:** Scott Horowitz  
**Department:** Trustees of the Freeholders  
**Applicant:** ACE Inc. c/o J.J. Morena/Clay Colefield, 414 S. Service Road, #233, Patchogue, New York 11772

#### **Renewal Application (First) of Donna Chiaia, Permit No. BLK00107, 23 Ogden Lane, Quogue, New York (SCTM No. 0900-14-1-27) Body of Water: Quogue Canal**

**WHEREAS**, the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; now therefore be it

**RESOLVED**, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby authorizes the President and Secretary-Treasurer to sign the **RENEWAL PERMIT (FIRST) OF DONNA CHIAIA OF PERMIT NO. BLK00107** for the re-facing of the existing 193' bulkhead with a 20' X 193' vinyl 9000 Shore-Guard bulkhead; to elevate 1' with a 10' buffer area using 5' natural stone and 5' salt tolerant vegetation landward of the canal bulkhead; to install a 3" X 2.5' X 125' top cap to the bulkhead facing the canal; to place 5 cubic yards of clean fill in areas of soil lost behind the bulkhead; to re-locate the fence at 5' inland along the bulkhead area maintaining a 5' wide public pass and re-pass access; to replace an existing westerly 25' return and add a 15' return; the 15' return will be angled away from the property line; to add a 10' return to the east side of the property; to install a 3' X 14' ramp; replace the existing 14' X 16' float with a 6' X 20' float and install four (4) 12' X 25' float piles; to install four (4) safety ladders; to replace an existing 416 square foot boat slip perimeter boardwalk with a new boardwalk; to install a French drain around the boat slip along and under the perimeter of the boardwalk; if possible, the eastern side canal front bulkhead will be replaced in line with the eastern neighbor's bulkhead; and install two (2) dry wells to the west of the Beach Cabana for the premises located at **23 Ogden Lane, Quogue, New York (SCTM No. 0900-14-1-27)**; and be it

**FURTHER RESOLVED**, the following conditions shall apply:

**Subject to and conditioned upon Permittee receiving any and all approvals required pursuant to the Town Code of the Town of Southampton.**

| ✓ <b>Vote Record - Trustees 2019-TRUS-61</b>   |                      |  |                          |                          |                          |                          |
|--|----------------------|--|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Adopted<br><input type="checkbox"/> Tabled<br><input type="checkbox"/> No Action<br><input type="checkbox"/> Closed<br><input type="checkbox"/> Reschedule<br><input type="checkbox"/> Adjourned<br><input type="checkbox"/> Acknowledged Signature<br><input type="checkbox"/> Adopted as Amended<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Withdrawn |                      |  | <b>Yes/Aye</b>           | <b>No/Nay</b>            | <b>Abstain</b>           | <b>Absent</b>            |
|  | Edward J. Warner Jr. |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Scott M. Horowitz    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | William Pell IV      |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Bruce A. Stafford    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Ann Welker           |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |                      |  |                          |                          |                          |                          |

### Trustees Resolution 2019-62

**Category:** Waterfowl Hunting Location Permit

**Sponsors:** Scott Horowitz

**Department:** Trustees of the Freeholders

#### **Waterfowl Hunting Location Application for Transfer of Permittee, Permit #49 (James Lockwood to Shawn King) Body of Water: West Shinnecock Bay**

**WHEREAS**, the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; and

**WHEREAS**, the following Waterfowl Hunting Location **TRANSFER OF PERMITTEE** Application was received in the Trustees' Office past the deadline of 10/31/18; and

**WHEREAS**, due to special circumstances and upon a showing of good cause by the involved parties, the following Waterfowl Hunting Location **TRANSFER OF PERMITTEE** application is hereby **APPROVED**:

1. James Lockwood, Jr., Permit #49 (Transfer of Permit from James Lockwood, Jr. to Shawn King); and

**WHEREAS**, the Southampton Town Bay Constables, pursuant to Article V, Section 38 have reviewed the Waterfowl Hunting Location Transfer Application listed above and have recommended that it be approved; now therefore be it

**RESOLVED**, that pursuant to Article V (Waterfowl Hunting), Section 38 of the Rules and Regulations for the Management and Products of Waters of the Town of Southampton, the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby approves the above-listed Waterfowl Hunting Location Transfer Application and grants them a Waterfowl Hunting Location Permit.

| ✓ <b>Vote Record - Trustees 2019-TRUS-62</b>   |                      |  |                          |                          |                          |                          |
|--|----------------------|--|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Adopted<br><input type="checkbox"/> Tabled<br><input type="checkbox"/> No Action<br><input type="checkbox"/> Closed<br><input type="checkbox"/> Reschedule<br><input type="checkbox"/> Adjourned<br><input type="checkbox"/> Acknowledged Signature<br><input type="checkbox"/> Adopted as Amended<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Withdrawn |                      |  | <b>Yes/Aye</b>           | <b>No/Nay</b>            | <b>Abstain</b>           | <b>Absent</b>            |
|  | Edward J. Warner Jr. |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Scott M. Horowitz    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | William Pell IV      |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Bruce A. Stafford    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Ann Welker           |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |                      |  |                          |                          |                          |                          |

**Trustees Resolution 2019-63**

**Category:** Waterfowl Hunting Location Permit  
**Sponsors:** Scott Horowitz  
**Department:** Trustees of the Freeholders

**Waterfowl Hunting Location Revocation of Permits for the 2018/19 Hunting Season**

**WHEREAS,** the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; now therefore be it

**WHEREAS,** the following Waterfowl Hunting Location Permits were approved for the 2018/19 hunting season and the Permit holders subsequently received various Notices of Violations pursuant to Article V (Waterfowl Hunting), Section 38 from the Southampton Town Bay Constables as follows:

1. **Anthony Visentin**, Permit #68 (Failure to Grass/Place Blind and Arrange for a Visual Inspection by 12/31/18);
2. **Jeff Gardner and Jason Poremba**, Permit #149 (Failure to Grass/Place Blind and Arrange for a Visual Inspection by 12/31/18); now therefore be it

**RESOLVED,** that the Waterfowl Hunting Location permits listed above have been **REVOKED** due to the Permit holders’ failure to comply with Article V (Waterfowl Hunting), Section 38 of the Rules and Regulations for the Management and Products of the Waters of the Town of Southampton; and be it

**FURTHER RESOLVED,** that the above-mentioned Permit holders have the right to appeal the revocation of said permits within thirty (30) days of the date of this Resolution by sending written notice to the Trustees pursuant to Section 38 (D)(2) of the Rules and Regulations for the Management and Products of the Waters of the Town of Southampton; and be it

**FURTHER RESOLVED,** if no appeals are timely filed after the adoption of this resolution, then the above permit locations may be offered to the waitlist at the appropriate time.

| ✓ Vote Record - Trustees 2019-TRUS-63           |                      |                          |                          |                          |                          |  |
|---|----------------------|--------------------------|--------------------------|--------------------------|--------------------------|--|
|   |                      | Yes/Aye                  | No/Nay                   | Abstain                  | Absent                   |  |
| <input type="checkbox"/> Adopted                | Edward J. Warner Jr. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
| <input type="checkbox"/> Tabled                 | Scott M. Horowitz    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
| <input type="checkbox"/> No Action              | William Pell IV      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
| <input type="checkbox"/> Closed                 | Bruce A. Stafford    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
| <input type="checkbox"/> Reschedule             | Ann Welker           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
| <input type="checkbox"/> Adjourned              |                      |                          |                          |                          |                          |  |
| <input type="checkbox"/> Acknowledged Signature |                      |                          |                          |                          |                          |  |
| <input type="checkbox"/> Adopted as Amended     |                      |                          |                          |                          |                          |  |
| <input type="checkbox"/> Defeated               |                      |                          |                          |                          |                          |  |
| <input type="checkbox"/> Withdrawn              |                      |                          |                          |                          |                          |  |

***William Pell IV***

**Trustees Resolution 2019-64**

**Category:** General Permit - Trustees  
**Sponsors:** William Pell IV  
**Department:** Trustees of the Freeholders  
**Applicant:** DKR Shores INC, Agena Rigdon PO Box 488 Hampton Bays NY 11946

**Application of Christopher Prochner, 26 Landsend Lane, Southampton, New York (SCTM No. 0900-155-02-5) Body of Water: Cold Spring Pond**

**WHEREAS**, the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; now therefore be it

**RESOLVED**, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby authorizes the President and Secretary-Treasurer to sign the Permit of **CHRISTOPHER PROCHNER** to install a 4' x 24' fixed dock supported by 8" pilings spaced 6' O.C.; decking to have Thru flow/ open grate decking with 60% porosity and catwalk shall be at grade of top of the bulkhead; the fixed dock to have a low profile rope railing and electrical/water service; to install a 3' x 16' ramp (aluminum optional with handrail); to install a 6' x 20' float in an "L" configuration secured by two (2) 10" butt end pilings; and all material to be untreated for the premises located at **26 Landsend Lane, Southampton New York (SCTM No. 0900-155-02-5)**; and be it

**FURTHER RESOLVED**, the following conditions shall apply:

**Subject to and conditioned upon Permittee receiving any and all approvals required pursuant to the Town Code of the Town of Southampton.**

| ✓ <b>Vote Record - Trustees 2019-TRUS-64</b>   |                      |  |                          |                          |                          |                          |
|--|----------------------|--|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Adopted<br><input type="checkbox"/> Tabled<br><input type="checkbox"/> No Action<br><input type="checkbox"/> Closed<br><input type="checkbox"/> Reschedule<br><input type="checkbox"/> Adjourned<br><input type="checkbox"/> Acknowledged Signature<br><input type="checkbox"/> Adopted as Amended<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Withdrawn |                      |  | <b>Yes/Aye</b>           | <b>No/Nay</b>            | <b>Abstain</b>           | <b>Absent</b>            |
|  | Edward J. Warner Jr. |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Scott M. Horowitz    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | William Pell IV      |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Bruce A. Stafford    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Ann Welker           |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Trustees Resolution 2019-65**

**Category:** Waterfowl Hunting Location Permit  
**Sponsors:** William Pell IV  
**Department:** Trustees of the Freeholders

**Determination on the Appeal of William Becker Challenging the Revocation of Waterfowl Hunting Location Permit # 204**

WHEREAS, the Trustees of the Freeholders and Commonalty of the Town of Southampton held a public hearing on January 14, 2019 to hear any and all persons either for or against the appeal of William Becker pursuant to Section 38 (D)(2) of the Rules and Regulations for Management and Products of Town Waters (the Trustees' "Blue Book") challenging the revocation/voiding of Mr. Becker's permit to Waterfowl Hunting Location #204 located on the north side of Davis Creek, North Sea, Town of Southampton; and

HISTORICAL BACKGROUND

WHEREAS, on August 2, 2018, Becker submitted an application for a Waterfowl Hunting Location Permit ("WHL"), which application was also submitted pursuant to the "landowner preference" provision of the Trustees' Blue Book (formerly Section 38(C)(5), which was in effect at the time the application was submitted but later deleted pursuant to a Blue Book



amendment adopted and effective on October 15, 2018); and

WHEREAS, the "landowner preference" provision stated in its entirety:

A landowner owning 250 feet or more of Town water frontage shall have the preference for a duck blind permit in the waters located in front of his or her property. The permit holder must hunt in the duck blind at least once a season and may not permit the placement of a blind on his or her property for the purposes of shutting down areas of traditional hunting, and the property owner shall not obtain a duck blind for benefit of a third party; and

WHEREAS, included in Becker's application was a survey prepared by Squires, Holden, Weisenbacher & Smith, dated last revised August 25, 2005, depicting the two parcels owned by Becker - one a residential parcel fronting the southerly side of Davis Creek and the other an undeveloped parcel of salt meadow fronting the northerly side of Davis Creek. On the survey, there are several handwritten marks including two locations marked as "potential blind site" - one located west of Becker's salt meadow parcel in the general area of WHL #204 and the other adjacent to the northerly boundary line of the salt meadow parcel - along with a handwritten notation to "please determine which is best," and

WHEREAS, at the time of Becker's application, the permit for WHL #204 had been held by William Robinson since December 4, 2000; and

WHEREAS, as a consequence of Becker's application, the Trustee's administrative staff, in a letter dated August 14, 2018 that was sent by certified mail and received by Robinson on August 17, 2018, informed Robinson that his permit for WHL #204 was being terminated due to a landowner wishing to obtain a WHL pursuant to the "landowner preference" provision.

WHEREAS, on August 28, 2018 a permit for WHL #204 was issued to Mr. Becker by the Trustee's administrative staff; and

WHEREAS, on September 14, 2018, the Trustees received a written request from Robinson to appeal the revocation of his WHL permit for Location #204; and

WHEREAS, a public hearing was held on November 5, 2018 to hear any and all persons either for or against the appeal of William Robinson pursuant to Section 38 (D)(2) of the Blue Book; and

WHEREAS, the Trustees by Trustees Resolution # 2018-277, adopted on November 19, 2018, determined that as a matter of law, Robinson's permit for WHL #204 was improperly revoked and improperly transferred and improperly issued in error to Becker because Blue Book §§ 38(B)(2) & (C)(2) require the recommendation of the Bay Constables and approval by the Trustees, and no such recommendations were issued by the Bay Constables and no such approvals were issued by the Trustees. As such, the Trustees resolved that Robinson's permit for Waterfowl Hunting Location #204 be reinstated and that Mr. Becker's permit for said location was void for having been issued in error as a matter of law; and

WHEREAS, the Trustees also determined in Trustees Resolution # 2018-277, that based on the recommendations of the Bay Constables and the field inspection of Trustee Pell and the Bay Constables, that Becker be issued a WHL permit for a location in Davis Creek adjacent to the northerly portion of Becker's salt meadow property, pursuant to the "landowner preference" (former Section 38(C)(5)), which had been in effect when Becker applied for a waterfowl hunting location permit and which location was in accordance with the survey submitted on August 2, 2018 as part of Becker's application for a WHL Permit; and

WHEREAS, Waterfowl Hunting Location Permit #281 was issued to Becker on November 29, 2018; and

WHEREAS, on December 7, 2018, the Trustees received a letter from Becker requesting "an appeal in regards to the decision to terminate/void/revoke my waterfowl hunting location permit #204" and asked for the permit for location #204 to be restored.

APPEAL OF WILLIAM BECKER

WHEREAS, at the public hearing and in various letters submitted to the Trustees Becker advanced several arguments, *inter alia*, that Robinson is not a freeholder, that the Trustees were biased in their determination because they falsely believed that Robinson was a freeholder, that Robinson's permit had "expired" instead of being terminated and that Robinson should not have been entitled to an appeal pursuant to the Blue Book § 38(D)(2), and finally accusing the Trustees of fraud and identity theft with respect to the issuance of WHL Permit #281.

WHEREAS, the Trustees find that Becker's arguments based on whether Robinson is a Freeholder are immaterial. Under the Blue Book, residents, taxpayers, and freeholder are treated equally with respect to their eligibility to apply for and hold a waterfowl hunting location permit from the Trustees. Robinson has submitted sufficient proof that he is a resident of the Town of Southampton, and Becker has not contested Robinson's status as a "resident," and

WHEREAS, Becker's argument that Robinson had no right to an appeal because his permit had "expired" is also without merit. The Waterfowl Hunting Location Permit program was instituted by the Trustees in 1998 with the goal of regulating hunting locations within the Town and protecting town residents', taxpayers' and freeholders' traditional hunting spots from overcrowding and hunting by non-residents. The Blue Book does not state that WHL Permits expire, but it does place annual requirements on a permittee in order to prevent revocation of a permit, and the Trustees also require annual submission of documentation showing that a permittee is in compliance with federal and state hunting laws and that said permittee is still a resident, taxpayer, or freeholder of the Town of Southampton. It has been the Trustees' practice and policy that in the event a permittee fails to renew within the time specified or fails to comply with the waterfowl hunting regulations of the Blue Book, that said permit is not revoked or terminated until the Trustees have resolved to revoke or terminate the permit and specify whether said hunting location should be offered to the waitlist. As such, the Trustees found and continue to find that Robinson was entitled to a public hearing to appeal the loss of a WHL Permit he had held for nearly two decades; and

WHEREAS, in any event, Becker is not entitled to an invalid WHL permit that was issued in error as a matter of law. Moreover, a license to hunt waterfowl at a particular location in the Town of Southampton is not a vested right but merely a privilege, and the discretion to grant such a privilege is vested solely in the authority of the Trustees pursuant to the Dongan Patent of 1686. To wit, each WHL permit issued by the Trustees contains a statement indicating that such permit can be cancelled at any time by the Trustees; and

WHEREAS, the Trustees find that WHL Permit #281 was validly issued to Becker pursuant to his application dated August 2, 2018, including the survey showing the location of a potential spot adjacent to the northerly boundary line of the salt meadow parcel, and Trustees Resolution #2018-277 which contained the recommendation of the Bay Constables and approval of the Trustees, and now therefore be it

RESOLVED, that the Trustees deny the appeal of William Becker requesting the

reinstatement of WHL Permit #204, which permit was previously determined by the Trustees to be invalid and to have been issued in error as a matter of law.

| ✓ <b>Vote Record - Trustees 2019-TRUS-65</b>   |                      |  |                          |                          |                          |                          |
|--|----------------------|--|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Adopted<br><input type="checkbox"/> Tabled<br><input type="checkbox"/> No Action<br><input type="checkbox"/> Closed<br><input type="checkbox"/> Reschedule<br><input type="checkbox"/> Adjourned<br><input type="checkbox"/> Acknowledged Signature<br><input type="checkbox"/> Adopted as Amended<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Withdrawn |                      |  | <b>Yes/Aye</b>           | <b>No/Nay</b>            | <b>Abstain</b>           | <b>Absent</b>            |
|  | Edward J. Warner Jr. |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Scott M. Horowitz    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | William Pell IV      |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Bruce A. Stafford    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Ann Welker           |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |                      |  |                          |                          |                          |                          |

## ***Bruce A. Stafford***

### **Trustees Resolution 2019-66**

**Category:** Agreements, Contracts, Leases  
**Sponsors:** Bruce A. Stafford  
**Department:** Trustees of the Freeholders  
**Applicant:** Joe Flotteron, P.O. Box 88, Greenport, New York 11944

**Authorize the President to Sign a License Agreement with Peconic Water Sports LLC  
 for the Use of 53 Pine Neck Avenue, Noyac, New York (SCTM No. 0900-5-1-13.1)  
 Body of Water: Mill Creek**

WHEREAS, the Board of Trustees are the owners of a ramp and dock located at: 53 Pine Neck Avenue, Noyac, in the Town of Southampton, Suffolk County, State of New York (SCTM: 900-5-1-13.1) (hereinafter "Pine Neck Avenue Ramp and Dock"); and

WHEREAS, Peconic Water Sports LLC has requested a license to use the Trustees' Pine Neck Avenue Ramp and Dock for the pick-up and drop-off location for kiteboarding students, ski school students and ski boat charters; customer activities will include general boat charters, wakeboarding, water skiing, wake surfing and tubing.; and

WHEREAS, the Board of Trustees are willing to grant the use of such dock and ramp subject to the terms and conditions of a license agreement for a term beginning on May 1, 2019 and ending on October 1, 2019; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the President to enter into a license agreement with Peconic Water Sports, LLC for the use of the dock and ramp located at 53 Pine Neck Avenue, Noyac for a term beginning on May 1, 2019 and ending on October 1, 2019.

| ✓ <b>Vote Record - Trustees 2019-TRUS-66</b>   |                      |  |                          |                          |                          |                          |
|--|----------------------|--|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Adopted<br><input type="checkbox"/> Tabled<br><input type="checkbox"/> No Action<br><input type="checkbox"/> Closed<br><input type="checkbox"/> Reschedule<br><input type="checkbox"/> Adjourned<br><input type="checkbox"/> Acknowledged Signature<br><input type="checkbox"/> Adopted as Amended<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Withdrawn |                      |  | <b>Yes/Aye</b>           | <b>No/Nay</b>            | <b>Abstain</b>           | <b>Absent</b>            |
|  | Edward J. Warner Jr. |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Scott M. Horowitz    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | William Pell IV      |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Bruce A. Stafford    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Ann Welker           |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |                      |  |                          |                          |                          |                          |

**Trustees Resolution 2019-67**

**Category:** General Permit - Trustees  
**Sponsors:** Bruce A. Stafford  
**Department:** Trustees of the Freeholders  
**Applicant:** Melissa A. Dedovich, Peconic Environmental Associates, Inc., 21 South Main Street, Southampton, New York 11968

**Application of 361 Dune Road LLC, 361 Dune Road, Bridgehampton, New York (SCTM No. 0900-179-2-21.1) Body of Water: Atlantic Ocean**

**WHEREAS,** the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; now therefore be it

**RESOLVED,** that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby authorizes the President and Secretary-Treasurer to sign the Permit of **361 DUNE ROAD LLC** for the installation of two (2) rows (+/- 672 linear feet) of 48" high snow fencing with wooden posts in a saw tooth pattern on an 8' grid per attached plans; and no new fencing to be seaward of the existing for the premises located at **361 Dune Road, Bridgehampton, New York (SCTM No. 0900-179-2-21.1)**; and be it

**FURTHER RESOLVED,** the following conditions shall apply:

**Subject to and conditioned upon Permittee receiving any and all approvals required pursuant to the Town Code of the Town of Southampton.**

| ✓ Vote Record - Trustees 2019-TRUS-67           |                      |                          |                          |                          |                          |                          |
|---|----------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
|   |                      | Yes/Aye                  | No/Nay                   | Abstain                  | Absent                   |                          |
| <input type="checkbox"/> Adopted                |                      |                          |                          |                          |                          |                          |
| <input type="checkbox"/> Tabled                 |                      |                          |                          |                          |                          |                          |
| <input type="checkbox"/> No Action              |                      |                          |                          |                          |                          |                          |
| <input type="checkbox"/> Closed                 | Edward J. Warner Jr. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Reschedule             | Scott M. Horowitz    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Adjourned              | William Pell IV      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Acknowledged Signature | Bruce A. Stafford    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Adopted as Amended     | Ann Welker           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Defeated               |                      |                          |                          |                          |                          |                          |
| <input type="checkbox"/> Withdrawn              |                      |                          |                          |                          |                          |                          |

**Trustees Resolution 2019-68**

**Category:** General Permit - Trustees  
**Sponsors:** Bruce A. Stafford  
**Department:** Trustees of the Freeholders  
**Applicant:** Dennis E. Downes, Esq., P.O. Box 1229, Sag Harbor, New York 11963

**Application of Stephen and Amy Young, 6 Sea Gull Hill Road, Village of North Haven, New York (SCTM No. 0901-6-1-17.2) Body of Water: Polles Creek**

**WHEREAS,** the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; now therefore be it

**RESOLVED,** that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby authorizes the President and Secretary-Treasurer to sign the Permit of **STEPHEN YOUNG AND AMY YOUNG** to construct a fixed elevated catwalk and kayak rack

within the southeastern section of subject property to provide safe & practical access to the surface waters of Polles Creek; the proposed catwalk will measure 4.0' wide x 170.0' long and will be supported by forty-eight (48) timber posts (4.0" x 4.0"), and will include a seaward access ladder; the proposed catwalk will be elevated a minimum of 3.0' above grade; the proposed kayak rack will be located along the southern side of the catwalk (seaward end) and be of an open frame design and measure 10.0' long; and all materials to be non-treated for the premises located at **6 Sea Gull Hill Road, Village of North Haven, New York (SCTM No. 0901-6-1-17.2)**; and be it

**FURTHER RESOLVED**, the following conditions shall apply:

**Subject to and conditioned upon Permittee receiving any and all approvals required pursuant to the Village Code of the Village of North Haven.**

| ✓ <b>Vote Record - Trustees 2019-TRUS-68</b>   |                      |                          |                          |                          |                          |
|--|----------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Adopted<br><input type="checkbox"/> Tabled<br><input type="checkbox"/> No Action<br><input type="checkbox"/> Closed<br><input type="checkbox"/> Reschedule<br><input type="checkbox"/> Adjourned<br><input type="checkbox"/> Acknowledged Signature<br><input type="checkbox"/> Adopted as Amended<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Withdrawn |                      | <b>Yes/Aye</b>           | <b>No/Nay</b>            | <b>Abstain</b>           | <b>Absent</b>            |
|  | Edward J. Warner Jr. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Scott M. Horowitz    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | William Pell IV      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Bruce A. Stafford    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Ann Welker           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Trustees Resolution 2019-69**

**Category:** Waterfowl Hunting Location Permit  
**Sponsors:** Bruce A. Stafford  
**Department:** Trustees of the Freeholders

**Waterfowl Hunting Location Determination to Nullify Notice of Violation for Paul Visentin, Permit #126 Body of Water: Mecox Bay**

**WHEREAS**, the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; and

**WHEREAS**, the following Waterfowl Hunting Location Permit was approved for the 2018/19 hunting season and the Permit holder subsequently received a Notice of Violation pursuant to Article V (Waterfowl Hunting), Section 38 from the Southampton Town Bay Constables as follows:

1. **Paul Visentin**, Permit #126 (Failure to Grass/Place Blind and Arrange for a Visual Inspection by 12/31/18); now therefore be it

**RESOLVED**, that upon a showing of good cause, the Board of Trustees have determined that no violation exists and that the permit holder remains in good standing and able to renew his permit for the 2019/20 season.

| ✓ Vote Record - Trustees 2019-TRUS-69  |                      |  |                          |                          |                          |                          |
|--|----------------------|--|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Adopted<br><input type="checkbox"/> Tabled<br><input type="checkbox"/> No Action<br><input type="checkbox"/> Closed<br><input type="checkbox"/> Reschedule<br><input type="checkbox"/> Adjourned<br><input type="checkbox"/> Acknowledged Signature<br><input type="checkbox"/> Adopted as Amended<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Withdrawn |                      |  | <b>Yes/Aye</b>           | <b>No/Nay</b>            | <b>Abstain</b>           | <b>Absent</b>            |
|  | Edward J. Warner Jr. |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Scott M. Horowitz    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | William Pell IV      |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Bruce A. Stafford    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Ann Welker           |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |                      |  |                          |                          |                          |                          |

## Ann Welker

### Trustees Resolution 2019-70

**Category:** General Permit - Trustees  
**Sponsors:** Ann E. Welker  
**Department:** Trustees of the Freeholders  
**Applicant:** DKR Shores Inc., Agena Rigdon, PO Box 488, Hampton Bays, NY 11946

#### **Application of Christine Rossi, 65 Point Road, Westhampton Beach, New York (SCTM No. 0905-17-02-23) Body of Water: Cove off Moriches Bay**

**WHEREAS**, the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; now therefore be it

**RESOLVED**, that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby authorizes the President and Secretary-Treasurer to sign the Permit of **CHRISTINE ROSSI** to remove the existing 4' x 47' timber catwalk; to install a 4' x 78' fixed dock supported with (16) 6" x 6" diameter pilings and ice breaker pilings; the fixed dock to be elevated 3' 0" as required by Southampton Town Trustees; Thru Flow/Open Grate Decking to be utilized; a 3' x 20' seasonal (aluminum) ramp to be stored in an upland location; a 6' x 20' float/seasonal secured by (2) 10" Greenheart pilings; the dock shall extend 62.5' from the mean low water and 100' from mean high water/bulkhead into Moriches Bay (cove); and all material to be untreated for the premises located at **65 Point Road, Westhampton Beach, New York (SCTM No. 0905-17-02-23)**; and be it

**FURTHER RESOLVED**, the following conditions shall apply:

**Subject to and conditioned upon Permittee receiving any and all approvals required pursuant to the Town Code of the Town of Southampton.**

| ✓ Vote Record - Trustees 2019-TRUS-70  |                      |  |                          |                          |                          |                          |
|--|----------------------|--|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Adopted<br><input type="checkbox"/> Tabled<br><input type="checkbox"/> No Action<br><input type="checkbox"/> Closed<br><input type="checkbox"/> Reschedule<br><input type="checkbox"/> Adjourned<br><input type="checkbox"/> Acknowledged Signature<br><input type="checkbox"/> Adopted as Amended<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Withdrawn |                      |  | <b>Yes/Aye</b>           | <b>No/Nay</b>            | <b>Abstain</b>           | <b>Absent</b>            |
|  | Edward J. Warner Jr. |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Scott M. Horowitz    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | William Pell IV      |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Bruce A. Stafford    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Ann Welker           |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |                      |  |                          |                          |                          |                          |

**Trustees Resolution 2019-71**

**Category:** General Permit - Trustees  
**Sponsors:** Ann E. Welker  
**Department:** Trustees of the Freeholders  
**Applicant:** Land Use Ecological Services, Inc., 570 Expressway Drive South, Suite 2F, Medford, New York 11763

**Application of Elias and Helen Wexler, 9 Sandpiper Court, Westhampton, New York (SCTM No. 0900-382-1-51) Body of Water: Moriches Bay**

**WHEREAS,** the Board of Trustees finds that the subject project is a Type II Action pursuant to 6 NYCRR Part 617 and no further environmental review is required under the State Environmental Quality Review Act; now therefore be it

**RESOLVED,** that the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton hereby authorizes the President and Secretary-Treasurer to sign the Permit of **ELIAS AND HELEN WEXLER** to reconstruct the existing 213 +/- feet of bulkhead in-place utilizing vinyl sheathing; two (2) new 10' returns at either end along (just inside) the property lines (for a total of 233 +/- linear feet of bulkhead); 5 +/- cubic yards of clean fill from an upland source, as required landward of the bulkhead; all construction materials shall be of non-treated lumber; no elevation increase in the height of the bulkhead is proposed; the covenant assigned to the property by the Town of Southampton Conservation Board must be adhered to; and there shall be a naturally vegetated non-disturbed, non-fertilized buffer extending 25' landward of the bulkhead for the premises located at **9 Sandpiper Court, Westhampton, New York (SCTM No. 0900-382-1-51)**; and be it

**FURTHER RESOLVED,** the following conditions shall apply:

**A naturally vegetated wetland non-disturbance/non-fertilization buffer shall be established and maintained pursuant to the Conservation Board Wetlands Permit No. CB19011 and said buffer shall be established in the area constituting the Trustees' 10-foot buffer extending landward from the bulkhead.**

**The existing vegetation, including the inter-tidal cordgrasses, within the existing boat slip, shall be preserved.**

**Subject to and conditioned upon Permittee receiving any and all approvals required pursuant to the Town Code of the Town of Southampton.**

| ✓ Vote Record - Trustees 2019-TRUS-71  |                   |                          |                          |                          |                          |                          |
|--|-------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Adopted<br><input type="checkbox"/> Tabled<br><input type="checkbox"/> No Action<br><input type="checkbox"/> Closed<br><input type="checkbox"/> Reschedule<br><input type="checkbox"/> Adjourned<br><input type="checkbox"/> Acknowledged Signature<br><input type="checkbox"/> Adopted as Amended<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Withdrawn |                   | Yes/Aye                  | No/Nay                   | Abstain                  | Absent                   |                          |
|  |                   | Edward J. Warner Jr.     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Scott M. Horowitz | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                          |
|  | William Pell IV   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                          |
|  | Bruce A. Stafford | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                          |
|  | Ann Welker        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                          |

## XI. Resolutions

### Trustees Resolution 2019-72

**Category:** Budget & Finance - Trustees  
**Sponsors:** Edward J. Warner, Jr.  
**Department:** Trustees of the Freeholders

#### Warrant #3 of 2019 - Trustees

RESOLVED, per the recommendation and reviewed by the Town Comptroller, the following vendor payment warrant dated be approved in the amount of:

Warrant #3 \$10,102.02

BE IT FURTHER RESOLVED, the Town Comptroller is directed to approve and execute all bank wire transfers required to fund payments associated with Warrant #3 of 2019.

| ✓ Vote Record - Trustees 2019-TRUS-72           |                      |                          |                          |                          |                          |  |
|---|----------------------|--------------------------|--------------------------|--------------------------|--------------------------|--|
|   |                      |                          |                          |                          |                          |  |
|   |                      | Yes/Aye                  | No/Nay                   | Abstain                  | Absent                   |  |
| <input type="checkbox"/> Adopted                |                      |                          |                          |                          |                          |  |
| <input type="checkbox"/> Tabled                 |                      |                          |                          |                          |                          |  |
| <input type="checkbox"/> No Action              |                      |                          |                          |                          |                          |  |
| <input type="checkbox"/> Closed                 |                      |                          |                          |                          |                          |  |
| <input type="checkbox"/> Reschedule             |                      |                          |                          |                          |                          |  |
| <input type="checkbox"/> Adjourned              |                      |                          |                          |                          |                          |  |
| <input type="checkbox"/> Acknowledged Signature |                      |                          |                          |                          |                          |  |
| <input type="checkbox"/> Adopted as Amended     |                      |                          |                          |                          |                          |  |
| <input type="checkbox"/> Defeated               |                      |                          |                          |                          |                          |  |
| <input type="checkbox"/> Withdrawn              |                      |                          |                          |                          |                          |  |
|   | Edward J. Warner Jr. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
|   | Scott M. Horowitz    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
|   | William Pell IV      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
|   | Bruce A. Stafford    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
|   | Ann Welker           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |

### Trustees Resolution 2019-73

**Category:** Budget & Finance  
**Sponsors:** Bruce A. Stafford  
**Department:** Trustees of the Freeholders

#### Budget Transfer - Trustees (Equipment Costs)

RESOLVED, as per the recommendation of the Board of Trustees, that the Town Board approve the following budget transfer for the purposes of paying for equipment costs; and be it further

RESOLVED, that the 2019 Adopted Budget is amended accordingly and the Town Comptroller is authorized to make all budgetary and accounting entries necessary to execute.

| DESCRIPTION | FROM G/L                | AMOUNT      |
|-------------|-------------------------|-------------|
| Vehicles    | SN-99-8791-00-6201-0000 | \$40,000.00 |
| Contingent  | SN-99-8790-00-6499-0000 | \$30,000.00 |

| DESCRIPTION | TO G/L                  | AMOUNT      |
|-------------|-------------------------|-------------|
| Equipment   | SN-99-8790-00-6200-0000 | \$70,000.00 |



| ✓ <b>Vote Record - Trustees 2019-TRUS-73</b>   |                      |  |                          |                          |                          |                          |
|--|----------------------|--|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Adopted<br><input type="checkbox"/> Tabled<br><input type="checkbox"/> No Action<br><input type="checkbox"/> Closed<br><input type="checkbox"/> Reschedule<br><input type="checkbox"/> Adjourned<br><input type="checkbox"/> Acknowledged Signature<br><input type="checkbox"/> Adopted as Amended<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Withdrawn |                      |  | <b>Yes/Aye</b>           | <b>No/Nay</b>            | <b>Abstain</b>           | <b>Absent</b>            |
|  | Edward J. Warner Jr. |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Scott M. Horowitz    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | William Pell IV      |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Bruce A. Stafford    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Ann Welker           |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |                      |  |                          |                          |                          |                          |

### Trustees Resolution 2019-74

**Category:** Budget & Finance  
**Sponsors:** Edward J. Warner, Jr.  
**Department:** Trustees of the Freeholders

#### Authorize Payment of Legal Services to Cahn & Cahn, P.C.

WHEREAS, Board of Trustees Resolution 2019-21, requires an authorizing resolution for any expenditure in excess of \$1,000; and

WHEREAS, The Southampton Town Trustees continue to retain legal services by Cahn & Cahn, P.C.; now therefore be it

RESOLVED, that the Board of Trustees hereby authorizes payment for legal services to Cahn & Cahn, P.C. in the amount of \$9,053.00 representing payment due on matters related to Strough et al. v. Village of West Hampton Dunes

| ✓ <b>Vote Record - Trustees 2019-TRUS-74</b>   |                      |  |                          |                          |                          |                          |
|--|----------------------|--|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Adopted<br><input type="checkbox"/> Tabled<br><input type="checkbox"/> No Action<br><input type="checkbox"/> Closed<br><input type="checkbox"/> Reschedule<br><input type="checkbox"/> Adjourned<br><input type="checkbox"/> Acknowledged Signature<br><input type="checkbox"/> Adopted as Amended<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Withdrawn |                      |  | <b>Yes/Aye</b>           | <b>No/Nay</b>            | <b>Abstain</b>           | <b>Absent</b>            |
|  | Edward J. Warner Jr. |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Scott M. Horowitz    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | William Pell IV      |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Bruce A. Stafford    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Ann Welker           |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |                      |  |                          |                          |                          |                          |

### Trustees Resolution 2019-75

**Category:** Resolutions  
**Sponsors:** Bruce A. Stafford  
**Department:** Central Purchasing and Contracts Compliance

#### Recall and Amend Trustees Resolution No. 2019-52

WHEREAS, Trustees Resolution No. 2019-52, adopted on February 11, 2019 authorized the Purchase of a Ford F-550 XL; and

WHEREAS, the total expenditure should have been \$61,770.79; now therefore be it

RESOLVED, that Trustees Resolution No. 2019-52 is hereby recalled and amended to reflect a total expenditure of \$61,770.79; be it

FURTHER RESOLVED, that all other content of Trustees Resolution No. 2019-52 shall remain

the same.

| ✓ <b>Vote Record - Trustees 2019-TRUS-75</b>   |                      |  |                          |                          |                          |                          |
|--|----------------------|--|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Adopted<br><input type="checkbox"/> Tabled<br><input type="checkbox"/> No Action<br><input type="checkbox"/> Closed<br><input type="checkbox"/> Reschedule<br><input type="checkbox"/> Adjourned<br><input type="checkbox"/> Acknowledged Signature<br><input type="checkbox"/> Adopted as Amended<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Withdrawn |                      |  | <b>Yes/Aye</b>           | <b>No/Nay</b>            | <b>Abstain</b>           | <b>Absent</b>            |
|  | Edward J. Warner Jr. |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Scott M. Horowitz    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | William Pell IV      |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Bruce A. Stafford    |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Ann Welker           |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |                      |  |                          |                          |                          |                          |

### Trustees Resolution 2019-76

**Category:** Resolutions  
**Sponsors:** Bruce A. Stafford  
**Department:** Trustees of the Freeholders

**Resolution in Support of Mill Pond Association's Application to the Town of Southampton Community Preservation Fund's Water Quality Improvement Program ("CPF WQIP") for the Project entitled "Restoration of Mill Pond Water Quality by Reducing Internal Phosphorus Loading due to Carp Bioturbation"**

WHEREAS, the Board of Trustees of the Freeholders and Commonalty of the Town of Southampton (the "Trustees") are the owners of underwater lands known as Mill Pond (SCTM # 900-101-3-9.1) located in the hamlet of Water Mill, which pond has been recognized by the NYSDEC as a 303(d) Impaired waterbody that is subject to relatively frequent and intense cyanobacteria blooms; and

WHEREAS, in 2018, Mill Pond had documented harmful algal blooms (HABs) for 21 weeks from June 1 - October 19, 2018. Mill Pond is also noted within the Southampton Community Preservation Fund Water Quality Improvement Project Plan as an impaired waterbody that is located within a High Priority Area that includes Mecox Bay; and

WHEREAS, the Mill Pond Association presented to the Trustees their proposal entitled "Restoration of Mill Pond Water Quality by Reducing Internal Phosphorus Loading due to Carp Bioturbation" at the Trustees' Work Session on February 27, 2019; and

WHEREAS, the proposal entails funding for removal of carp (an invasive non-native species) and to construct two Floating Constructed Wetlands; and

WHEREAS, said proposal will be submitted by Mill Pond Association for funding from the Town of Southampton Community Preservation Fund's Water Quality Improvement Program; and now therefore be it

RESOLVED, that the Trustees agree that the project, as proposed by the Mill Pond Association, is of important value and will help to improve the water quality of Mill Pond and restore habitat for native fish; and be it

RESOLVED, the Trustees endorse this proposed project because of the public purpose it serves with respect to the environment and the health and safety of the inhabitants of the Town of Southampton as it relates to this impaired waterbody, and let it be known to all that the Trustees fully support its approval by the CPF WQIP Committee.

| <b>✓ Vote Record - Trustees 2019-TRUS-76</b>   |                      |                          |                          |                          |                          |
|--|----------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Adopted<br><input type="checkbox"/> Tabled<br><input type="checkbox"/> No Action<br><input type="checkbox"/> Closed<br><input type="checkbox"/> Reschedule<br><input type="checkbox"/> Adjourned<br><input type="checkbox"/> Acknowledged Signature<br><input type="checkbox"/> Adopted as Amended<br><input type="checkbox"/> Defeated<br><input type="checkbox"/> Withdrawn |                      | <b>Yes/Aye</b>           | <b>No/Nay</b>            | <b>Abstain</b>           | <b>Absent</b>            |
|  | Edward J. Warner Jr. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Scott M. Horowitz    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | William Pell IV      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Bruce A. Stafford    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Ann Welker           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

***XII. Executive Session – Litigation***

***XIII. Closing***