

# NASSAU POINT PROPERTY OWNERS' ASSOCIATION

2023 Annual Membership Meeting  
Peconic Recreation Center

July 22, 2023

**Attendees:** Donna Mayne, Dave Bergen, Jack DiPaola, Al Martinez-Fonts, Pat Harrison, Angelo Mangia, Bob Walters, Jane Weiland, Andi Parks, Arnold Blair, Susan Brewster, Justin Mirro

**Absent:** Keith Hughes, Noreen Fisher, Bob Deak.

Dave Bergen, Second Vice President presided and called the meeting to order at 9:05 am

Pledge of Allegiance

Dave Bergen made a motion to approve the Meeting Minutes from 2022 Annual Meeting, July 23, 2022, seconded by Rip Fisher with all in favor.

Dave Bergen introduced the Board and Past Presidents Jack Slattery and Harry Kutner and shared that the NPPOA was celebrating its 100<sup>th</sup> year. Dave stated that he and Donna Mayne had helmed the NPPOA for the past year as acting Presidents and that Pat Harrison and Justin Mirro were stepping down.

Guest Speaker, Greg Doroski, Southold Town Councilman, provided Town-wide updates:

- Zoning Code Update: Southold Town's 'Comprehensive Plan' is moving forward with the use of a consultant. The biggest change is in commercial zoning, the Town expects report to be complete 2024.
- Community Housing: In December the referendum to increase the transfer tax dedicated fund by 0.5% was met with resounding success. The 'Community Engagement' phase of the Housing Plan prioritizing loans and grants for down payments for first time homebuyers and first responders, among others, focuses on accessory apartment construction so as not to increase density. The Town is working with developers on land acquisition to achieve this goal, as middle-class housing is a big concern for the Town.
- The Deer Management Pilot Program: has passed NYS Legislature and is on the Governor's desk, and will be based on NPPOA Board Member, Arnold Blair's program.
- Short-Term rentals: It was proposed to increase the minimum stay requirement to 30 days, but it is expected to remain at the 2-week minimum. The Town is adding a requirement that the Rental Permit # needs to appear on all marketing for rental listings and has stepped up efforts at enforcement with steeper fines for non-compliance.

Greg further summarized the Southold Town Highway priorities as they relate to Nassau Point on behalf of Dan Goodwin, Southold Town Highway Supervisor who was ill.

- Bridge Lane: Drainage will be complete by 12/31/23 where the existing catch basin will be abandoned.
- West Cove & Haywaters: Failed to install a drainage system as soil borings are needed before draining structures can be installed.
- Wunnewetta Extension: has been surveyed and a budget request to pave in 2024 has been submitted. Dave Bergen commended past president Xavier Fleming for spearheading that initiative for the Town to maintain that portion of Nassau Point.
- Tree Trimming back from the road of all diseased or dead trees overhanging or close to road edge. Request that homeowners assess trees on their property before a storm.
- Hot asphalt patches are being installed around Nassau Point and across Southold Town.

Member Questions of Greg Doroski

- Harriet Stark asked for repairs between Vanston and Carrington. Greg responded that all requests can be directed to the Highway Department so that they can flag issues.
- Andrew Curtin asked if the Highway Dept was planning to deal with the road condition around Fisherman's Beach. Al Fonts-Martinez responded that the failed drain on the corner of Vanston and Nassau Point Road has made this difficult to address, but it is on the NPPOA agenda to address.

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### Member Questions continued

- Pat Kirkpatrick stated that the Rental Permit process is taking 12-16 weeks and it would help if the Town provided a list of what is required to assist the process. Greg Doroski answered that the renewal process has been streamlined and is moving faster, which was corroborated by David Kilbright. Justin Mirro shared the number of a permit expeditor, Joan Chambers of 631 294-4241.
- Denis O'Leary lamented that Nassau Point Road is perilous to pedestrians as landscapers and construction workers, and residents too, speed excessively and that a radar trap should be installed. Dave Bergen mentioned that NPPOA had approached the Town to lower the speed limit to 25 from 30 mph. He shared that the Town has responded that this proposal is being considered Town-wide. Dave urged all members to talk to their neighbors to stop speeding on Nassau Point Roads. Pete Previtt commented that the double yellow lines mimic a highway, hence people speed. Susan Brady added that landscapers should park on the property that they are working. Tracey Weiss suggested that when a member joins the NPPOA they should sign the By-laws acknowledging the speed limit on Nassau Point Roads, which in turn might encourage compliance.
- David Kilbright asked Greg Doroski how some houses are allowed to be built more than the allowable footprint, setbacks and height. Greg answered that there was previously a loophole by which certain homeowners were able to utilize but that the new laws are more streamlined forcing builders to build more to scale so as to protect the future character of our community.
- Michael Kutrz shared that a neighbor's trees on a vacant lot were hanging over his property. Harry Kutner answered that if a tree is hanging over your property you can trim it. Greg Doroski shared that that is out of the jurisdiction of the Town to respond to those inquiries. Dave Bergen added that trees need to be trimmed in driveways to allow easy access for the fire department. Andi Parks added that neighbors should also trim trees around their house number so that too is visible to the fire department.

### Nassau Point Report

- **Annual Cocktail Party.** Dave Bergen reminded everyone of the Annual cocktail Party taking place from 5-7pm at the home of the Thompson's at 9280 Nassau Point Road.
- **Fire and Police.** Dave Bergen reported that the Cutchogue Fire Department will begin construction of the new fire house and that the old funeral home on Main Road will become the Fire Department Annex in the meantime.
- **Membership.** Dave reported that the NPPOA has 268 active members which is up 9 members YTD.
- The **Financial Report** is available on the website; Income of \$92,482 was reported which is down \$6,000 vs LY, with expenses at \$77,062.
- **Kayak** registration shows 139 permits issued to 86 families. Dave shared that a program is being considered by the Board to help the kayak program become more streamlined.
- **Deer Management.** Arnold Blair shared that although the season is from October 1-Jan 30, a nuisance permit enables culling to continue into March and April. Arnold shared that this Committee has professional hunters who manage the cull and who are ecologically minded. Arnold shared that these hunters are not paid but are compensated by entering into a successful "lottery" system where they earn placement based on number of culls as well as other factors. The deer meat is donated to the Town and distributed to food banks via a refrigerated truck. Arnold thanked members who volunteer their property for hunting.
- **Legal Update.** Angelo Mangia shared that the NPPOA has 4 lawsuits currently: 1 where the NPPOA is the Plaintiff concerning a ROW where a fence has been constructed across it; and 3 where the NPPOA is the Defendant. Two concerning Rights of Way (ROW's) where the scope and existence is being contested and one, regarding a Paddle Board accident. Angelo asked if there were any questions. There were none.

**Nassau Point Report (continued)**

- **Rights of Way (ROW).** Dave Bergen explained that as a 4<sup>th</sup> generation Nassau point resident, the history behind the ROW's is that the original developer sought to allow everyone on Nassau Point access to the water. The lawsuits, therefore, are to continue to defend the easement rights that the original developers set up. Dave cited NPPOA vs Tirado on Old Menhadden Road which set precedence state-wide on Easement Rights. Tim Raden stated that that case has not managed to maintain the beach around the Old Menhadden, as the Right of Way there has been eroded and washed away enabling zero access. Dave Bergen responded that it is the Towns responsibility to repair, as their work surrounding the ROW made the situation worse.
- Chris Perretta emphasized his and his wife, Kathy Perretta's, commitment to the NPPOA but shared that other families on Bridge Lane are no longer members due to the litigation. At time of this meeting both the Parretta family and the Brennans remain members. Angelo Mangia commented that he appreciated Chris' comments but as described by Dan Ross, Esq at the 2022 Annual General Meeting -the dirt is owned by the homeowners on each side of the ROW, but the easement right belongs to all residents of Nassau Point and that the sale of property does not extinguish the right of way. He added that the NPPOA has the legal fiduciary to respect that right of every resident of Nassau Point. Angelo explained that the insurance company appointed an attorney to represent the NPPOA and that a Motion to Dismiss was approved by the insurance company. Discussion followed between Angelo and the Perretta's. Dave Bergen explained that it is a very upsetting and complicated situation for everyone, but once a lawsuit is filed, the NPPOA has a legal obligation to follow through the process which would not be resolved at this meeting.
- **Election of Board Members.** Bob Walters made a motion to extend Noreen Fisher's term for another three years. Seconded by Al Fonts-Martinez with all in favor.
- **Approval of Proposed Amendments to the ByLaw.** Bob Walters made a motion to approve the proposed amendments to the by-laws, Harry Kutner seconded, with all in favor.

**Old Business**

- None reported.

**New Business**

- Harry Kutner reported that on Landing Road there are 51 Kayaks, umbrellas and chairs likely abandoned. Al Fonts-Martinez shared that a possible solution could be a sticker program which could limit the number of kayaks. Discussion followed with Tracey Weiss and Pat Kirkpatrick making suggestions that residents should be charged for storing their kayaks.
- Denis O'Leary suggested discreet signs to distinguish ROW from private property. Discussion followed and Dave Bergen explained Johnson Rights, indicating that there is 15' area above the high-water mark to allow residents access to traverse 'private property' at high tide.

Motion to Adjourn was made by Harry Kutner and seconded by Rip Fisher with all in favor.

Meeting was adjourned at 10:36am

Respectfully Submitted:

Andi Parks,

NASSAU POINT PROPERTY OWNERS' ASSOCIATION

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Recording Secretary

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