

COPY

**TRUSTEES OF THE FREEHOLDERS AND COMMONALTY  
OF THE TOWN OF EAST HAMPTON, LONG ISLAND, N.Y.**

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September 27, 2011

Mr. William Wilkinson, Supervisor  
And Town Board Members  
159 Pantigo Road  
East Hampton, NY 11937

Dear Supervisor Wilkinson and Board Members:

The Board of Trustees has reviewed your letter of August 26, 2011 requesting our comment on the resolution presented to you by the Citizens for Access Rights (CfAR). While we appreciate your concern that the wording of the CfAR document may undermine Trustee independence and/or cause this Board to be jurisdictionally subservient to your Board; we have not been able to understand how you have reached this conclusion. Can you be more specific as to what wording or phrases you are interpreting as potentially detrimental to the Trustees?

Admittedly, the policies and procedures of our Boards with regard to jurisdictional boundaries, administrative duties, funding sources, enforcement abilities and local law have been blended throughout our long history. In some ways this is beneficial to our residents and in others, when dual review is necessary, it can be challenging, especially when the Town and Trustees respond differently to an issue. The management of our beaches was one of these issues in the past. However, the matter was settled back in the 1990's and led to the adoption of the current Beaches and Parks regulations contained in the Town Code. For better or worse, we are held to the actions of our predecessors, so at this time the Town Trustees and the Town Board are jointly responsible for the drafting and implementation of rules and regulations for use of the beaches. We bring this to your attention as the context of your letter would imply you feel the current legal suit claiming ownership of a portion of the Napeague ocean beach, along with an effort to limit public access to the area, is a Trustee "mission" instead of one to which both our Boards are party.

Many times, the jurisdiction of the Trustees has not been acknowledged by other governmental agencies; including prior Town Board administrations, who publicly desired the abolition of the Trustee Board. Even though this administration proclaims its' support of the Trustees, of our mission and of our independence, we feel the Town is not entirely vested in the issue. It is our opinion, a proclamation of support of CfAR, along with a clear decree and /or resolution that you will also take every action possible to defend the public's beach and access to it, is vital to the residents of East Hampton.

September 27, 2011

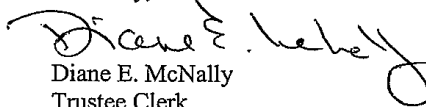
As to the CfAR resolution, be advised the Board of Trustees received a similar resolution at our August 28, 2011 meeting. We have modified it to more appropriately reflect our position and capabilities with regard to beach access and the law suit as a pledge to the members of CfAR and all other constituents of East Hampton. A copy is attached for your review. It is our recommendation and hope the Town Board will do the same with their proposal from CfAR.

It may be helpful to acknowledge to CfAR and our residents that it was the prior administration which was served the papers for the beach suit. As the current administration took office during a financial crisis, you have been preoccupied addressing it. However, you are grateful the Trustees were able to immediately respond on behalf of the residents to ensure beach access and the traditions of our community were defended. It would also be beneficial to advise the public you have authorized the Town Attorney's office to dedicate all necessary resources to the defense of beach access and appreciate the expertise the Trustees Attorney and Special Counsel have been able to contribute.

Lastly, as CfAR and our residents know, the Board of Trustees has already expended more than \$50,000.00 toward this suit. This funding was derived by the Trustees for the use of public lands by individuals via our mooring, dock and duck blind permits, our application and leases fees or from funds received as the result of a settlement for another suit. However, the funds allotted to the Trustees budget through the Town utilizing tax dollars in a line entitled "outside professional" totaled \$7,500.00, which was divided between a monthly stipend for our attorney and quarterly fees for review of our books by an accountant. At this time, it would behoove the Town Board to allocate some of the funds obtained via our blended administrative duties, which could be considered as the same tax line as that for the Town (For example: the shellfish permits, non-resident beach vehicle permits, film fees if utilizing the beach, Three Mile Harbor docking fees, violation fees for the shellfish, beaches & parks or waterways ordinance) for defense of the beach suit.

Thank you for your time and consideration and we hope to be able to work jointly with you on this issue going forward.

Sincerely,

  
Diane E. McNally  
Trustee Clerk

DM

c.c. John Courtney, Trustee Attorney  
Anthony Tohill, Special Counsel  
John Jilniki, Town Attorney  
Tim Taylor, CfAR ✓

This Pledge is drafted from the resolution submitted to the Trustee Board by the Citizens for Access Rights on September 13, 2011. We commend the members of this group for taking it upon themselves, in an orderly and well coordinated outcry of public sentiment, to protest against a claim to ownership of and to limit access to the beaches.

**A PLEDGE**

**BY THE EAST HAMPTON TOWN TRUSTEES  
IN SUPPORT OF PUBLIC ACCESS TO BEACHES**

WHEREAS public access to the beaches of the Town of East Hampton is one of the most important resources as well as a fundamental right of its' residents, and

WHEREAS the pursuit of recreational activities on our beaches is the basis of our economy and at the heart of our desire to reside in East Hampton, and

WHEREAS recent efforts to privatize East Hampton's beaches is an outrageous assault on these traditional values and rights of the residents of East Hampton, threatening our heritage and the wellbeing of our community,

NOW THEREFORE BE IT KNOWN, the East Hampton Town Trustees Pledge:

- 1) To aggressively defend the present lawsuits pending against the Trustees and Town of East Hampton and any other legal attempts to wrest ownership or control of the beaches from the public.
- 2) To continue to vigorously defend all legal challenges to the traditional rights of the all user groups which comprise our community; including but not limited to pedestrians (to sunbath, walk, surf,....), quadrupeds (dogs, horses,....), vehicles (recreational, emergency,....), fishermen (commercial and recreational) to access and use our beaches.
- 3) To ask the Town Board to authorize the use of Town funds for the legal expenses incurred to defend ourselves against the current lawsuit jeopardizing public beach access and ownership.
- 4) To take whatever steps are necessary to ensure the beaches, which are one of our most significant recreational, economic, aesthetic and environmental assets remain publicly owned and managed for the benefit of all town residents.
- 5) To support all legal means necessary to ensure the traditional rights and heritage of all members of the public to continue to access and use the beaches for all purposes against threats and efforts to privatize them.