



P.O. Box 7073
Amagansett, NY 11930

Trustees
of the Freeholders and Commonalty of the
Town of East Hampton

631-267-8688
trustees@ehamptonny.gov
www.ehtrustees.com

Adopted: February 14, 2022

Resolution # 2022 – 28

RESOLUTION TO APPOINT COUNSEL AND AUTHORIZE LEGAL PROCEEDINGS

WHEREAS, the Trustees of the Freeholders and Commonalty of the Town of East Hampton (“Trustees”) are the owners of property in the Town of East Hampton, including the express reservation in an 1882 deed granted to Arthur Benson “to the inhabitants of the Town of East Hampton the right to land fishboats and nets to spread the nets on the adjacent sands and care for the fish and material as has been customary on the South Shore of the Town lying westerly of these conveyed premises” (the Fishing Reservation”); and

WHEREAS, the Trustees are currently a named defendant in the civil proceeding *The Seaview at Amagansett, Ltd. et al. v. Trustees of the Freeholders and Commonalty of the Town of East Hampton et al.* (Index No. 034714/2009) pending in Suffolk County Supreme Court, confirmed that the Fishing Reservation in the Benson Deed created a public easement to use the servient estate for fishing and fishing related purposes, which right is now threatened by the actions of the owners of the servient estate; and

WHEREAS, the Trustees were created and impressed with a fiduciary responsibility to act on behalf of the residents of the Town, including the commercial and recreational fishing community, which provides an important part of the economy of the Town of East Hampton; and

WHEREAS, the Town of East Hampton recently filed a lawsuit on behalf of the fishing community to preserve the Fishing Reservation; and

WHEREAS, the Trustees support the efforts of the Town, and wish to align its interests with the citizens of the Town to preserve their right to use the Fishing Preserve.

NOW THEREFORE, BE IT RESOLVED by the Trustees of the Freeholders and Commonalty of the Town of East Hampton that:

1. The Trustees appoint Daniel A. Spitzer, Esq. and the law firm Hodgson Russ LLP to represent the Trustees and the residents of the Town who wish to use the Trustees’ Fishing Reservation for commercial or recreational fishing;
2. The Trustees authorize the intervention in the Town lawsuit and any necessary new proceeding, including any action on behalf of individual residents or any class of residents;



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3. Authorize the entry into any joint defense or similar agreements to carry out the purposes of this Resolution; and

4. This Resolution is effective immediately.

PASSED AND ADOPTED by the Trustees of the Freeholders and Commonalty of the Town of East Hampton on the 14th day of February, 2022.