



*August 1, 2011*

## **Procedural Maneuvers Rejected, Fort Pond House Park Case Closer to Trial**

New York State Supreme Court Justice William B. Rebolini has again rejected East Hampton Town's attempt to have procedural claims derail a lawsuit brought by local residents and non-profits to stop the sale of public parkland in Montauk.

In a decision dated July 20<sup>th</sup>, Justice Rebolini upheld his prior ruling from March 25<sup>th</sup> of this year, stating that petitioners Concerned Citizens of Montauk (CCOM), Third house Nature Center (THNC), Edward Johann and Roger Feit are entitled to bring their suit. The case will now proceed based on the plaintiffs' claims that the Town violated the public trust doctrine by failing to seek authorization from the New York State Legislature as required when selling off public parkland and that the Town violated the open meetings law by discussing the planned sale behind closed doors. Petitioners are represented by The Northern Environmental Law Center, a Sag Harbor-based environmental law firm.

The Town has sought repeatedly to avoid proceeding on the merits of the case arguing that petitioners did not have standing to bring the suit, made inaccurate claims or brought the wrong kind of lawsuit. When Justice Rebolini denied the Town's motion to dismiss, allowing the case to proceed, Counsel for the Town then argued Justice Rebolini was wrong in his determinations and should formally reconsider. Justice Rebolini's latest ruling confirms his prior determinations, clearing the way for the case to proceed to arguments on the merits and, potentially, to a jury trial.

"I hope the Town finally accepts that spending ever more taxpayer money to defend a misguided attempt to alienate public parkland is not in the interests of the people of our Town -- or its environment," stated Bob Stern, President of CCOM.

"CCOM wants to work with the Town to properly steward the vital resources that sustain our economy and quality of life, not watch Town officials waste their time and taxpayer money in a shortsighted attempt to sell natural resources on the cheap at market lows."

Petitioners first brought suit on October 4, 2010 after Supervisor William Wilkinson, Deputy Supervisor Theresa Quigley and Board Member Dominick Stanzione voted to consider the 3.9-acre Town-owned Fort Pond House Park as “surplus” and to authorize “all reasonable action to offer the property for sale.” Board Members Julia Prince and Pete Hammerle voted against the sale.

In response to public outcry following the listing of the property for sale, Town officials closed the park one year ago, citing a list of alleged fire and safety violations on the property. Residents and local non-profits brought suit in response seeking the park be reopened and taken off the market.

Purchased in January 2003, Fort Pond House Park is the only Town-owned public access to the northern sections of Fort Pond. It contains 1,200 feet of shoreline and, until its closure was routinely used by numerous organizations including, Montauk Schools, Hampton’s Shakespeare Festival, Montauk Boy Scouts, Long Island Communities of Practice, among other organizations.

**For additional comment or information, please call or email:**

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