



BILL AKIN, FORMER CCOM PRESIDENT

1. STOP THE FERRY

When word leaked out that Cross Sound Ferry was planning a high-speed passenger ferry service to Montauk, many welcomed the news, as it would shorten trips to New London and the nearby casinos. Richard saw a different picture: up to seven round trips a day, potentially 600 passengers per trip, with cars and taxis picking up and dropping off people. Richard predicted traffic congestion and Connecticut day trippers and surfers crowding Montauk beaches and nature preserves.

What to do? The Town had minimal authority over the waterways, and private interests owned the property with its deep-water access. The solution was not obvious.

Richard knew that to lobby against regulating ferries was not appropriate for CCOM, given its 501(C)(3) organization. Instead, he proposed to form a new, noncharitable, organization, Stop the Ferry, to raise funds to hire an outside counsel with environmental credentials beyond what anyone in the Town had access to.

With others both on and off the CCOM Board joining the new organization, Stop the Ferry began fundraising efforts. Meetings were held at private homes in Montauk and even at a beachfront estate on Further Lane, as Richard pointed out how the traffic threat from ferries reached right into East Hampton.

Richard knew Michael Gerard, a well-known environmental lawyer at Arnold & Porter, and suggested to the Town that he be hired. (Michael Gerard is currently chair of the Sabin Center for Climate Change Law at Columbia University and was an environmental advisor to the White House during the Obama administration.) Gerard recommended that the Town focus on the adverse environmental impact the new source of traffic would have on the entire town, not just Montauk. In his Stop The Ferry role, Richard lobbied the Town to initiate a one-year moratorium on new “ferry legislation” to do a traffic study. The results proved that traffic at many intersections and on Route 27 would be severely impacted by the potential for up to seven passenger ferries loading and unloading daily, as well as the parking required. This was enough information to give the Town the foundation to create the local law that forbids car ferries in Montauk. The Town adopted the law in 1997.

But that was just the beginning. Cross Sound Ferry, and later the Montauk Viking Ferry Corp., challenged the new law in 2004. The Town again hired Michael Gerrard, but when he was no longer available due to his commitment to advise the Obama administration, Richard suggested the law firm of Cahn & Cahn from Huntington. As the senior attorney’s name at Cahn & Cahn was Richard, CCOM’s Richard often referred to him as “the real Richard Cahn.”

Cross Sound dropped its suit in 2008. Viking continued to challenge until a final decision favoring the Town in 2011.

Richard did all this legal work completely free of charge. One evening after it was all done, and after a few cocktails, he let slip that had he been billing for his legal advice at the rate he charged at Debevoise & Plimpton, the total would have easily exceeded \$400,000 each year of the fight.

2. THE EVOLUTION OF AN ORGANIZATION

CCOM was founded in 1970 to save 1,157 acres of pristine wilderness surrounding Big Reed Pond from commercial development. In the following decade, in coordination with other groups, CCOM was instrumental in preserving Hither

Woods, Camp Hero, the Culloden Green Belt, Shadmoor, and the Benson Reservation. In 1990, Richard joined CCOM and its band of passionate environmental warriors—including Carol Morrison, Dorothy and Lillian Disken, Rav Freidel, Kay Carley, and Rita McKernan—who attended every Town Board and Planning Board meeting. They also traveled to Albany and Washington, DC to lobby for Montauk.

By the end of the 1990s, Richard realized that the scope of CCOM's activities had expanded and that it was no longer realistic to expect CCOM, with an all-volunteer Board, to function effectively. As he was also a member of the Board of Directors for the much bigger Group for the South Fork, Richard fashioned a solution: he worked out an arrangement to have one of the Group's junior staff, Jeremy Samuelson, attend CCOM Board meetings and follow up on matters involving various Town departments such as Planning, Code Enforcement, and Natural Resources.

CCOM soon realized how important such help was. After Richard consulted management at the Group, CCOM made an offer to Jeremy Samuelson to join CCOM full-time. With his guidance, CCOM refined its Mission Statement and moved ahead with a more focused work plan. Richard Kahn made this transformation to the modern CCOM happen.

3. EXCUSE ME, MR. SUPERVISOR

Richard was particularly vigilant in reviewing the details each year when the Town proposed a budget for the following twelve months and would attend meetings when it was reviewed. In 2004, his research suggested something untoward. It looked to him that the Supervisor was dipping into Community Preservation Funds to balance expenditures. Richard knew damn well this was not legal. He met privately with the Supervisor encouraging him not to go down this road. When the Supervisor failed to heed the warning, Richard spoke up in public at the next Town Board meeting. No one, not the Supervisor, not any member of the Town Board, not anyone in the audience, not even the East Hampton Star reporter, paid any attention.

One year later, the Supervisor tried to do it again, but this time the Town Comptroller objected, and the scheme was exposed. As usual, Richard Kahn had been way ahead of everyone else.

BOB STERN, FORMER CCOM PRESIDENT

Over a decade ago, Richard and I represented CCOM at a Suffolk County Health Department meeting in Riverhead regarding pollution at the Surf Lodge in 2010-11. It was quite a meeting. We established that the Surf Lodge was forced to pump out daily because their septic load far exceeded capacity. We also gave the Health Dept. grief over their flawed "dye testing" protocol. Richard pointed out that they allowed the Surf Lodge to drain their system right before they put the dye in to test for contaminants. This was something not supposed to be allowed for an entire MONTH before such a test!

On another occasion, before one Town council meeting, over dinner with Bill Akin, Richard, and myself, Richard cautioned me to be less loudly aggressive in my comments at the upcoming meeting. He suggested that my tone would be counterproductive.

Then at the meeting, ignoring his own counsel to me, the usually mild-mannered Richard got up at the public comments portion of the meeting and said in an outraged yell: "I don't know what you people are smoking...!!!"

CÉLINE KEATING, CCOM BOARD MEMBER

Richard was a quiet force on the board, and his intellect, wisdom and humor held everyone in thrall. During discussions he would sit quietly, but once he was ready to speak, the room would fall silent, as if we were sitting at the feet of an

oracle. I never made my mind up about anything being debated until I heard what Richard had to say in his quiet measured voice.

I lived half-time at the Atlantic Bluffs Club. When the ABC board decided it was no longer able to continue to finance our lawsuit to uphold our access rights to the Benson Reservation and prevent building there, I went for help to CCOM, on whose board I served.

Since the fight to preserve the Benson Reservation, if successful, would result in a gain of open space access for all of Montauk—not only for the co-ops and motels situated opposite the reservation—Richard suggested that CCOM sponsor a fundraising effort. If the shareholders could raise \$10,000 among themselves, CCOM would send out mailings to raise matching funds.

As a result of that plan, the money was raised, and the Atlantic Bluffs Club continued the litigation that in the end saved the parcel for all to enjoy.

MARTHA KRISEL, CCOM BOARD MEMBER

My memory of Richard is of a courteous but ardent attorney who never lost sight of the big picture while paying attention to every single detail.