



TOWN OF EAST HAMPTON

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February 3, 2017

Mr. Simon Kinsella
100 Main Street
Wainscott, NY 11975

Re: January 30, 2017 Letter

Dear Mr. Kinsella,

I have reviewed a letter dated January 30, 2017, signed by you, and ostensibly sent from the "environmental sub-committee of the Wainscott Citizens' Advisory Committee". For the reasons set forth below, such a letter is beyond the scope of the limited authority that the Town Board has granted to the Wainscott CAC and improper.

The purpose of the Wainscott CAC is to provide advice and information to the Town Board as to the issues facing the hamlet of Wainscott. The committee's actions are completely advisory in nature and the Committee shall not take any action, nor have powers, unless the powers are specifically assigned to the committee through the enabling resolution or by any governing state or local law. *See EHTB Resolution 2010-495.*

Your letter is troubling because you saw fit to involve other elected officials, state regulatory agencies, members of the press, and professional consultants. This oversteps on a number of levels, most importantly, in that you are supposed to be advising the Town Board, not the general public or other interested parties.

While I understand you are passionate about these issues, that passion cannot override proceeding through the proper channels in both identifying issues and advocating for change. However, because the Wainscott Citizens' Advisory Committee is established and appointed by the Town Board, actions taken by the Committee, or in this case sub-committee, can have legal consequence.

Note by Kinsella: The Request for Hydrologic Protection only "ask[ed] *Dodson & Flinker* to review and to investigate the continuing problems plaguing our hydrologic system, and to develop priorities" (see final paragraph) according to the *Town's* suggestion during the ESC meeting.

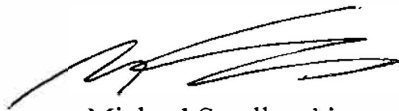
Note by Kinsella: The Request for Hydrologic Protection *was* emailed to the full WCAC *and* the full ESC prior to their respective meetings.

It should be noted, that these advisements are limited to your involvement with the CAC. As always, you are free to take whatever actions you think appropriate in your personal capacity so long as it is clear it is not done on that behalf, or with the authority of the CAC.

In the future, any such correspondence of this kind must be brought to the full Wainscott CAC and carbon copied to the Town Board. The Town Board is the only party who can direct outside contractors, other elected officials and the press. This not only provides for the more efficient use of the time and energies, but also prevents a host of legal pitfalls that can have significant financial and legal consequences.

Please guide your future actions as they relate to CAC business accordingly. If you should have any questions, please do not hesitate to contact my office.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Michael Sendlenski', with a stylized flourish at the end.

Michael Sendlenski

East Hampton Town Attorney



East Hampton Town Board

159 Pantigo Road
East Hampton, NY 11937

AMENDED

RESOLUTION 2010-495

Fred Overton

Town Clerk
(631) 324-4142
www.ehamptonny.gov

Meeting: 06/17/10 07:00 PM

DOC ID: 8554 A

Policy and Procedure for Committees

WHEREAS, the Town Board of the Town of East Hampton would like to clarify the policy and procedures for committees appointed by their authority, now therefore be it

RESOLVED, that the following be the official "Policy and Procedure for Committees".

1. Authority: This chapter is enacted pursuant to New York State Municipal Home Rule Law Section 10.

2. Purpose: The Town Board of the Town of East Hampton has the authority to create, by local law, advisory committees. The purpose of this chapter is to establish the authority of the Town Board to create, by resolution also, various advisory committees not otherwise governed or authorized by any other laws of the State of New York.

3. Establishing Advisory Committees.

a. The Town Board of the Town of East Hampton may create or dissolve advisory committees by resolution of a majority vote of the Town Board as it deems appropriate.

b. The resolution creating an advisory committee will be consistent with the following provisions, and such resolution will state the following provisions for each committee established:

i. The purpose and need of the committee.

ii. A statement as to whether the committee is standing or ad hoc.

iii. A deadline for completion of the project assigned to the committee, unless the committee is permanent.

iv. For standing or ad hoc committees, once an assigned project has been completed, the committee automatically dissolves unless the board assigns additional projects to the committee.

v. The role of the committee will be stated as advisory in nature.

vi. A chair shall be appointed by the Board to serve until the completion of the project assigned to the Committee, or for a term of one year, whichever is sooner.

vii. The committee members.

viii. A set of rules for each committee created under the authority of this chapter will be established by the Town Board. These rules shall include but not be limited to provisions for meetings, attendance, duties and removal.

ix. All committee members shall be governed by any applicable state and local laws.

4. All committees existing in the Town of East Hampton at the time of enactment of this chapter and heretofore created by resolution and not authorized by any other provision of state or local law shall be deemed compatible with the provisions contained in this chapter, or reestablished in compliance with the provisions of this chapter.

5. Members of any committee shall be representative of all perspectives of the issues surrounding the project assigned to the committee, such representation to be determined by the Town Board, upon consultation with the Chair of the Committee, if applicable.

6. The role of any committee is to advise the Town Board concerning the project assigned to the committee. The role is strictly advisory in nature and a committee may not take any action nor have powers, unless any powers are specifically assigned to the committee through the enabling resolution or by any governing state or local law.

7. It is agreed and understood that all members of Committees serve as volunteers and receive no compensation or related benefits.

8. All committees shall operate in a completely open manner and therefore shall comply with the State Open Meetings Law, unless specifically stated in the enabling resolution to be exempt from said regulation.

9. All minutes, reports, opinions and other products generated by said committees shall be subject to full public disclosure.

10. Members of any Committee shall be appointed by the Town Board on an annual basis, and any suggestions for membership or for revocation of membership shall be made to the Town Board, for the Town Board's consideration and decision. The annual appointments shall be made with due consideration to the mandate that each Committee have membership representative of the differing opinions and perspectives occasioned by the charge of the Committee, such representative balance to be decided in the sole discretion of the Town Board.

11. The Town Board shall receive input from the Committee through either a liaison chosen by the Supervisor to attend the meetings of the Committee or by a representative of the Committee reporting to the Town Board, in the discretion of the Supervisor.

12. Sitting members of any appointed or elected Town Board shall be entitled to be members of any Committee, but shall not be entitled to be a voting member.

Dated: June 17, 2010

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Theresa K. Quigley, Councilwoman
SECONDER:	Pete Hammerle, Councilman
AYES:	Pete Hammerle, Theresa K. Quigley, Dominick J. Stanzione, William J. Wilkinson
ABSENT:	Julia Prince

June 16, 2005

(804) The following resolution was offered by COUNCILWOMAN DEBRA FOSTER, seconded by Councilman Hammerle, and adopted:

WHEREAS, an effective Town Board encourages public input and advice and citizens have a vast amount of knowledge and commitment to Town issues that effect our community; and

WHEREAS, this collective reservoir of energy should be tapped by the Town Board through collaboration and mutual respect in an advisory forum on town issues only; now, therefore be it

RESOLVED, the roles and responsibilities of Town Board appointed committees are as follows:

Responsibilities –

1. **Educate** Town Board liaisons concerning respective issues of interest.
2. **Increase communication** between Town Board and representatives of the public.
3. Make **suggestions** of action to meet an identified need(s) to Town Board.
4. All members are **volunteers**.
5. Meetings take place on a **monthly basis** or as needed. Minutes are kept which are sent to committee members and Town Board by a member of the town clerical staff.
6. Town Board **co-ordinates** with committee chair to set meeting schedule and update membership. Committee members and Town Board may suggest members. New members are appointed by resolution annually. Town Board reserves the right to determine number of citizens on each committee.
7. Any **advisory statements** on behalf of the committee should be made to the Town Board liaison.
8. **Attendance** should be kept at each meeting.
9. The Town Board **liaison** to the committee should **make every effort to attend** the monthly meeting and keep the entire Town Board apprised of the issues and concerns of the committee.

10. The liaison should be apprised of anyone who resigns from the committee.
11. The Town Board should decide if the committee is **appointed for a certain amount of time** concerning a specific issue or should continue over a period of time addressing a number of community issues.
12. No unilateral decision should be made by the committee. Any recommendations should be brought to the Town Board liaison.
13. No committee or individual member should contact department heads and direct them to do any work for the committee. A request may be made to the Town Board liaison who will report to the Town Board. If the Town Board agrees to the work to be done, the appropriate department head will be notified.

Supervisor William McGintee was absent