

SIMON V KINSELLA  
100 MAIN ST. – P.O. BOX 792  
WAINSCOTT, N. Y. 11975

E-MAIL:  
SI@FINKKINSELLA.COM

TEL (631) 903-9154  
FAX (631) 537-0122

February 10, 2017

Town Attorney Michael P. Sendlenski  
Town of East Hampton  
159 Pantigo Road  
East Hampton, NY 11937

## Re: Submission for Hydrologic Protection

Dear Mr. Sendlenski,

Thank you for your letter of February 3, 2017 with reference to the letter to Dodson & Finkler dated January 30, 2017 regarding protection of the hydrologic system within the Hamlet of Wainscott.

I appreciate both your advice and taking the time to attach Policy and Procedure for Committees dated June 17, 2010 (resolution 2010-495) and the resolution dated June 16, 2005.

Last year during the Wainscott Hamlet Charrette, I was directed to work with the Town consultants Dodson & Finkler, who I believed at the time were employed by the Town and therefore acting as agents/liaisons for the Town with regard to the Wainscott Hamlet Study. I was happy then, as I am now, to work with Dodson & Finkler or whomever else the Town chose.

At the recent meeting of ESC members on January 6, it was suggested and agreed that the submission for hydrologic protection should take the form of a supplemental submission to the original submission by the WCAC of May 18, 2016 to the Wainscott Hamlet Study. Like the original submission, I also sent the supplemental submission for hydrologic protection directly to Dodson & Finkler (and copied the Town). If I was mistaken and should not have corresponded directly with the Town consultants in either instance, please let me know now.

The submission to Town consultants Dodson & Finkler for hydrologic protect did not start out as such, but rather it was a document summarizing the findings of different people, officials, agencies and organizations with specific relevance to Wainscott. The information was kindly provided by, *inter alia*, the East Hampton Town Trustees, Professor Christopher J. Gobler, Ph.D. of the School of Marine and Atmospheric Sciences at Stony Brook University, the Environmental Sub-Committee (ESC), the Wainscott Citizens' Advisory Committee (WCAC), the Friends of Georgica Pond Foundation, Inc., the Environmental Protection Agency (EPA) and the New York State Department of Environmental Conservation (DEC).

The intention of copying the submission to “other elected officials [and] state regulatory agencies”, was to reciprocate the generosity shown to us by keeping others informed of our findings, science and progress. Please keep in mind that the information contained in the submission did not all originate from ESC members. In most instances, the information came from other agencies and officials, and out of courtesy, the submission was merely copied to the other agencies and officials who already had much of the information. In other words, the involvement and assistance of other agencies and officials was essential in formulating and writing the submission, and therefore, their involvement was to the benefit of the Town of East Hampton. It would have been pointless and churlish to refuse other agencies and officials the same type of information that they had given to us. It also would have potentially jeopardized future co-operation.

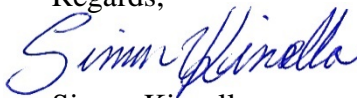
As to informing the East Hampton Star, I believed at the time that this would be no different from a member of the press attending a WCAC meeting, which appears to be consistent with paragraph 9 of Policy and Procedure for Committees, which reads: “All minutes, reports; opinions and other products generated by said committees shall be subject to full public disclosure.” Again, if I am mistaken please let me know now.

Your letter implies that I unilaterally (i.e. without the WCAC having any prior knowledge), sought to “direct outside contractors, other elected officials and the press.” I believe this implication mischaracterizes the situation.

A draft of the submission for hydrologic protection was emailed to all WCAC members on January 2 so that the full WCAC would have an opportunity to read the submission prior to its meeting on January 7, 2017. The submission was discussed at the WCAC meeting on January 7, 2017. I do not know from whom you received information to the contrary, but a draft of the submission was brought to the attention of the full WCAC as well as the full ESC prior to being sent to Dodson & Finkler, when it was also copied to the full Town Board.

Regardless as to the facts in this instance, I am nevertheless grateful for your advice. I have much to learn, especially when it comes to “legal pitfalls”. I look forward to our continued work together for the betterment of Wainscott and the Town of East Hampton. I will be guided accordingly, and if it pleases the WCAC that I write in the future, I will direct such correspondence to the Town.

If I can be of any further assistance, please do not hesitate to contact me either by email (above) or by calling me on my mobile +1-631-903-9154.

Regards,  
  
Simon Kinsella

c/c: José Arandia, Co-Chair, WCAC  
Barry Frankel, Co-Chair, WCAC