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Southampton Town Trustees Enlist New Help For Lawsuits

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By [Greg Wehner](#)

The Southampton Town Trustees have decided to back off one pending lawsuit while continuing to pursue two others, but with new counsel.

The decision to partially cut ties with Richard Cahn of Cahn & Cahn LLP in Huntington, the attorney who has represented the Trustees, came at their most recent meeting on Wednesday, July 13, after a string of lost court cases that has stripped the Trustees of authority over hardened structures along oceanfront beaches—authority they’ve claimed since the Dongan Patent was put into effect in 1686.

At the recommendation of Mr. Cahn, the Trustees have chosen to use the law firm of Sokoloff Stern LLP of Carle Place to work on a pair of open cases.

“Mr. Cahn is staying on as secondary role, but I’m assuming control of the cases,” said Steven Stern of Sokoloff Stern.

Mr. Stern said he plans to turn around a trend of losses for the Trustees, and that he sees the potential for strong defenses on their behalf.

One case being taken over by Mr. Stern is an appeal of a decision handed down early this year by State Supreme Court Justice Peter H. Mayer regarding the Trustees and the Village of West Hampton Dunes. The case was filed in 2006 by the Trustees against several homeowners in West Hampton Dunes, challenging their claim to several hundred feet of sand on the bay side of the oceanfront village. The Trustees’ lawsuit was dismissed in January by Justice Mayer, who ruled that the plaintiffs had waited too long to claim ownership.

Sokoloff Stern will also be brought in to represent the Trustees as defendants in a lawsuit filed by Southampton attorney Nica B. Strunk on behalf of property owners Kathleen Araskog Thomas, Andrew S. Thomas, Rand V. Araskog and Jessi M. Araskog on October 21, 2015. It alleges that the Village of Southampton and the Trustees are unfairly and illegally allowing vehicles on a small portion of ocean beach known as the “Picnic Area” during the day in summertime, while excluding them from other beaches.

The Trustees have agreed to pay Mr. Cahn \$290 per hour as a consultant to Sokoloff Stern for both cases, as well as \$275 per hour to the law firm for a partner and \$250 per hour for an associate in Trustees v. West Hampton Dunes.

Mr. Stern is no stranger to municipal law, having represented East Hampton Town and the Town of Southampton in several cases in the past.

“I’m honored and proud to have been chosen to represent the Trustees, a board that goes back to the 17th century,” he said. “I’m looking forward to providing them very strong defenses in these cases.”

Also at the July 13 meeting, the Trustees voted to discontinue another suit, this one against the State Department of Environmental Conservation and the Village of Southampton. The Trustees had filed the suit in 2013, objecting to homeowners rebuilding bulkheads along the ocean that the village and DEC had allowed without their permission.

Because a court ruling earlier this year determined that the Trustees have no jurisdiction in the matter, they decided it was a moot point and will step away from the case.

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