
JACQUELINE BOLLING BINNIAN (1921 – 2005)



Jacqueline Binnian (right) with unidentified woman outside of Concerned Citizens for 25A office in Cold Spring Harbor, NY

Jacqueline Binnian graduated from the Harvard-Radcliffe Program in Business Administration in 1960 and began a career on Wall Street. Following her marriage in 1961 to William Binnian, a great-grandson of Herman Melville and a vice-president of Pan American World Airways, Binnian would leave her career on Wall Street to begin a life-long campaign dedicated to the preservation of the environment of the North Shore of Long Island.

In 1964, Jacqueline Binnian and a group of fellow conservation-minded citizens created “Action for Preservation and Conservation of the North Shore L.I. Inc.” (ACTION). The group would go on to concentrate its efforts in preserving the natural environment of the North Shore of Long Island, including initiating efforts to have Route 25A declared a “scenic and historic” locale, defeating attempts to widen roadways that would damage local wetlands, stopping harbor dredging efforts that could upset the ecology of Long Island’s waters, joining the Long Island Sound Study Citizens Advisory Committee, and spear-heading the adoption of recycling legislation.

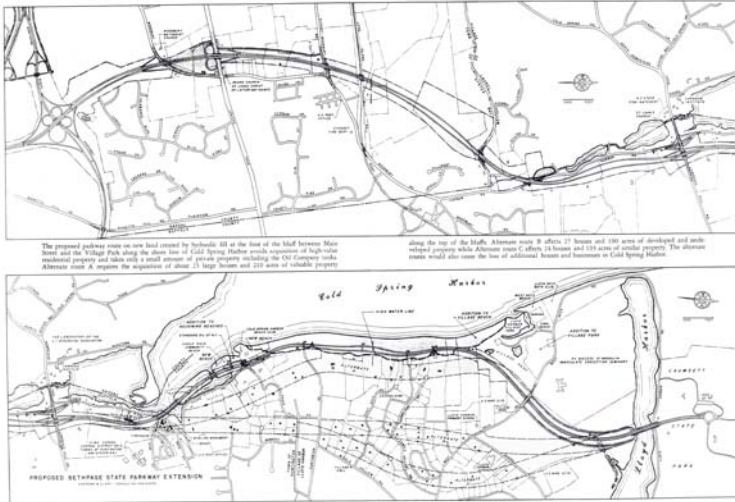
Earlier in the same year, Binnian and William McAnney, President of the Huntington Audubon Society, successfully lobbied the Huntington Town Board to create a Conservation Council (eventually the Conservation Board). Researcher W. Keith Kavenagh, along with members of the Conservation Council, investigated the background and laws concerning local trustee lands. The result of this research and cataloguing was *Vanishing Wetlands, Land use and the Law, Suffolk County, NY 1650-1979*, published by the Sea Grant Institute in 1980. These efforts introduced Jacqueline Binnian to trustee lands and sparked an interest that would continue throughout her life.

Trustee lands are tidally influenced lands held in the public trust, administered by the towns or trustees for the benefit of the people of the towns and the general public. The towns and town trustees may award leases, easements, or grants for the use of trustee lands, and may establish rules governing the use of those lands. Tidal trustee lands: provide habitats and breeding grounds for fish, shellfish, and other wetland dwelling wildlife; provide access for recreational activities such as swimming, boating, and visual enjoyment; and generate billions of dollars for the state economy. Because trustee rights and lands predate the American Revolution, the records regarding ownership and administration are often incomplete or contradictory, leading to much misinformation and mystery. Binnian would spend her lifetime working to address the mystery of trustee lands and to promote public awareness of their ownership of and rights to these lands.

During the late 1960s and early 1970s, Jacqueline Binnian would work to oppose the construction of the Oyster Bay-Rye Bridge and New York State’s attempts to take the Caumsett right-of-way for creation of the Caumsett State Parkway. She co-chaired the Council for Better Transportation Planning, helping defeat the Transportation Bond issue in Suffolk County, in favor of improved public transportation. Her efforts with Caumsett assisted in the creation of the “education-recreation” concept of Caumsett State Park.

During 1970, Binnian worked to get the Town of Huntington to lease land that NY State had condemned for the Caumsett State Parkway, in order to provide shorefront parkland in Cold Spring Harbor. Binnian would continue to have an interest

in preserving the historic village of Cold Spring Harbor, working to oppose the alteration of historic locations throughout the village, as well as preserve the harbor's shoreline.



Proposed Expansion of Route 25A

In 1990, the New York State Department of Transportation unveiled plans to build a five-lane highway at the head of Cold Spring Harbor and Route 108. In response to this, Jacqueline Binnian formed “Concerned Citizens for 25A,” a group dedicated to preserving the local wetlands and defeating the proposed five-lane highway.

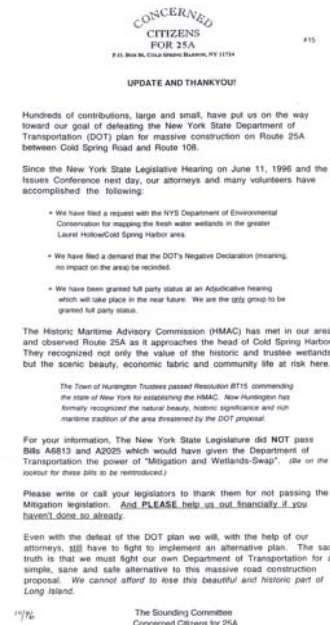
In addition to her work in the preservation of Trustee Lands, Mrs. Binnian sought to preserve the historical heritage of the Town of Huntington. In 1991, she and Rufus Langhans, then Huntington Town Historian, formed the Alliance for the Preservation of Coindre Hall Park to preserve, protect, and restore the former estate of George McKesson Brown, which, while now owned by Suffolk County, had fallen into neglect.

In 1994, Binnian would take a leave of absence from ACTION in order to spend more time as a researcher of Long Island Trustee Lands. Two years later, the Concerned Citizens for 25A successfully defeated the New York State Department of Transportation's plans for the proposed five-lane highway extension.

In 1998, residents of Cold Spring Harbor School District 2, comprising Cold Spring Harbor, Laurel Hollow, and Lloyd Harbor, realized the need for independent recognition from the Town of Huntington. To assist this process, Binnian began to research the records of the old Cold Spring Harbor Village Improvement Society. While the Society still remained under the title of the Cold Spring Harbor Library, many of its former civic duties were no longer handled by the Society. Seeing a need for a group of “watchdog citizens,” Binnian consulted with other local residents, an effort that ultimately resulted in the formation of the Cold Spring Harbor Area Civic Association, Inc. This civic group is dedicated to the preservation of the local coastline and to preserving and protecting the historic village of Cold Spring Harbor.

Binnian would remain active in her last years with her pursuit to properly research and document lands in the public trust along the North Shore of Long Island. Working with a Rauch Foundation grant through the Cold Spring Harbor Fish Hatchery, she would lay the foundations for the organization and preservation of documents relating to trustee lands in and around the Town of Huntington. Jacqueline Binnian died on May 7th, 2005.

The Jacqueline Binnian Collection is composed of twenty-four series. Materials included in these series consist of correspondence, news clippings, newsletters, minutes of meetings, photographs, maps, resolutions, land indentures, books, periodicals and other published materials, reports, agendas, public notices, drafts, notes, audio and video recordings, blueprints and plans, by-laws, articles of incorporation, government documents, address lists, contact information, budget reports, town code, proposals, federal and state legislation, promotional materials, public statements, press releases and ephemera.



Concerned Citizens for 25A Update (Oct. 1996)

Conservation and Environmental Movements in America

“Conservation is the foresighted utilization, preservation and/or renewal of forests, waters, lands and minerals, for the greatest good of the greatest number for the longest time.”

– Gifford Pinchot, first Chief of the United States Forest Service.



Information Booklet from ACTION for Preservation and Conservation of the North Shore of L.I., Inc. (1971)

The conservation and environmental movements in America are political, social, and sometimes scientific movements dedicated to the preservation of natural resources. These resources include not only the natural wealth of the earth, such as mineral deposits and trees, but plants and wildlife, as well as their natural habitats. It is the hope of the conservation and environmental movements in America to preserve and protect these natural wonders for the future benefit and enjoyment of later generations.

The conservation movement in America can be traced back to the 19th century. Many claim that the conservation movement began with the work of George Perkins Marsh (1801–1882), the noted philologist, scholar, and political appointee. Marsh's work, *Man and Nature* (1864), argued that deforestation in the Mediterranean created poor soil conditions that ultimately led to the collapse of ancient civilizations in that region. This book was instrumental in the formation of the Adirondack Park in New York.

In 1871, an expedition into Wyoming photographed the natural wonders of the Yellowstone region of that state, providing the swaying evidence to convince the U.S. Congress to protect this natural wonderland. In 1872, this land became Yellowstone National Park, the first of its kind in the world. The travels of President Theodore Roosevelt to this area would inspire him to create the Yellowstone Timberland Preserve in 1891, a section of which would become the Shoshone National Forest. During this time, two forestry schools had been established in the U.S., one on George Washington Vanderbilt's Biltmore Estate near Asheville, North Carolina, the other at Cornell University in Ithaca, NY. Prussian-born Bernard Fernow (1851 – 1923), biologist and founder of the forestry school at Cornell, introduced Gifford Pinchot (1865 – 1946), the man destined to become the first Chief of the United States Forest Service, to prominent German conservationists from whom Pinchot learned the skills he would later apply to American conservation efforts.

By the early 20th Century, the conservationism movement in America had fractured and divided into two camps. One was composed of conservationists like Pinchot, who strove to protect natural resources so they would be available for both public and commercial needs. The other camp, comprised of individuals such as Sierra Club founder John Muir (1838 – 1914), sought to protect the forests of America for their beauty, recreational enjoyment and scientific study, rather than as a commercial resource. This schism still separates the conservationist movement today.

“Humanity has passed through a long history of one-sidedness and of a social condition that has always contained the potential of destruction, despite its creative achievements in technology. The great project of our time must be to open the other eye: to see all-sidedly and wholly, to heal and transcend the cleavage between humanity and nature that came with early wisdom.”

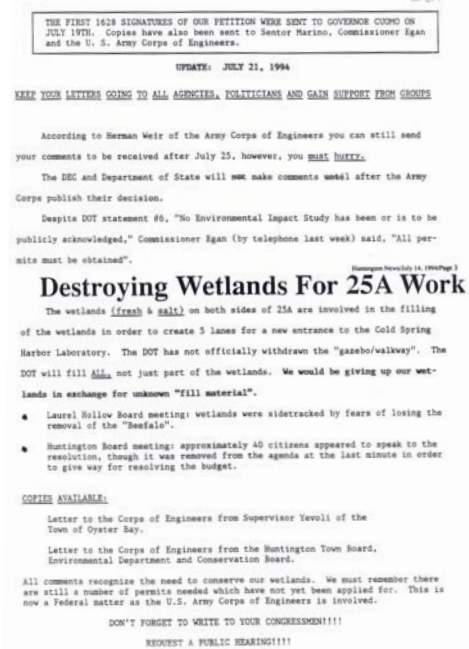
– Murray Bookchin, U.S. ecologist.

It was during the years following World War II that America would witness the birth of the environmental movement in America. While having its roots in the earlier conservation movement, the environmental movement became more focused on the destructive effects of humanity's impact on Nature. It argues that humanity is part of the natural ecosystem and should behave in a manner more conducive to living in harmony with the natural order, rather than continue its destructive behavior.

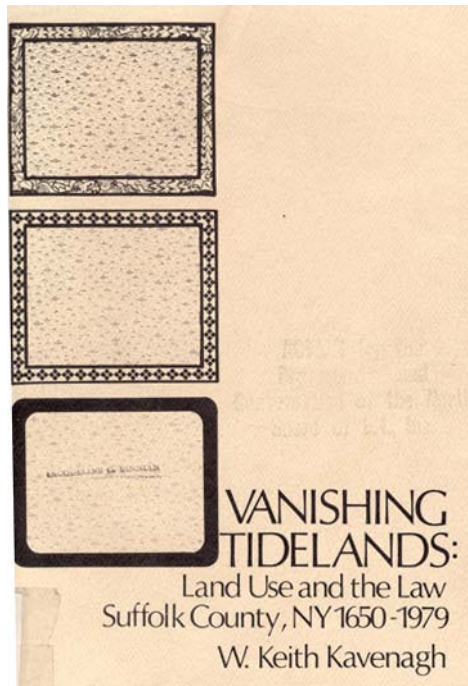
One of the more influential events during this period was the publication of Rachel Carson's (1907 – 1964) book, *Silent Spring* (1962). Carson was a marine biologist who studied the environmental side-effects of synthetic pesticides during the late 1950s. The thesis of the book was that the pesticide Dichlorodiphenyltrichloroethane, otherwise known as DDT, harmfully affected animals, especially birds, and humans. She further accused the chemical industry of spreading disinformation as to the effects of DDT and lambasted politicians for accepting the claims of the chemical industry at face value. The book would later be named one of the best twenty-five science books by *Discover Magazine* and led to the ban of DDT in 1972 in the United States.

The impact of the book's publication sent out shockwaves that increased the awareness of humanity's actions upon the environment amongst the general population. This heightened awareness coincided with the burgeoning youth movement of the 1960s, and the two movements gained momentum due to this shared synchronicity. Also during this time, new scientific research supplemented the existing concerns for humanity's danger to itself. *The Population Bomb* (1968), written by entomologist and researcher Paul R. Ehrlich, outlined the dangers of rampant human overpopulation, while *The Limits of Human Growth* (1972), commissioned by the Club of Rome, explored the potential effects of an increased world population coupled with a finite supply of resources. All this was occurring against a backdrop of nuclear proliferation, making humanity's role in an upcoming apocalypse even more of a stark possibility.

These developments expanded the concerns of the environmental movement, causing it to encompass more myriad subjects than its predecessor, the conservation movement. In addition to the preservation of natural ecosystems, the environmental movement sought to improve the human condition through emphases on health, ecology, human rights, grassroots democracy, recycling, and the burgeoning "green movement." These social and political imperatives would contribute to: the Clean Air Act of 1963; the founding of Earth Day on April 22, 1970, by U.S. Senator Gaylord Nelson of Wisconsin (1916 –2005); the formation of Greenpeace in Vancouver, British Columbia, Canada, in 1971; the Clean Water Act of 1972; the United Nations Conference on the Environment and Development, held in Stockholm, Sweden, in 1972; and the Endangered Species Act of 1973.



Concerned Citizens for 25A Update (July 21, 1994)



Cover of *Vanishing Tidelands: Land Use and the Law Suffolk County, NY 1650 – 1979*, by W. Keith Kavenagh
(New York Sea Grant Institute, 1980)

In the decades since the formative 1960s and '70s, the focus of the environmental movement has widened to include newer concerns that could have a detrimental impact on both the planet and humanity itself. The causes of acid rain, climate change, and global warming have been at the forefront of these more recent concerns.

Much like the conservation movement, the environmental movement has become loosely divided into two ideological camps. One is anthropocentric, focusing on the negative effects of environmental destruction as they impact humanity. The other is biocentric, which holds that humanity is but a part of ecology's whole. Biocentrics argue that nature has a moral value not dependent on its usefulness to humanity, and it is this worth that makes the environment sacred and deserving of protection. These two schools are sometimes referred to as "shallow" ecology and "deep" ecology. While both seek to preserve the natural environment, their differing schools of opinion can sometimes place them at loggerheads.

Despite these different ideologies, both schools of thought share a common goal in seeking the preservation of Earth's natural splendor for the benefit of future generations. In an era which has shown a greater interest in the possible impact of humanity's actions upon the natural world, the role of the conservation and environmental movements are more important than ever. This increased awareness of the destruction of the Earth's environment is largely due to the efforts of these groups, who have dedicated themselves to increasing the public's consciousness about the world around us. While the battle is far from over, this greater awareness demonstrates the success that environmentalists have achieved over the last one hundred and fifty years. This greater consciousness will be as much of an inheritance for future generations as the environment which the conservation and environmental movements have sought to protect.

Grassroots Movements: Working for Change on the Local Level

In his keynote speech at the 1912 Progressive Party Convention in Chicago, Senator Albert J. Beveridge of Indiana stated that “This party comes from the grass roots. It has grown from the soil of the people's hard necessities.” It was from this speech that the term “grassroots” entered the popular lexicon. While the term may be less than a hundred years old, the activities that are defined as grassroots movements are as old as humanity itself. It is the process of people taking action on their own behalf.

A grassroots movement is one whose origins begin with the average citizen, usually a constituent of a local electoral. Driven by the desire to change, improve, or protect their local community, local citizens band together without the need for an outside group or body to organize them. Their efforts most often begin with small meetings of people with similar interests, usually held at homes in their community. These meetings generally establish the organizational heads of the movement, who help plan the grassroots movement's goals and activities. A goal is defined, methods to achieve that goal are outlined, and the steps necessary to realize that goal are planned. From these humble beginnings the grassroots movement starts to grow.

Box 372
Huntington, NY 11743

November 14, 1992

William Clinton, Governor
State of Arkansas
(President-Elect)
State Capitol
Little Rock, Arkansas 72201

Dear Governor Clinton:

Many of us are looking forward to your forthcoming administration in the White House with the high hopes that you will be able to turn our country around.

While there are many issues and problems facing the nation today, I would like to bring up the following four points. These issues would be most beneficial to the United States and hold the added benefit that they should reduce, rather than increase, costs.

MILITARY INSTALLATIONS:

As we close or partially shut down our domestic military bases, we should make needed restorations and utilize the facilities as prisons, rather than building new prisons from scratch. Many of the military installations are off the tax rolls and well suited for the type of regimentation needed with prisoners. Another advantage to these facilities is that they can be broken down for different types of incarceration. For example, young offenders could be kept in the same facility, but in different areas. Instead of just sitting around watching television, we will be able to turn out young people with healthy bodies and minds, as we concentrate their time in prison on teaching them the value of life and its worth to them. Also, they can be taught how to work hard to do a good job while working off their debt to society.

THE ENVIRONMENT (ECOLOGY):

We heard very little about your views on this issue during the campaign. We are aware, however, that Mr. Gore is an advocate of the dependency of economic growth, people and health on the ecological environment. This is an issue which must have top priority as you go through the selection process for your Cabinet and other appointee positions.

MASS TRANSIT:

This is an issue which is vital to the well-being of this country. You will agree that there are supposed to be provisions in the Highway Funds for mass transit. These funds, however, rarely get tied into mass transit appropriations. It is imperative that we provide a program by which people can get back and forth to work or to the market. Frankly, it is a fallacy to believe that everyone

Volunteers comprise the main body of a grassroots movement. Through volunteer efforts, the movement canvasses the local neighborhoods, posts flyers, engages in letter-writing campaigns, gathers signatures on petitions, engages in public-relations work, and organizes larger meetings and demonstrations. Traditionally, grassroots movements relied on women, particularly mothers, to become involved in the movement's activities. This reliance originally came from the assumption that women, being homemakers and not possessing careers outside of the home, would have more time and opportunity to lend a hand to the grassroots movement. As times changed and women pursued careers outside of the home, their involvement was still sought, albeit for reasons of dedication and zeal. Lois Gibbs, organizer of the Love Canal Homeowners Association, is a prime example of the commitment and involvement women can bring to grassroots movements. Gibbs created a national organization based on the principle that women are tenacious and fearless environmental activists. She dubbed these women her “Mama Bears,” on the notion that nothing is as determined as a mother bear attempting to protect her cubs.

Letter to President-Elect Bill Clinton from Jacqueline Binnian
(Nov. 14, 1992)

The strength of grassroots movements does not rely in rich campaign war chests or direct political clout, which is where larger and more formal organizational bodies for change derive their influence. Instead, the grassroots movements depend on two other forms of support to instigate change.

The first is the dedication of its members. These are people who will directly benefit from the achievement of the goals of the movement. They will experience the benefits of a cleaner community, an increased quality of living, an improved education for their children, or the hope for a better tomorrow first-hand. This impact on their daily lives creates a greater drive for results than an outside body could hope to cultivate.

The other source of a grassroots movement's strength is in its numbers. Through the activities of the movement's volunteers and their localized public relations campaigns, grassroots movements tend to generate a large number of concerned individuals who are usually centralized within a specific electoral constituency. This mass of constituents forms a power bloc whose voice cannot be ignored by their local elected officials. In order to appease his constituency, this official then brings his political clout to bear within the halls of government, helping achieve the goals of the movement. In this regard, grassroots movements are examples of true democracy in action. They work from the bottom up to instigate change, demonstrating that the wants and needs of the people can influence those in influential political positions, and that it is the people themselves that these politician serve.

HUNTINGTON TOWNSHIP
HIGHWAYS ASSOCIATION
57 Lawrence Hill Road
Huntington, New York
December 28, 1966

Governor Nelson A. Rockefeller
The Executive Chamber
Albany, New York

Dear Governor:

Thank you for your letter of December 15th regarding the state Reconstruction project for Route 25A. Unfortunately, it appears to run counter to your telegraphic assurances of November 4, 1966 in which you told us that "IF THE RESIDENTS OF THE AREA DO NOT WANT TRUCK CHANGERS, THE STATE WILL NOT MAKE THEM."

In that telegram, Mr. Governor, you reiterated a fundamental tenet of our system of government. The issue is whether the state government should impose its will upon the local town governments in matters affecting only their local residents.

Your letter confirms that this route is "primarily a local road and does not serve the long-distance traveler." Consequently, the question should, in our view, be resolved by residents of the area and their local officials. The need for long-distance highway improvements throughout the State of New York is so pressing that we cannot understand why the Department of Public Works is expending its energies to force upon a community an "improvement" of a strictly local nature—one that we don't want, indeed that we regard as a blight upon our town.

It has become very obvious to our town officials that, if a referendum were to be conducted, the tally would overwhelmingly reject the project to widen 25A through the center of town. Petitions to this effect, bearing thousands of signatures, continue to pour in.

The Department of Public Works has indicated its willingness to confer with our local officials but it has made very clear that it reserves to itself the right of final decision, despite local opposition. This is an abrogation of your commitment on November 4th. We respectfully request that you return to the people of Huntington the right to make the final decision in this matter.

Yours very truly,

M. Robert Herman,
Chairman

Letter to Governor Nelson A. Rockefeller
(Dec. 28, 1966) from M. Robert Herman,
Chairman of Huntington Township Highways Association

We support a sane, reasonable plan to enhance safety and preserve the history, natural beauty, fragile environment and the economic fabric of nearby towns.
The Sounding Committee of
Concerned citizens for 25A

Mary Jo Balkind	Betty Noyes
Jacqueline Binnian	Carol Noyes
Nancy Gay	David Noyes
Lawrence Hahn	Brian Paton
Paula Marglin	John Schieff
Mary Jo Molloy	Linda Schieff
Jean Thatcher, Chair	Christina Whitman

Our thanks to St. John's Church, Banfi Wines, Styl-O-Graph, Catering by L.A.W. and to Cold Spring Harbor Merchants and Special Friends for their generosity in making this benefit possible.



Invitation to a benefit for Concerned Citizens for 25A

Grassroots movements can vary in scope and longevity. Some seek to bring about a single change at one location, such as a neighborhood banding together to have traffic control implemented at a dangerous intersection. Other movements concern themselves with larger and more ongoing issues. Grassroots environmental groups who seek to lobby for the protection of natural resources or the development of alternative energy technologies fall into this category. Some grassroots activists begin with a singular goal in mind but, enlivened by the success of achieving that goal, pledge themselves to new changes and issues, using their previously established pool of influence, dedication, and numbers to that cause.

The lifespan of a grassroots movement can be exceptionally brief; the organizational structure of these movements oftentimes disbands after their goals are achieved. In some cases, however, not only does the movement thrive in the wake of their success, but it continues to grow and, in some cases, becomes a much larger movement with the power to affect change on the state, national, or even worldwide level. Greenpeace, which originally formed as a movement to stop a nuclear bomb test in Alaska, is one such group that has grown much larger and influential than its grassroots origin.

Regardless of the successes and involvement of larger and more influential groups for change currently at work in the world, there will never come a time when the need for involvement on the local level is no longer required to ensure the betterment of the communities in which people live. Although larger groups sometimes possess a greater power for change, they often paint with a very broad brush, one that misses the smaller spots on the geographic and political maps. It remains the job of the grassroots movements to step in and cover these smaller areas that lie closer to home and which impact the daily lives of those individuals.

Trustee Lands of Suffolk County

Long Island has a rich history that dates back more than twelve thousand years, starting with the first human arrivals to the area. Since that time, Long Island has witnessed a plethora of events, both great and small, that has guided and influenced the development of the region as we know it today. It is due to these whims of history that Suffolk County is a special case when it comes to matters regarding local wetlands and shorelines.

Most of the early European settlers on eastern Long Island were English, as opposed to the Dutch majority that settled to the west and along the Hudson River. These English had arrived by way of Massachusetts and Connecticut, bringing with them loyalties to, and familiarity with, English tradition and law. With the establishment of these early settlements, friction began to grow between the Dutch and the English as to who would control Long Island. As protection against the Dutch, some of these early English settlements joined the colony of Connecticut, seeking to put themselves under familiar English jurisdiction. At the height of the tensions between the English and the Dutch in 1650, Peter Stuyvesant, governor of New Netherland, and John Winthrop, then governor of Connecticut, negotiated the Treaty of Hartford, which effectively divided Long Island in half. As per the Treaty, Long Island was divided by a line “drawn from the westernmost part of Oyster Bay and thence in a direct and straight course to the sea shore...the eastern part for the English, and the western part for the Dutch.”ⁱ

The agreements of the treaty would soon become moot, however. In 1664, King Charles II gifted his brother James, Duke of York, “all the land from the west side of Connecticut River to the east side of Delaware Bay” including “the inhabitants of the said territories and islands.”ⁱⁱ The Duke appointed Colonel Richard Nicholls as his deputy governor and dispatched him to the colonies to impose his control over these newly gifted lands. Nicholls arrived at New Amsterdam with sufficient naval and military force to coerce the Dutch into agreement. On August 29, 1664, the Dutch surrendered without resistance, and New Netherland became New York.

PRELIMINARY REPORT
OF
THE BOARD OF TRUSTEES ADVISORY COMMITTEE
by
Dr. W. Keith Kavenagh

July 7, 1971

“Preliminary Report of the Board of Trustees Advisory Committee”
by Dr. W. Keith Kavenagh (July 7, 1971)

By a prior decree of the English Court of Exchequer some fifty years earlier, English law had determined that when the king conquered a kingdom, he had the right to alter the laws of the conquered land as he saw fit. With Long Island now indisputably under English control, Col. Nicholls imposed English law over the region. In 1665, Nicholls established the Duke’s Laws, which were an amalgamation of English legal tradition and the legal views of the New England colonies. The Duke’s Laws allowed for a surprising amount of local self rule, more than could be expected in regard to the rights granted in the charter awarded to the Duke of York, and enforced by his deputy Nicholls. Most towns continued to handle the needs of day-to-day self-governance by the traditions established in the colonies of New England, by which town meetings were assembled to appoint local political positions and enact legal rulings to ensure the continuation of daily life in peaceful accord. Nevertheless, Nicholls demanded that each town and landowner supply him with evidence of ownership of their properties. Governor Nicholls intended to demonstrate his control over the colony, and reinforce the

notion that the town owed certain obligations to the political administration. In return for submitting proof of ownership, the governor would award those who complied with the decree a confirmation patent in the Duke of York's name.

Included within these confirmation patents was the Town patent. The Town patents designated several patentees who would act on "behalf of themselves and their associates, the freeholders and inhabitants"ⁱⁱⁱ as the proprietors of the Town. It granted them all the lands in the Town boundaries which had been or would be purchased from the local Indians. Included in this land grant were "all havens, harbors, creeks, quarries, woodlands, meadows, pastures, marshes, lakes, fishing, hawking, hunting and fowling, and all other profits, commodities, emoluments, and hereditaments"^{iv} and the patent formally established the Town in the eyes of the English administration.

In general, these land grants were held as "tenants in common," with the land divided into shares owned by the original families who purchased them. These shares could be distributed as the owning family saw fit, either by inheritance, gift, or purchase. Despite the clarification of ownership awarded by the patents, one point of contention remained. Because the original Indian deeds to the lands purchased by settlers were often vague as to boundaries, or employed pseudo-legal terms and definitions when rewritten by the English, the exact extent of the ownership of these lands was called into question, especially when it came to waterways. Eventually, time and custom would dictate that ownership extended only to the high water mark or to the mouths of protected bodies of water.

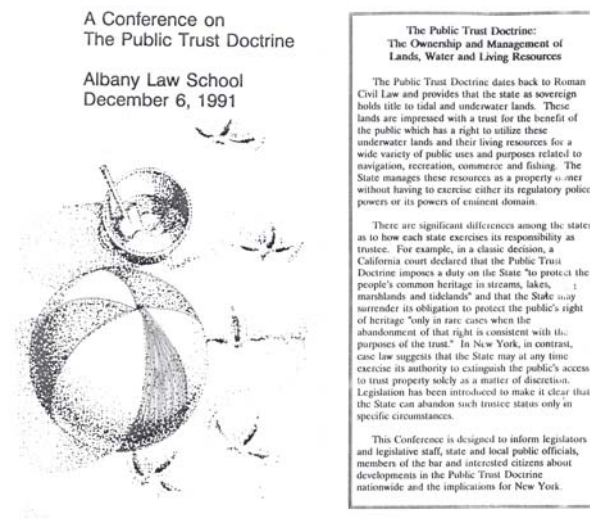
The Towns on Long Island at this time consisted of Brookhaven, Easthampton, Huntington, Shelter Island, Southampton, and Southold. It wouldn't be until the next century that the Towns of Islip and Riverhead would be founded, and the Town of Babylon would not be established until 1872.^v Events both across the Atlantic and closer to home would soon bring about more changes to the Town patents of Long Island. In 1672, the Third Anglo-Dutch War erupted in Europe. As part of this conflict, the Dutch recaptured the town of New York in 1673, but within a year it returned to English control. King Charles II re-confirmed the position of the Duke of York by issuing a new charter in 1674. In 1683, the territory's fourth English governor, Colonel Thomas Dongan, arrived with instructions to promote the "good weal and government of the said colony and its dependencies and of all the inhabitants thereof."^{vi}

As part of this agenda, Dongan rewrote the patents of the Towns, hoping to improve rent collection on behalf of the Duke. The Towns of Brookhaven, Easthampton, and Southampton acquiesced to Dongan's request to surrender the patents that they had been operating under and receive new ones. Southold resisted this request and continued to operate under the patent issued by the colony's second governor, Major Edmund Andros. The Town of Huntington originally opposed the request, but finally agreed to a new patent in 1688.

England's Glorious Revolution would cause further changes in the colony. Following King James II's ousting from the throne by William of Orange, Colonel Henry Sloughter was appointed governor of New York in 1691, and set out to re-establish a sense of normalcy and order under the new English regime. As part of this effort, an assembly was to allow for the "settling, quieting, and confirming" of the patents of the Towns of Long Island. Sloughter would confirm the patents issued to Shelter Island, Smithtown, Southold, and when finally incorporated, Islip. These patents are known as "Andros Patents," as they were issued to the towns and individual landholders during the governorship of Edmund Andros. Sloughter also confirmed the patents of Brookhaven, Easthampton, and Southampton. However, unlike their Andros Patent neighbors, these Towns possessed patents issued during Dongan's governorship. As such, these three Towns are referred to as "Dongan Patent" Towns.^{vii}

The Town of Huntington was a unique case. The Town's original Dongan Patent has been confirmed during a period known as the Leisler Rebellion. During the Glorious Revolution, a militia captain named Jacob Leisler seized control of lower New York between 1689 and 1691, ostensibly to hold the territory for William III and Mary II. When Sloughter arrived in 1691, he had Leisler and his son hanged and beheaded for treason. In addition, all laws and decisions made during this period Sloughter decreed null and void. As such, Huntington had to re-apply for confirmation of its patent, and would finally receive one in 1694 from then Governor Benjamin Fletcher. While technically a "Fletcher Patent," the content is essentially the same as a Dongan Patent.

While all of these land patents contained descriptions of the land included in the patent, as well as allotted the land to the freeholders, some were also assigned certain rights as well. As indicated with the Nicholls Patents above, the land grants issued during that administration placed various areas, such as wetlands, woodlands, meadows, and pastures, under the control of a designated group of patentees. The Dongan Patents would expand this concept, leading to the creation of Town trustees.



Brochure for “A Conference on The Public Trust Doctrine” (Dec. 6, 1991) at Albany Law School

Under the previous patents, Towns had only been granted “all the privileges belonging to a town within this government.”^{viii} What this meant was that each Town must govern itself by the Duke’s Laws, including any amendments or proclamations to those Laws. These restrictions limited the legal privileges and responsibilities. This changed under the Dongan patents. Those patents created Towns as corporate and political bodies, being equal in privileges and status to many Towns and boroughs in England. They became able to own and dispose of real and personal property of any kind, as well as able to sue and be sued. But the most important of the privileges granted, for our purposes, was the inclusion of a clause in each patent that formed a body of trustees to oversee and manage all unappropriated lands within the Town for the benefit and use of the Town’s freeholders. The lands designated under control of these trustees were “all and singular the houses, messuages, tenements, buildings, mills, mill dams, fencing, enclosures, garden, orchards, fields, pastures, woods, underwoods, trees, timbers, feedings and common pastures, meadows, marshes, swamps, plains, rivers, rivulets, waters, lakes, ponds, brooks, streams, beaches, quarries, creeks, harbors, highways and easements, fishing, hawking, hunting and fowling, mines and minerals (silver and gold mines excepted), and all franchises, profits, commodities, and hereditaments whatsoever to the said tract of land and premises belonging...”^{ix}

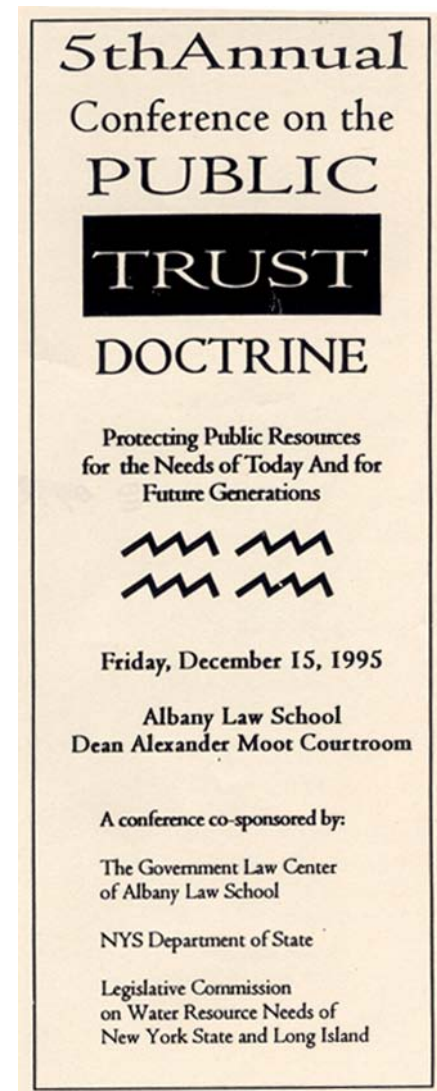
This clause in the Dongan patents effectively established a “trust” in regard to these Town lands, a continuation of legal concept that has its origins in Roman law. The trusts give real or personal property to another party to manage in the interest of either the original grantor of the trust, or some other third party. In the case of the Dongan patents, the trust formed a body of several individuals to oversee the use of all unappropriated lands held in common within the Town boundaries as outlined above. No person could lay claim to a parcel of land under the trust as long as it remained unappropriated. Only after the trustees and freeholds divided those properties and allotted them to individuals could any individual possessor then claim ownership of those lands and the rights associated with ownership. Until such a time, those unappropriated lands would be maintained for the community’s benefit.

The role of the trustee is limited by the trust. He may do anything that is authorized by the trust and is prohibited from engaging in any action forbidden by that trust. A trustee cannot benefit from the trust, or receive remuneration from it. Any lands or property purchased in his capacity as a trustee automatically becomes part of that trust, and should he wish to acquire any of a trust's property for himself, he must fully disclose to the beneficiaries any and all facts regarding this acquisition and proceed in good faith. He is allowed to seek advice and guidance as to the management of the trust, even allowing trust property to come under the control of another agency, as long as there is no risk involved. The trustee owes his loyalty to the community and must place the good of the public first in the administration of his duties.

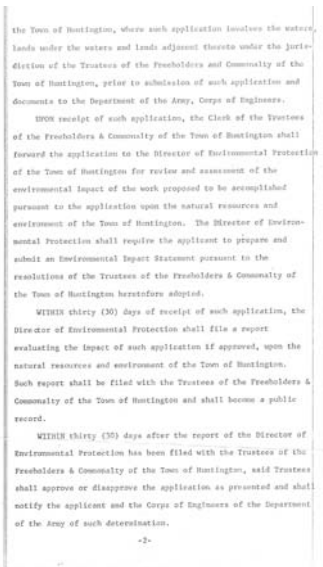
Initially, Dongan's patents seem to leave control of the Town and its lands in the sole hands of the trustees. However, in the years that followed, more of the day-to-day political decisions would return to the governance of the Town meeting assembly. This form of local political system would gain reinforcement in 1691, when the General Assembly granted freeholders the right to pass local ordinances that they deemed necessary for the "use and improvement of their respective lands in tillage, pasturage, and any other reasonable purpose."^x The trustees would continue to govern the affairs of the Towns throughout the colonial periods, but were often directed to act in certain matters by a vote held in a Town meeting. Over time, some of the trustees' powers were transferred into the hands of officials legislated by the General Assembly. Amongst these functions were the planning and maintenance of local highways, which were assigned to surveyors and a commissioner of highways in each Town. The positions of supervisors, tax agents, overseers of the poor, constables, fenceviewers, and sheriffs would also be created by the end of the colonial period. The trustees, however, maintained firm control over Town land and, with the assistance of the public will as conveyed at Town meetings, would continue to dole out portions of that land by deed or by lease to individuals. The trustees continued their vigilance over the unappropriated lands granted to them by the patents, seeking to maintain it for the benefit of the community and to insure that it was not used without permission.

In 1777, during the events of the American Revolution, New York State formed its constitution. In that document, the state provided for the continuation of the English common law, and confirmed the land grants awarded prior to October 14, 1775, by stating "...but that nothing in this Constitution shall be construed to affect any grants of land, within this state, made by the authority of the said King or his predecessors, or to annul any charter to bodies politic, by him or them, or any of them, made prior to that day."^{xi}

The inclusion of this Article within the State Constitution meant that the titles to the lands granted to the trustees, as well as their role as government agents, would continue. It would also lead to the unique political situation that still exists in some Long Island Towns today, wherein the trustees retain control over the common Town lands, while the Town Board – the modern version of the colonial town meeting – oversees the rest of the town's government matters.^{xii} In some Towns, the trustees have joined with the Town Board, but in the Towns of East Hampton, Southampton, and Southold, the position of Town trustee remains separate.^{xiii}



Brochure for the 5th Annual Conference of the Public Trust Doctrine (Dec. 15, 1995) at Albany Law School



Board of Trustees Resolution (Dec. 7, 1971) mentioning the powers ratified by the New York State Constitution following the Revolutionary War

Whether or not the role of the Town trustees has been folded under the governance of the Town Board, the area of their influence remains the same. In the more than two centuries since the drafting of the New York State Constitution, the trustees – in whatever form – still oversee control and access to wetlands, underwater lands, and the foreshore – the area between the high and low water marks along the shoreline.^{xiv} In addition, they maintain a modicum of control over harbors and waterways, as granted in the terms of the Dongan and Nicholls patents.

The authority that the trustees hold over these lands has by no means been absolute or uncontested. In the years since their rights and duties were confirmed, their sphere of influence has been challenged in both the courtroom and on the very lands they lay claim to. These contests, as well as the implications of the courts' decisions, will be explored in greater depth in the following chapter.

ⁱ Kavenagh, *Vanishing Tidal Wetlands: Land Use and the Law Suffolk County, N.Y. 1650-1979*, New York Sea Grant, 1980, p. 12.

ⁱⁱ *Ibid.*, p. 14.

ⁱⁱⁱ *Ibid.*, p. 17.

^{iv} *Ibid.*

^v Cashin Associates, PC, *Suffolk County Vector Control and Wetlands Management Long-Term Plan*, March 2006, p. 19.

^{vi} Kavenagh, p. 25.

^{vii} *Suffolk County Vector Control and Wetlands Management Long-Term Plan*, p. 20.

^{viii} Kavenagh, p. 37.

^{ix} *Ibid.*, pp. 37-38

^x *Ibid.*, p. 45.

^{xi} 1777 New York State Constitution, Art. XXXVI.

^{xii} South Shore Estuary Reserve Council, *Underwater Lands and the Public Trust Doctrine*, September 1997, p. 4.

^{xiii} *Suffolk County Vector Control and Wetlands Management Long-Term Plan*, pp. 21-22.

^{xiv} Kavenagh, p. 23.

Trustees in Action: Town of Huntington

Following the formal establishment of the trustees of the Town of Huntington in the Fletcher patent issued in 1694, we begin to see examples of a Town's trustees in action, gaining insight to the roles these officials played in Towns throughout Suffolk County.

The first official act of the Huntington trustees on record dates to February 27, 1695, where they ordered that due to the destruction wrought by stray swine in woods, marshes, and corn fields, all swine must be confined and the owners of those hogs left to run loose would be held responsible for any damages incurred by their wayward pigs.ⁱ In the following month this act would be expanded to include the confinement of rams and cattle as well. The trustees would also pass ordinances that prohibited the cutting of timber on common lands and the removal of bark from trees. The burning of woods on any man's land was also prohibited without approval by the trustees. The trustees were quick to assume their role as a governmental body for the Town, guided by the advice and desires of the freeholders expressed at public meetings.

Despite these early ordinances concerning matters occurring on the uplands of the Town, the trustees would establish a sizable body of ordinances and acts related to the harbors and waterways of the Town, as well as the use of the foreshore – the areas of land located between the low and high tides. The continued interest in and management of these lands would continue into the modern age, a time when most of the unappropriated uplands had passed into private ownership and out of the trustees' direct control.

In 1730, the trustees first began to regulate the use of the Town's marshlands for the harvesting of the thatch grass that grew in these locations. Thatch grass, also referred to as creek thatch, was most likely the name given to *Spartina alterniflora*, now known as saltmarsh cordgrass or smooth cordgrass. This plant grows in brackish, intertidal wetlands and was used by the early colonists as mulch, animal feed, and bedding. The trustee would hold yearly auctions in which the highest bidders were awarded the rights to cut and harvest this thatch grass for their personal use. In effect, the high bidders were leasing the use of the land and not the land itself. Early records often indicate that the lands were "sold to" a certain individual, but the intent was to indicate the rights to harvest the land were sold, not the actual property itself.ⁱⁱ

Despite these marshlands being under the control and administration of the trustees, attempts to encroach upon these common lands did occur. On more than one occasion the trustees were forced to protect their rights by calling into account individuals who attempted to fence in or restrict access to these lands. While the trustees did their best to ensure that these lands would remain open for use by the public, they were sometimes allowed to pass into private ownership for the betterment of the community. On three occasions, portions of the thatch areas were deeded away in order to raise funds for the purchase of lands for the Presbyterian Church. A loss of such a small area from the large expanse of thatch land under their control was deemed acceptable for the community's greater spiritual well-being.

time they are allowed to remain on the beach.
Regularly moved and seconded. Carried.
The meeting was attended by about one hundred residents
of Northport and vicinity.
Regularly moved and seconded to adjourn. Carried.
July 7 1919
Regular Meeting of the Town Board of Trustees held Monday
afternoon, July 7, 1919, at 2:30 o'clock.
Following members present: A.L. Field, Supervisors
Benjamin Glydenburgh, Walter Stillwell, Chas. Lewis,
Assessors: W B Trainer, clerk
Minutes of the meeting of June 6, June 10, and June 17,
read and approved.
There was read a Summons and Complaint Hannah S. Baldwin,
plaintiff against Richard Singer or Sings, et al, and
Town of Huntington was served.
No action was taken. Paper filed.
Counsellor Isaac H. Dewey, submitted an opinion, as to
title to Centerport Mill Pond, as to land under water.
The opinion follows:
To the Honorable Board of Trustees of the Town of Hunting-
ton: In response to your request for an opinion as
to the title to Centerport Mill Pond, I wish to submit
the following: This matter among other things was gone
into in the case of the Town of Huntington vs. Titus,
as New York Supplement, at page 18, and affirmed on
the opinion below in 169 New York, page 579, but
unfortunately although the matter of the title to the
pond and the land under the same was covered in the

Page 301

Board of Trustees Minutes
(July 7, 1919) concerning
ownership of the underwater lands
of Titus Mill Pond in Centerport

In the post-revolutionary years, the annual auctions of thatch would continue, but the venue of these auctions underwent a change. This is due to the fact that most of the lands located adjacent to Huntington Harbor had been allotted to private owners. Now, the auctions were held for marshlands located at the southern edge of the Town, in areas which abutted the Great South Bay and the islands located there, which would remain within the boundaries of the Town of Huntington until that land was partitioned off into the newly formed Town of Babylon in 1872.ⁱⁱⁱ In addition to the loss of common marshlands by way of allotment to newly arrived settlers, these intertidal wetlands saw further diminishment as shorefront properties were leased to individuals seeking to construct docks for either commercial or personal use, as well as outright

sale to persons with property adjacent to the marshlands. In these cases of sale, the establishment of private property abutting the marshlands had limited the accessibility of the public to these thatch areas, making it more sensible to sell the lands to the nearby owners.

While the post-revolutionary period saw an increase in public interest in the construction of docks along the shoreline, it wasn't the first time that the trustees were faced with this issue. Huntington's harbors had long been an important part of the Town's economic stability. As early as 1658, there is evidence to show that this Long Island Town had trade connections stretching as far as the West Indies, with ownership of rum and wine being mentioned in court depositions. In 1679, a warrant from Governor Andros called for the arrest of a Richard Betts, "(who) with a sloop several times traded in your parts and carried away goods and passengers contrary to the acts of Parliament as well as laws and customs of these parts, and is now in your harbor."^{iv} The trustees established a public ferry to Norwich, Connecticut, in 1765, and in 1769 authorized the construction of a dock to six men^v. As the trustees were owners of the land under the water, by right of patent, only they could grant the permission needed to build a permanent structure situated in those waters.

The construction of docks along the shoreline would boom in the nineteenth century. During that century, the trustees would grant 161 leases allowing the use of lands at the foreshore and under water at various locations throughout the four harbors of the Town. Of these 161 leases, 93 of them granted permission for the construction of docks. While it is uncertain how these docks were constructed, it is likely that they consisted of long platforms supported by pilings and ran parallel to the shoreline. In 1856, the first mention of the construction of a seawall is mentioned, and in 1866, a bulkhead was built for the dock of a George R. Johnson.^{vi} Almost all of these docks were likely to have been constructed for commercial purposes. It wouldn't be until 1882 that a lease mentions the construction of a private boathouse occurs.^{vii}

Contained within most of these issued leases were clauses intended to protect the rights of the public to continue to utilize these lands in some capacity. As these lands were traditionally reserved for the use of the common community, the rights of the public superseded the rights of the lease-holder. Thus, while the lease-holder was allowed to construct docks for commercial and private use, the public still retained the right to fish and shellfish in the leased area, and should the lease-holder fail to abide by the terms of the lease or fail to pay the rent on the lands, the land would return to the trustees and the lease-holder evicted.^{viii} Despite these concessions to the public usage of the lands, one traditional function was curtailed by this boom of dock construction and the allotment of lands to private ownership: the harvesting of thatch marshes. While the public retained the rights to fish, shellfish, and free passage over the lands conveyed in these leases, in every case the docks had been constructed over thatch beds, and these newly-built structures also restricted access to the harbors themselves. This would be the beginning of an unfortunate trend that would continue under the administration of later boards of trustees.

It was during the nineteenth century that the harbors and waters of Huntington would become desirable for a new commercial use. For centuries, the waters in the area had provided rich shellfish beds that supplemented the diet of the local population. However, during the 1800s the commercial market for shellfish would increase in demand as nearby New York City acquired a taste for these local delicacies. With this new demand came the increased interest in harvesting and marketing this previously low-demand resource, sometimes with detrimental effects.

By 1842, the demand had increased to such a level that some people implemented the use of dredges to harvest the shellfish in the area. This practice was harmful both to the seabed and to the shellfish population at large. In response to a petition from local residents, the trustees stepped in to not only halt the use of dredges, but to outlaw the taking of oysters during the summer months. Thirty years later, this ordinance would be supported when the state outlawed the use of dredge harvesting in the Great South Bay.^{ix}

Regularly moved and seconded to adjourn. Carried.
 W.B. Trainer
 Clerk

May 5, 1916

Regular Meeting of the Board of Trustees held on Friday afternoon, May 5, 1916 at 2 o'clock. The following members present: Benjamin Hydenburgh, Am Mc Erlen, Philip Pearsall, Assessors: W.B. Trainer, clerk. Benjamin Hydenburgh was elected chairman. Minutes of the meetings of Feb 4, March 3, March 15, and April 7 were read and approved.

Joseph Scudder presented a map showing a portion of oyster Ground in Lloyd's harbor, about 12½ acres adjoining lot No 12 on the north, now leased by him, and asked for a lease of the same.

Resolved, That the application of Joseph Scudder for a lease of oyster ground, about 12½ acres, in Lloyd's harbor, adjoining lot 12, as shown on a map submitted by him be considered by this Board, and a report made at a future meeting.

Regularly moved and seconded. Carried.

Resolved That the matter of leasing Plot 106 Huntington Bay to the Long Island Oyster Farm, Inc., be laid over, for a consideration at a future meeting.

Regularly moved and seconded. Carried.

Regularly moved and seconded to adjourn. Carried.
 W.B. Trainer
 Clerk

June 2 1916

Regular Meeting of the Board of Trustees was held on Friday
 Page 36

Board of Trustee Minutes (May 7, 1916)
 regarding oyster bed lease.

With the increased competition for shellfish beds, individuals began to take steps to lay claim to bountiful areas of the waters. In 1858, the trustees had to step in to stop the practice of marking off oyster beds with stakes, whose presence caused problems for those fishing with nets. In 1875, the trustees adopted a resolution to lease oyster beds for a minimum fee of \$2.00. Initially these leases were for five years or less, but due to the time needed to properly seed and develop the beds, they were eventually extended to a fifteen year term in 1879.^x

In spite of these attempts to provide some form of regulation to the waters under trustee survey, human greed often sought to outwit the laws and customs of the land. Some commercial lessees began to work the areas of the seabed outside of their designated boundaries. Others would let their leased beds lie fallow, harvest other areas, and prohibit others from working their leases, creating mini-monopolies. This use of leased lands conflicted with the traditional rights of casual shellfishers who were used to their traditional right to take oysters from shallow waters close to land.

In response to the complaints of local residents, a referendum was drawn up in 1883 that called upon the trustees to reclaim all leased land on account of their misuse and over-extension into shallow waters. The trustees acquiesced to some extent, refusing to issue any new oyster leases. The following year they resolved that “fishing, clamming, and scalloping of natural growth shall be free to all citizens of Huntington,” and outlawed the dumping of rocks and gravel in areas where oysters naturally grew.^{xi}

The Huntington trustees were about to enter a period where they would find their traditional purveyance of the local waters coming under challenge by both private citizens and the state of New York. In 1850 the state legislature expanded the powers of the Land Office by granting control to them in perpetuity “so much of the land under water of navigable rivers or lakes as they deem necessary to promote commerce or for the beneficial enjoyment of the same by adjacent owners,” as well as extending their power to include “lands under water, and between high and low water marks in and adjacent to and surrounding Long Island.” The state would reenact this statute again in 1894, despite a petition by the trustees.^{xii} Additionally, a lawsuit between two shellfishers over lands in Northport Harbor resulted in a court decision that the harbor was an arm of the high seas, and thus fell outside of the boundaries of the town.

Following members present: A.L. Field, Supervisor: Benj. Blydenburgh, Channey Fox, Wm Mc Brien, Assessors: Wm B. Trainer, Town Clerk.

Minutes of the meeting of May 8th read and approved.

Lawyer Charles Partridge appeared before the Board in the interest of the Steer's Gravel Company, asking permit to build a dock in Northport Harbor, opposite property owned by his clients.

The following resolution was offered:

Resolved, That the resolution passed July 15th 1921 in relation to renewal of two leases to Robert de Forest of Cold Spring Harbor be recinded. (sic)

Regularly moved and seconded. Carried.

Resolved, That the lease of land at Cold Spring Harbor leased to Robert M. de Forest, Cold Spring, on Nov. 1st 1921, be renewed for Ten (10) years at a yearly rental of \$20.00.

Regularly moved and seconded. Carried.

Resolved, That the Board members make a trip to Northport on Wednesday July 11th at 3 O'clock to investigate the application of the Steer's Company for the privilege of building a dock.

Regularly moved and seconded to adjourn. Carried.

Wm B. Trainer
Town Clerk

August 28th
Special Meeting of the Board of Trustees held Tuesday afternoon, August 28 1923, at 3 O'clock.

Following members present: A.L. Field, Supervisor: Wm Mc Brien, Benj. Blydenburgh, Channey Fox, Assessors:

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Board of Trustee Minutes
(Aug. 28, 1923) regarding complaint
about oyster dredging operation.

In response to these challenges, the trustees hired two local attorneys to investigate their legal title over underwater lands. In 1871, the attorneys issued a report that confirmed the trustees' title to the lands under the water of the bays and harbors within the Town, and that the court was in error. The trustees would see further reinforcement of their claims in 1875 with the settlement of the court case *Trustees of Brookhaven et al v. Charles T. Strong*, a case which still has lasting impact over matters of trustee lands. In *Brookhaven v. Strong*, the state Court of Appeals ruled that the trustees of Brookhaven had title over the waters of the Great South Bay by right of their Dongan patent.^{xiii}

The outcomes resulted in the Huntington trustees hiring a surveyor in 1874 to map the waters of Huntington Bay. In 1878, the map was expanded to include the waters of Huntington Harbor as well. From this a map of oyster bed lots was created and filed with the Town Clerk's office in 1887. This map featured a boundary line that extended from the northwest point of Eatons Neck to the east shore of Lloyd's Neck, where a monument was set at the high water mark. At a meeting of the trustees, that line was "declared to be the line of title between the Town of Huntington and lands under water belonging to the State of New York and that all lands under water in Huntington Bay and an exclusive right of fishery therein, southerly from said line..., is claimed by this Board of Trustees in behalf of the Town of Huntington."^{xiv}

The state, however, continued to insist upon their ownership of lands under water. In 1880 the state issued grants to local residents who owned adjacent upland property. These grants were objected to by the trustees, who argued before the attorney-general that they had title to these lands as granted in the Fletcher patent. While the attorney-general reserved decision, the trustees negotiated a lease with one of the applicants. Two Connecticut residents, Theodore and John Lowndes, applied to the state in 1887 for a grant of patents on oyster grounds. Upon hearing of this, the trustees hired legal council to begin action to regain possession of the underwater lands. This would start a legal process that eventually made its way before the U.S. Supreme Court.



Aerial View of C.S.H. 1957

When the case was presented before the Supreme Court, the court ended all contention that Huntington Bay was a part of the Long Island Sound, and thereby an arm of the high seas, by observing that in the seventeenth century charters the Sound was referred to as the northern boundary line, and even though the bays and harbors emptied into the Sound, they were not part of it. “[I]f Huntington Bay was then known as an independent body of water, by whatsoever name called, that is enough to eliminate it in tracing the boundary of the grant. That it is so known is not open to question; it was not, therefore, a part of the sound, and the boundary ran on the north of it.” The court also recognized the colonial grants, stating “no question exists as to the validity of these ancient grants, or that they were broad enough to include oyster rights in the waters within them.”^{xv}

This ruling was to coincide with a downturn in the shellfishing industry in the Huntington area. The oyster beds had long suffered at the hands of indiscriminate baymen, who often harvested with little regard to the future of the beds by taking in undersized oysters and failing to reseed the beds. An invasion of starfish, one of the oysters’ natural predators, also diminished the stock of available shellfish. The individual baymen, those who worked alone and on solitary plots, were the hardest hit by this decrease, causing many to begin to organize into larger commercial firms or voluntary organizations in order to combat the threats to the oyster beds.

Until well into the twentieth century, the trustees would remain quiet on the issues affecting these baymen and the shellfishing industry of the local waters. Aside from updating the Town’s shellfishing ordinance of 1884 in 1939 and 1954, there is little mention of any trustee action appearing on the public record. This abruptly changed in the spring of 1958, however.

Spurred largely by the local baymen’s concerns regarding the future of their livelihood, the trustees held a series of meetings to address these concerns. The meetings began calmly enough, but soon became hotbeds of contention when long-festered animosities began to rise to the surface. Individual baymen had a laundry list of complaints against the larger shellfishing companies operating in the local waters and took the opportunity provided by these meetings to vent their anger. Amongst their complaints were the dredging projects underway in the harbors, the number of leases being awarded, the increase in the number of small pleasure craft in the water, the use of dredging and high-pressure hoses by the larger shellfishing concerns, and their individual rights as baymen. The baymen even vented their ire upon the trustees themselves for allowing what the baymen believed to be an inordinate amount of dock space, moorings, and slips for pleasure craft to be constructed.

half of lot 127 when it should have been the "Eastern",
and therefore,
Resolved, That we consent that the said lease be changed
so that the word "Eastern" be inserted for Eastern. Said
lease is known as No. 127.
Regularly moved and seconded. Carried.
The clerk was instructed to write to the War Department
informing it, "Lige Flinn is making preparations to
begin dredging in Lige's Harbor".
Regularly moved and seconded to adjourn. Carried.
A B Trainer,
clerk.

April 5 1918
Regular Meeting of the Town Board of Trustees held Friday
afternoon, April 5, 1918, at 2:30 o'clock
Following members present: A. L. Field, Supervisor
Walter L. McIlwain, Theo. Lewis, Benjamin Hyslopburgh,
Absentees: J. B. Trainer, clerk.
Minutes of the meetings of March 1, March 2, and March 20,
read and approved. The application of Joseph Scudder for
a lease of oyster ground in Lige's Harbor, adjoining
lot 12, was considered.
William B. J. Sullivan representing the applicant, Mr.
Scudder, said that Mr. Scudder was willing that the baymen
clam and pencil upon the grounds at all times of the
year, providing they do not take oysters.
William Scudder and Elmer Conroy spoke in favor of granting
the lease. Those who appeared and spoke in opposition to
the lease were Thomas Holt, George Holt, George Mott,
Page 77

Board of Trustee Minutes (April 5- June 7, 1918)
concerning oyster lease of a “Joseph Scudder”

The trustees took measures to help ensure that the livelihood of the baymen would be insured, but first, surprisingly, the trustees had to undertake steps to determine whether they had any legal right to regulate the shellfish industry. Despite almost three hundred years of precedent, as well as the outcomes of several important court cases, the trustees of this time period were either being overcautious or lacked a complete understanding of their powers as trustees. In 1959, after being convinced of their rights as trustees, they appointed a Harbors and Waterways Committee to make recommendations in regards to improving boat facilities, shellfish conservation, and to investigate the status of Town-owned lands and waterfront to better serve the community.

The earlier baymen meetings, along with the undercurrent of anger that pervaded them, represented in microcosm the attitudes that had begun to appear in the community at large. With the arrival of the twentieth century and the suburbanization of the Town that accompanied these years, Huntington was no longer the quiet seaside hamlet it had once

been. The increase in population led to an increase in developed property and the extensive use of the lands under the control of the trustees, land which was traditionally held for use by the community at large. While the increased use of these properties awarded the Town with more jobs, increased business, higher property values, and all the financial benefits that accompany them, these benefits came at a cost to the public and their ability to use the lands held in trust for them.

This gradual reduction in access to trustee lands had begun much earlier, stemming largely from two sources: the development of the harbor's shoreline and the complex difficulty in untangling ownership and lease agreements dating from the previous centuries. With an increased population looking to access these lands, however, the problems became more apparent.



Aerial View of C.S.H. 1980

At the beginning of the twentieth century, the trustees began to implement measures to regulate the construction of bulkheads and retaining walls along the harbor. The growth of private and commercial waterfront facilities was beginning to overtake the harbor and, without regulation, threatened to become an eyesore. In 1930, both the trustees and several private citizens had noticed that a number of bulkheads and docks had been constructed in the harbor without permission. Other shorefront facilities proved to be problematic in other ways, such as the public's belief that the Marine Oil Company, located on leased Town land, had contributed to the pollution of the harbor with run-off from the facility entering the local water. In the 1950s, another oil company, Piper Rock Petroleum Company, would come to the forefront in a dispute over Town land. A local business owner, Salvatore "Sam" Albicocco, had questioned the company's use of the Town land and its need for improvements. The company's lease would eventually be terminated because of public opinion.

One not so easily resolved situation reared its head in the case of the Knutson Marina. Located in the southeastern portion of the harbor, the Knutson Marina was a collection of stores, shipyards, and wharves built on former marshland located near the old mill pond. The marina sprawled across the foreshore and into underwater lands on a combination of both fill and pilings. The Knutson Marina had no lease with the Town, only a questionable title on a portion of the occupied land. The questionable nature of the land's title was a result of the difficulty in determining the boundaries of the land granted in that title. The "main creek" named in the conveyance had shifted over the years and under previous owners. In addition, an 1866 quit-claim on the land to the trustees further created legal complexities.



Letter from William A. McAneny, Huntington Conservation Advisory Council (Jan. 21, 1971) mentioning Knutson Marina.

A similar case existed across the harbor where the docks of W. Wilton Wood stood. This property was originally leased by the trustees during colonial days as land for the construction of a gristmill. The mill changed hands several times and, over the next two centuries, saw a number of conveyances of grants and leases, the construction of highways and docks, and a variety of assumptions made by those who used the land. In the 1930s, questions regarding the ownership of this land arose in connection with plans to improve West Shore Road. At that time, W. Wilton Wood produced an 1841 deed that gave him fee title to some of this land, but nothing was done to attempt to clarify the situation until 1953 when Wood's attorney began to negotiate a new lease for the docks. The trustees waited a year before requesting that Henry Wood meet with them to discuss the "conflicting interests on the Wood docks,"^{xvi} but nothing much came from this meeting. The situation continued to drag on without resolution for another two years while the trustees were "still trying to ascertain title to the...docks."^{xvii} In 1956 the trustees returned Wood's rent checks to him and ordered him to vacate the premises, but Wood refused.



Minutes of the Trustees Advisory Council (Oct. 26, 1971) including mention of W. Wilton Wood matter.

In 1960, Wood's attorney approached the trustees with a deal he hoped would end the situation, offering to swap the title of lands that Wood held along West Shore Road in return for the fee title to the northern docks that lay on the disputed lands. The trustees continued to delay resolution of the problem by offering the explanation that the "situation is very complex. There is more to it than meets the eye in terms of who owns what."^{xviii} Over the course of the following years, several discussions took place and offers of settlement proposed, but the matter lay dormant for the most part. The situation would have probably remained unresolved had Wood not made the mistake of applying for permission to construct a marina on the land located between the two contested docks.^{xix}

In 1973, the Board of Trustees commenced legal action to determine the rights of ownership and possession of the property along West Shore Road. The defendants, W. Wilton Wood, Inc., Joseph A. Gazza, and Eugene L. Gazza, counterclaimed that they had riparian rights of access to the property and the waters of Huntington Harbor. Following a non-jury trial, an interlocutory judgment was entered on February 22, 1977, that stated that while the trustees indeed held the title for the lands below the high water mark, the Gazzas held the riparian rights to the property through ownership of

the upland property and could be allowed to transport boats and unload oil across the property via a pipeline, but prohibited them from the storage of boats upon the property, thus killing any plan for developing a marina upon the site. The Gazzas moved to amend the interlocutory judgment, and in 1983, the New York State Supreme Court, Appellate Division ruled that the operation of a marina upon the site constituted a reasonable exercise of riparian rights.^{xx} This ruling was indicative of the attitudes of the time, a period when the riparian rights of upland owners had begun to overpower the traditional rights of the public trust. It was not the only change in the air either.

Just prior to these events, the trustees of Huntington found themselves faced with an uncertain future. In 1872, legislation had been passed to introduce a new ruling body, the Town Board, to attend to the governing of the Town. This legislation effectively merged the Board of Trustees with the Town Board. When necessary, the Town officials would take up their role as the Board of Trustees, adjourning Town meetings and reconvening as the Board of Trustees, with separate records of the actions performed in that capacity.^{xxi}

In 1953, however, steps were undertaken to become a Town of the first class. As a result of this, members of the Town Board – now councilmen – were separated from the Board of Trustees, who remained as justices of the peace. A dispute soon developed that threatened the existence of the Board of Trustees, as some sought to take advantage of this schism to abolish the Board and merge its powers with those of the Town Board.^{xxii}

Those in favor of the continued existence of the trustees argued that merging the powers of the officials would result in confusion as to the obligations of the board to the public trust and provide the State of New York an inroad to “gain a power to take away public lands which they cannot now condemn.”^{xxiii} Proponents of the abolishment of the trustees countered that the duties between the two bodies were already blurred in the eyes of the public; that the Board of Trustees acted as a private trust even when attending to matters of public concern; and that the trustees lacked with administrative needs to perform their function.^{xxiv}

Lloyd Lane, Huntington, L.I. 11743
May 31, 1986

John J. O'Neil, Supervisor
Town of Huntington
100 Main Street
Huntington, Long Island 11743

Dear Supervisor O'Neil:

Having tried to reach members of the Board on the matter of Town Trusteeship I now resort to writing.

Among your many obligations which seem to grow rather than diminish you may not realize you are failing to differentiate between your duties as Supervisor and Trustee (the same is true of our Councilmen).

This is a very serious matter - you have two obligations to us the citizens and owners of Trustee held lands in greater Huntington. Because the two duties, the one as Supervisor and the other as Trustee, are held by the same person the matters which concern each are handled separately.


There is a difference between your two jobs or "hats". Because you are one rather than two different people it is important that you take off your "hat" at the conclusion of the Town Board meeting and put on your other "hat" at a separate meeting concerning all Trustee matters.

All of us citizens are "Freeholders" which means that you are the Chairman of the Board of Trustees and have the obligation to hold our lands in perpetuity. Examples - - The Town Board, and not the Trustees, have been making decisions on Trustee matters.

One would not want this serious matter to become a Cause Celestre! Please correct all the past records and conduct the Trustee meetings on all Trustee matters in separate meetings.

Examples: Handling of the Trustee properties on the West Shore.
The underwater lease with Long Island Oyster Farms.
SPHA application
ETC.

Thank you for attention in this matter.


Jacqueline C. Binnian

cc: Councilmen:
S. P. Triolo; E. A. Deegan; J. F. Gaughran; R. E. Hulse
John Hale, Town Clerk; R. A. Smith, Town Attorney
Town Historical Conservation Board; Beautification Board;
Zoning Board; Planning Board; DEP; Town Engineering Dept.

Letter from Jacqueline Binnian to Supervisor John J. O'Neil (May 31, 1986)

Ultimately, the opponents of the Board would claim a partial victory. The state legislature abolished the Board in 1962, merging its duties with those of the Town Board. The supervisor and councilmen would sit as the Town Board in all matters except those pertaining to the maintenance of the public trust. At such a time when trustee issues arose, the Town Board would reconvene as a Board of Trustees with the supervisor taking the role of its president. The legislature did see fit to protect the traditional obligations and role of the trustees by inserting a clause into the act that stated that nothing in this act or any previous act curtailed or impinged upon “the proprietary rights, title, and interests derived by the board of

trustees from colonial charters or subsequently acquired by them, and the same shall remain vested as heretofore for the benefit of the residents and taxpayers of the town of Huntington.”^{xxv}

As the twentieth century began coming to a close, the newly-minted Town Board/Board of Trustees would face continuing challenges to their role as protectors of the public trust, as well as suffer criticism for their lapses of judgment in performing those duties. While not solely to blame for the state of affairs in the Town of Huntington, it cannot help but be wondered if the merging of the two boards helped to allow the developments that would soon occur.

One of the earliest challenges that the Board faced would be an enduring one that engaged them both in the capacity as trustees and Town Board, spanning more than two decades before ultimately fading from view. In 1974, the Board of Trustees took Sam Albicocco (the same Albicocco who questioned Piper Rock Petroleum’s use of town land in the 1950s), owner of Port Dock and Stone Corp., and Dominic Nicoletto, owner of Nick Bros. Fuel Oil Corp., to court in order to stop work on a steel bulkhead that extended onto land believed to be owned by the trustees. Albicocco and Nicoletto argued that the construction of the bulkhead was an emergency measure to prevent the collapse of a rotting wooden structure on their property, thus preserving Huntington Harbor from the effects of large quantities of oil spilling into its waters. Albicocco and Nicoletto intended to backfill the newly constructed bulkhead with materials dredged from the harbor. The Town claimed ownership of the land located under the waters of the harbor, as proscribed by the colonial patents; while Albicocco and Nicoletto contended that the land on the edge of the harbor had been conveyed to various owners by the trustees more than a hundred years ago, nullifying any claim by the Town to that property. While the court case did nothing to resolve the issue as to who owned the land, it did allow Albicocco and Nicoletto to construct and backfill the new bulkhead.^{xxvi} This would not be the last time that Albicocco, a man who became known for building first and asking for permits later, would come into conflict with the Town.

During the 1970s and ‘80s, Albicocco became the owner of several nightspots around Huntington Harbor. Two of those, Tee T’s Landing, a catering hall, and Co-Co’s Water Café were located on the property where Port Dock and Stone Corp had once operated. Co-Co’s became a particular thorn in the side of the Town Board and local residents when it was revealed that Albicocco had constructed fixtures and additional dining areas on the property that were not included on his original building plans. Traffic and drunken patrons made the weekend nights especially intolerable for those living nearby. While the local newspapers and town residents focused mostly on the rowdy patrons and unauthorized additions to the property, some criticized the Town for failing to question Albicocco’s claim of ownership of a 14,000 square foot section of waterfront land, the very same land that was created by the construction and backfilling of the 1974 bulkhead. The town attorney, Daniel Martin, had submitted a memo to the director of engineering, building, and housing stating that the property belonged to Albicocco, but later admitted that the ownership was undetermined. While the disputed section of land failed to appear on any of the Town’s tax maps of the property, Martin, again, demonstrating the prevailing attitude towards waterfront lands at that time said, “the issue was moot because court rulings on other waterfront properties have established that upland property owners have riparian rights granting them ‘reasonable use’ of land between their lots and the water.”^{xxvii} A former Town supervisor and Town attorney, Kenneth Butterfield disagreed, saying that he did not think the previous court decisions on riparian rights would necessarily apply to the Co-Co’s case and that therefore it could still be argued that the property belonged to the Town. While the Town and Albicocco would face off several times over the club, the issue of trustee land ownership was never addressed with any seriousness, and the two parties eventually came to terms that allowed the club to operate.

The attitude toward the public’s right to use foreshore property and the ability of the trustees to protect that right had certainly undergone considerable changes during the late twentieth century. The balance of power had shifted in favor of the riparian rights of upland owners. If there was any doubt about this state of affairs remaining, an inquiry into the status of many Town lands conducted during this period dispelled any such illusions.

In November of 1987, Ellen Berkowitz, executive assistant to the Town of Huntington Board of Trustees, submitted a report on the state of waterfront leaseholders. In her report, Berkowitz determined that over the preceding fifteen-year period, the leaseholds on Town property had been reduced from thirty-seven to a mere twelve. As a result, the Town lost \$6,610 annually that would have been generated by these leases.^{xxviii} Berkowitz states in the report “Trustee Waterfront Lands and Leaseholds,” that the primary reason for the twenty-five lapses without renewal was caused by the 1972 decision in *Town of Hempstead v. Oceanside Yacht Harbor, Inc.* This decision by the Supreme Court, Appellate Division, Second Department ruled that riparian owners may not be charged rental for their right to use the waters adjacent to their waterfront properties. In light of this decision, many leaseholders ceased payment on the lands they rented or failed to renew them after the lease had expired. The Town could do little but acquiesce to these decisions.^{xxix}

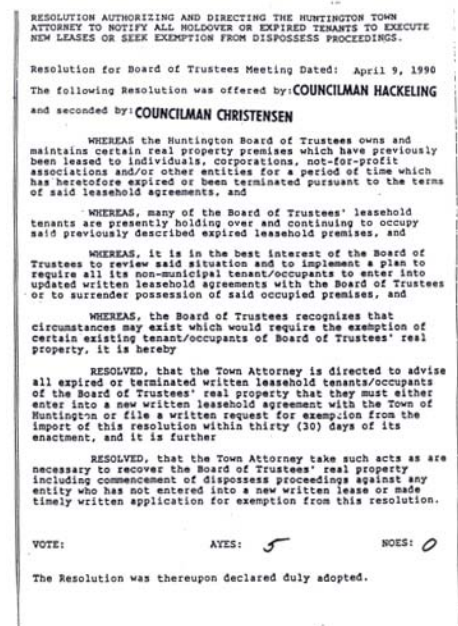
The foreshore and the lands underwater seemed to be no longer under the assured purveyance of the trustees. The courts had time and time again ruled in favor of the upland owners when it came to what they could expect with their riparian rights.

As the twentieth century drew to a close, it seemed that the trustees were in danger of losing what little control and authority they still possessed. As the appellate courts continued to rule in favor of upland owners, it left some to wonder whether the trustees were little more than a relic from colonial times that had long outlived its purpose. Did the trustees retain any power to protect the public trust, or had they proven to be merely a shadow of their former official role? One prolonged court battle remained to be resolved that would ultimately show that the Town and the trustees still had a say in maintaining the foreshore and underwater lands, but at the cost of some public embarrassment.

In 1989, the Huntington Yacht Club applied to the Town for permission to build an extension on the club’s marina. The Town responded by requiring an environmental impact survey of the site. The Huntington Yacht Club applied again in 1997, at which time the Town directed them to seek permission from the Village of Huntington Bay, the community that bordered the club. In January of 1998, a building inspector for the Village denied the Huntington Yacht Club’s request, which lead to a hearing that stretched over several months. During the course of that hearing, the Huntington Bay Zoning Board of Appeals expressed several concerns in regard to the proposed expansion, citing short-term environmental impact, traffic congestion, and a negative impact on the single-family residential area in which the yacht club was located. If the yacht club agreed to a membership cap, they would grant permission for the proposed expansion. The Huntington Yacht Club refused and took the case before the New York State Supreme Court.

The Huntington Yacht Club sought to demonstrate to the court that the issues raised by the Huntington Bay ZBA were “arbitrary and capricious.” In addition, the club argued that the Town of Huntington had impermissibly delegated its jurisdiction over the harbor to the Village of Huntington Bay. The court ruled in favor of the club and ordered the Town and the Village to allow the construction of the expansion. The court, however, refused to rule on the issue of delegated jurisdiction.^{xxx}

In response to the court’s decision, the Village of Huntington Bay appealed the verdict, but surprisingly, the Town of Huntington did not. The reticence of the Town to be involved was a mystery to many. Some residents speculated that political pressure had been applied to the Town Board to sit this fight out. The proposed yacht club’s expansion clearly involved the underwater lands of the harbor, as well as the navigable waters, both of which fell clearly under the



Board of Trustees Resolution (April 9, 1999) regarding terminated or expired leases of trustee owned lands.

purveyance of the Town Board's role as trustees. In addition, a recent court case, *Stutchin v. Town of Huntington and the Village of Lloyd Harbor*, had once again upheld the trustees' right over such matters in a case where the plaintiff sought to install a dock in excess of Town code. The town attorney, Jim Matthews, was quoted as saying, "It wasn't appropriate for the town to be in the middle of this anymore."^{xxx}

In May of 2000, the Village's appeal failed when the Supreme Court's initial decision was upheld. For some this decision was believed to be of particular significance for those homeowners and businesses that owned or operated along the shoreline. As a result of this case, it was demonstrated that the Village of Huntington Bay had no legal control of the local harbor and that the jurisdiction of the harbor was solely in the hands of the Town.^{xxxii} The Huntington Yacht Club's lawyer, John Rivkin, touted the court's decision as one that would have a long-reaching impact over the question of "any village permit issued for a dock, bulkhead or piling within tidewaters in and around Nassau and Suffolk communities."^{xxxiii} Some dismissed the impact of the case on the grounds that it merely confirmed yet again the role of the trustees in regulating the foreshore and underwater lands and that the court was addressing a unique situation in the case of the Huntington Yacht Club, which straddled both Village and Town jurisdictions.^{xxxiv}

Researcher - Trustee Lands/Wetlands - Nassau/Suffolk
PO Box 372, Huntington, L.I. NY 11743

Huntington Town Board Meeting
Mr. Supervisor & Council Persons: December 7, 1999

The Huntington Yacht Club has encroached on Trustee Property for many years and the Town Trustees have looked the other way. There are no more 'ifs, ands or buts'. The trustees must rule in favor of the citizens. As owners in trust of the underwater lands, their duty is to cut the Yacht Club back to normal size, collect past due rent, draw up a proper lease and collect every year on the rental. (This money will go toward the upkeep of Trustee properties, which are used by all citizens.)

This particular application for 14 more slips and mooring room under discussion has no permits. While the 0992269 & 0992269A issued by the Town Engineering Dept. are without the required permits from the DEC, the DOS and the Corps of Engineers, the work cannot go forward. The Village of Huntington Bay is still in court and all permits must come before the Town's Marine Conservation Law in public session. The Trustees must back up the Village. In previous cases, decisions - even Judge Underwood's recent stand on this case - states clearly that constitutionality of Trustee's rights is to be recognized. The state cannot be put into the position that it approves the buying, the selling or in any way manipulation of Trustee lands. These lands are sovereign and belong to the citizens with the caretaker trustee in control.

The citizens, the trustees and the Yacht Club have bought and sold Trustee land which will remain on the books as "quit claim" and can be returned by or returned to the trustees.

Example: These surrounding lands are R-40 or better and there shall be no commercial activity without a special variance. The Yacht Club is operating by the Grace of God and has overreached its stay. They have paid no money for the use of Trustee lands, but have a very large income - restaurants, swimming pools, parking, etc.; and in a sense, the citizens on the outside bearing the costs and paying the bills.

The Trustees started the year 1999 by hiring a consultant. Let's start the year of 2000 by billing all those using Trustee lands. We have the records, we have the resolutions on the books --- now let's use the Yacht Club as our first example.

Thank you,

Jacqueline Binnian

Maps:

a comprehensive cost analysis should be undertaken to determine, how much, if any, profit actually accrues to the Town or whether the lease/operation actually results in public costs.

Historic Future

Statement to be read by Jacqueline Binnian at Dec. 7, 1999 Town Board Meeting regarding Hunting Yacht Club

Some, however, looked upon the court's decision to be yet another victory for a regulating body whose usefulness and purpose had long since become antiquated, calling into question the validity of the patents that granted the trustees their power in light of the modern era. Gary Vegliante, the mayor of West Hampton Dunes and First Vice President of the Suffolk County Village Officials Association, said, "Our society has gone way beyond the feudal system these patents are based on. The patents predate the state constitution and the country's constitution. I've got to tell you, I thought we won [the Revolutionary War]."^{xxxv}

Are the words of Mr. Vegliante an indication of the ultimate fate of the trustees? It can be argued that despite the many court cases that have upheld the rights and powers of the trustees in the past, a sea change is most assuredly underway. In the latter half of the twentieth century, the riparian rights of upland owners have often overcome the jurisdiction of the trustees and impinged upon the public right of use of the foreshore. The legislation that caused the trustees to be abolished as a separate entity and absorbed into the duties of the Town Board may have the consequences predicted by the opponents of the merger. In the case of Huntington Yacht Club, it was wondered why the issue appeared before Town officials in their capacity as the Town Board, rather than the Board of Trustees^{xxxvi} and the Town Board's decision to sit out of a matter that surely fell within their role as trustees may prove to be a grim precedent for things to come. The fact that the issue of trustee land was not even raised in this case, nor in that of CoCo's Water Café, is a grim indication that the Town Board might not see issues of trustee lands and the public trust in which they are held to be pertinent to the

modern age. Perhaps this is merely a response to the curtailing of the powers of the trustee by *Town of Hempstead v. Oceanside Yacht Harbor, Inc.*, or maybe it is a symptom of the merging of the official bodies. One can only speculate at the moment.

What is certain is that the trustees of the Town of Huntington have had a rich history and a lasting impact upon the daily lives of the residents of that Town. Despite the obfuscation of records by the mists of history and the actions of humanity, it is still possible to look back upon the accomplishments of this august body and see that the current state of the Town has been reached through the guidance and influence of the trustees. The public has been rewarded by their stewardship and the landscape of the harbor might be very different had it not been for the powers invested to the trustees by the colonial patents from which they derived their powers. It can only be hoped that they continue their traditional role of protectors of the public trust for the sake of the generations of Long Islanders who've yet to come.

ⁱ Kavenagh, *Vanishing Tidal Wetlands: Land Use and the Law Suffolk County, N.Y. 1650-1979*, New York Sea Grant, 1980, p. 55.

ⁱⁱ *Ibid.*, p. 58.

ⁱⁱⁱ *Suffolk County Vector Control and Wetlands Management Long-Term Plan*, p. 19.

^{iv} Kavenagh, p. 55.

^v *Ibid.* p. 56.

^{vi} *Ibid.*, p.62.

^{vii} *Ibid.*

^{viii} *Ibid.*, p. 64.

^{ix} *Ibid.*

^x *Ibid.*, p. 65.

^{xi} *Ibid.*

^{xii} *Ibid.*, pp. 65-66.

^{xiii} *Ibid.*, pp. 66-67.

^{xiv} *Ibid.*, p. 67.

^{xv} *Ibid.*, p. 68.

^{xvi} *Ibid.*, p. 72.

^{xvii} Kavenagh, "Town Lands and the Trust Doctrine: Huntington, New York as a case study 1653-1972," pp. 233.

^{xviii} *Ibid.*, p. 234.

^{xix} *Ibid.*, pp. 234-35.

^{xx} *Board of Trustees of the Town of Huntington v. W. Wilton Wood, Inc.*, 97 A.D.2d 781, November 14, 1983.

^{xxi} Kavenagh, *Vanishing Tidal Wetlands*, pp. 77-78.

^{xxii} Kavenagh, "Town Lands and the Public Trust Doctrine," p. 242.

^{xxiii} Kavenagh, *Vanishing Tidal Wetlands*, p. 78.

^{xxiv} *Ibid.*

^{xxv} *Ibid.*, p. 79.

^{xxvi} *Town of Huntington v. Salvatore Albicocco and Dominic Nicoletto*, 66 A.D.2d 866 December 29, 1978.

^{xxvii} "Driving the Town Wacko," *Newsday*, August 26, 1990.

^{xxviii} "Colonial Patents Hold No Water," *Newsday*, December 3, 1987.

^{xxix} Berkowitz, "Waterfront Lands and Leaseholds Part II: Revenues," April, 1988.

^{xxx} *Huntington Yacht Club v. Incorporated Village of Huntington Bay*, 2000, 272 A.D.2d 327, 708 N.Y.S.2d 120.

^{xxxi} "Yacht Club Expansion Still a Hot Issue," *The Long Islander* December 2, 1999.

^{xxxii} "Yacht Club Expansion OKd," *Newsday*, May 12, 2000.

^{xxxiii} "A Ruling that's Sure to Roil the Waters," *The New York Times*, October 1, 2000.

^{xxxiv} *Ibid.*

^{xxxv} "Yacht Club Decision Sets Precedent For All Villages," *Suffolk Life*, September 6, 2000.

^{xxxvi} "Letters to the Editor," *The Long Islander*, September 16, 1999.