

REMEMBER TO VOTE: SPECIAL ELECTION, TUESDAY, JANUARY 26

UPWARD MOBILITY:

Two wins keep the Lady Whalers near the top of the standings. C1



TOGETHER:

B. Smith and husband Dan Gasby face a new challenge as a team. B1

631326 *****5-DIGIT 11959 P2
NY 11969-5087
NICA STRUNK
PO BOX 5087
00002032

The Southampton Press

EASTERN EDITION

THURSDAY, JANUARY 21, 2016

ONE DOLLAR



Yastrzemski

Town Board Candidates Square Off On The Issues

BY ALYSSA MELILLO

When it comes to the larger issues in Southampton Town these days, the two candidates in the special election for the vacated Town Board seat—Julie Lofstad and Richard Yastrzemski—are, for the most part, on the same page.

During a conversation-style event held at the Parrish Art Museum in Water Mill on Saturday—hosted by The Press News Group and led by Ex-

ecutive Editor Joseph P. Shaw—Ms. Lofstad and Mr. Yastrzemski both agreed that major proposed projects throughout the town, such as The Hills at Southampton, a mixed-use planned development district in East Quogue, and the Tuckahoe Center, a shopping complex anchored by a grocery store slated for County Road 39, should be vetted more before either of them could offer

See ISSUES, Page A14



Julie Lofstad



from Chile who was afraid to be identified spoke about the fears spurred locally by immigration raids in the South.

ALISHA STEINDECKER

Removals' Fuel Fear In The Shadows

ALISHA STEINDECKER

Bays local for the past eight years, a man who is both a father and a grandfather, took extra care this week to get his 5-year-old daughter home, whether to travel or to stay in the country.

Ever since the U.S. Department of Homeland Security announced earlier this month that it had started taking into custody families who came to this country illegally after January 2014, the rumors had been circling around town: Who would be next?

In the statement, Jeh Johnson, secretary

of Homeland Security, said that 121 individuals—mainly from Georgia, Texas and North Carolina—had been rounded up on the first weekend of the new year—to be returned to their home countries.

The eight-year resident, Rodrigo Mar-

See SCARED, Page A6

Trustees Hit A Wall

Court rules out erosion appeal

BY GREG WEHNER

New York State's highest court has declined to hear an appeal by the Southampton Town Trustees regarding a lower court ruling that stripped them of their authority to regulate erosion control devices, including the installation of hardened structures, along the oceanfront within incorporated villages.

The rejection by the State Court of Appeals, handed down on January 7, has left the Trustees and others uncertain if board members now retain any regulatory authority within those municipalities, and immediately raised concerns of new restrictions on

beach access within those incorporated villages.

"They didn't want to hear our appeal," said Trustee Scott Horowitz, who was elected to a second two-year term in November, about the State Court of Appeals. "We lost the ability to regulate hard structures."

'We lost the ability to regulate hard structures.'

The Trustees had been seeking another chance to appeal an earlier ruling in three parallel lawsuits involving the villages of Quogue and West Hampton Dunes, and Albert Marine Inc., a contracting company hired by homeowners to install giant sandbags along the ocean, in front of the

See TRUSTEES, Page A15

State Says Tax Cap Will Dive To A New Low

BY ERIN MCKINLEY

Next year's state cap on the tax levy increase for school districts will be the lowest ever—0.12 percent, State Comptroller Thomas P. DiNapoli's office announced on Wednesday, January 20.

The barely there increase could be crippling to some school districts that have been struggling to stay under the cap since its implementation in 2011, particularly since there are factors

beyond the districts' control when it comes to increases—like health insurance premiums, retirement contributions and tuition costs.

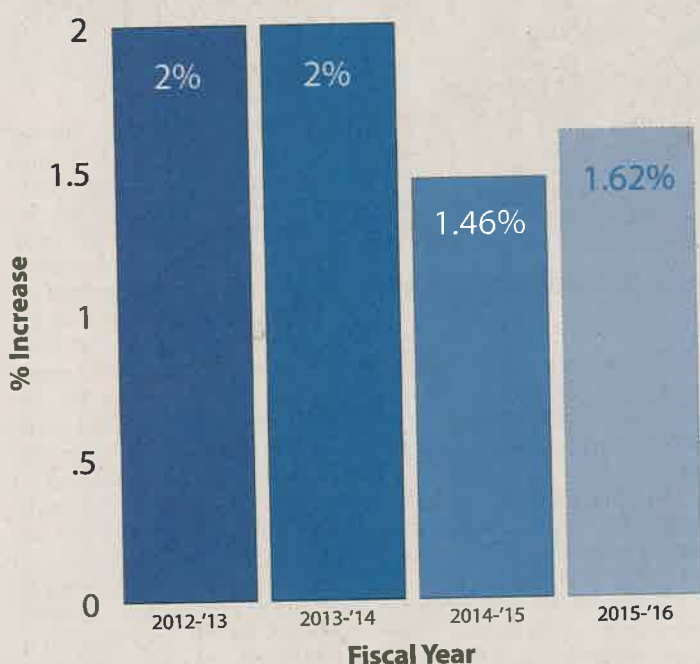
Mr. DiNapoli's office finalized the 0.12-percent cap this week, saying it will affect 677 school districts and 10 cities in the upcoming fiscal year. By comparison, the current school year saw a tax cap of 1.62 percent

"The nearly zero growth in the

See CAP, Page A15

GUNFLINTS AND CHIPS OF CHINA

Tax Levy Increases Allowed For School Districts Each Year Since The Cap Went Into Effect



final figure was announced. Mr. Perna said that teachers and administrators have been asked to keep their budget proposals as low as possible and district officials plan to use a savings in tuition—this May, 33 Montauk students will graduate from East Hampton High School, while there will be only 22 freshmen sent to the district in September. The 11-student difference, Mr. Perna said, will be enough to help the district stay under the cap.

Nevertheless, he said, "it can be very crippling." At the Southampton School District, Superintendent Dr. Scott Farina said earlier this week that it was still too early in the budget process to know if there will be any cuts as a result of the low cap, but that district officials plan to have a zero-percent increase in next year's levy. As in years past, the district drafts its budget starting from scratch, instead of starting with the previous year's spending plan. By starting from scratch, he said, the district is able to better select what it does and does not need.

"Throughout the process, if there will be any cuts or program changes, they will be discussed during each of the building and department presentations," Dr. Farina said, noting that the first

budget discussion is slated for February 2.

Dr. Farina explained that the district has expected the low cap increase for several months.

Back in July, the comptroller's office warned local school districts of a drastic reduction in the cap, using a higher figure of 0.73 percent at that time to show the ramifications. According to Mr. DiNapoli's office, even a cap of 0.73 percent would have resulted in a decrease in property tax revenue for school districts statewide, ranging from \$182.7 million to \$332.6 million.

The tax cap was first approved in 2011 and went into effect starting with the 2012-13 budget year. Each year the state sets a percentage increase in the year-to-year tax levy that school district budgets cannot exceed without needing the approval of a supermajority, or 60 percent, of district voters. The rate is set every year based on the consumer price index or 2 percent, whichever is lower.

The cap applies to all New York State municipalities, including villages, towns and fire districts, and the rate can vary among them, depending on when the fiscal year starts and what the consumer price index is at that time. That means a school district could have a different tax cap rate from a village.

TRUSTEES: Board Has Limited Authority

FROM PAGE A1

Quogue Village Beach, to protect the shoreline following a series of damaging storms in 2011.

The court battle has been a complicated one and dates back to 2012, when the Town Trustees sued both Quogue and Albert Marine following the sandbag installation along the shoreline. The Trustees alleged that the installation, buried under artificial dunes, was done without required Trustee-issued permits and also violated their regulations in terms of shoreline protection efforts. Both Quogue and Albert Marine filed countersuits, and West Hampton Dunes filed a companion suit, all charging that the Trustees should have no authority within their oceanfront villages.

In 2012, State Supreme Court Justice Peter H. Meyer ruled in the West Hampton Dunes case that the Trustees still held authority within the village to regulate activities within the public access easement along the ocean beaches. The village appealed that ruling and, last spring, an appellate court reversed it, stating that a 19th century state law had stripped the Trustees of any authority on land, leaving them control over only fisheries, bay bottoms and activities occurring in town waters.

That ruling dismissed how the Trustees have traditionally regulated the oceanfront, including those stretches within incorporated villages, policies that forbid the installation of seawalls, bulkheads and other hardened protections that, they say, exacerbate erosion and threaten all of the town's beaches—and the rights of residents to access them.

The decision by the State Court of Appeals not to hear the Trustees' appeal has prompted some officials to state that the board no longer has any authority within incorporated villages.

"They have no jurisdiction—they've lost it all," said Gary Vegliante, the longtime mayor of West Hampton Dunes. "It's one of the most devastating losses they've ever had. It's a shame."

He went on to say that, in his opinion, the Trustees should no longer be allowed to issue permits for 4x4 vehicles to drive on any village beaches. He also



The State Court of Appeals has denied an appeal filed by the Southampton Town Trustees regarding their authority to regulate hardened structures along the oceanfront, such as these giant sandbags in Quogue Village, within incorporated villages.

hinted that his village is moving toward issuing its own permits.

Richard Cahn of Cahn & Cahn LLP in Huntington, the attorney representing the Town Trustees, confirmed Tuesday that the recent appeal denial muddies the water in terms of what regulatory authority his clients still retain in the villages and elsewhere.

Mr. Cahn noted that the original decision by Justice Meyer acknowledges the public easement held by the Trustees, including those in incorporated villages, and that the public's right to access it should not be blocked. But the appellate court ruling said the Trustees hold no authority to impose any regulations within the easement area, aside from the specific types of archaic activities, such as the gathering of fish and seaweed. Some other attorneys have questioned whether more modern activities, like 4x4 vehicle access, could be included under those activities.

Mr. Cahn, who said he expected to discuss the issue with the board during an executive session on Wednesday, said the Trustees appear to have limited options at this point. According

to the attorney, they can attempt to clarify the extent of their regulatory authority on their own, ask a state lawmaker to step in and introduce legislation that attempts to better explain their powers, or challenge the decisions made by villages in court.

Another option, he added, could be for the Trustees to press the authority issue and then be prepared to defend themselves, assuming that they will be sued.

But Nica B. Strunk, the attorney representing Quogue, contends that the denial sends a clear message to the Trustees—their authority in villages is extremely limited in scope.

"Nothing is muddy, it's clear," she said. "The Trustees do not have any jurisdiction over the oceanfront beaches except for gathering of seaweed and fishing. Period. That's the law. They wish it was muddy or unclear but it wasn't."

Mr. Cahn noted that his board's options will be discussed among the Trustees—as will the potential loss of some \$50,000 in annual revenue that they now receive through the issuing of beach access permits—at the meeting.

ools
With
nit

get options
municipal offi-
next year,"
n a release
t. "Although
nts can rely
e funds to
s may need
t operations
costs to stay

School Dis-
en plagued
s for years,
a blow. Ac-
business Ad-
p Kenter, the
ated the cap
73 percent,
ill add more
process.

as, especially
continue to
aid. "It is not
er for us."

of the biggest
ution, espe-
culation stu-
5-16 school
district has
which it pays
School Dis-
most students
dents in spe-
grams, and a
kahoe's bud-
n the tuition
y Southamp-
ool year.

Kenter, the
line by line
nt budget to
ings could be
o avoid mak-
ms and staff.
located from
e funds, as it
offset the tax
he added that
wipe out the

king on this, I
ve are going to
said.

chool District,
most likely be
lucky because
e fund balance
ntendent Jack
eek before the

SOUTHAMPTONS VIRTUAL OFFICE CENTER LLC

cost effective alternative to traditional office space

Hamptons Office TODAY!

Rooms & Offices
Telephone Services
Virtual Admin Support



631.377.3891

53 Hill St., Southampton NY 11968

virtual.com maryalice@hamptonsvirtual.com

"Is income the cure for stock market volatility?"
We create custom income portfolios for clients.

EAST END WEALTH MANAGEMENT
Steven Kaczmarek, President
631.594.1069 EastEndWealthManagement.com

THERE'S NO OTHER STORE LIKE US

The Perfect Purse

SHOWN: Prada LUX 12" Tote • Prada BOW Wallet • Prada Shoulder Bag

YELLOW TAG MARK-DOWN SALE...
Like Us on Facebook * Follow Us on Instagram
OPEN 4 Days: Friday through Monday - 11am-5pm
631-283-3360 • Info@ThePerfectPurseHAMPTONS.com
27 Hampton Road, Southampton
(Directly across the street from Citarella Southampton Store)

Southampton Copy

David Whites Lane
SOUTHAMPTON NY 11968

- DIGITAL BLUEPRINTING
- COPIES
- ENCHURES
- DRAFTING
- ANNING AND ARCHIVING
- S
- ATION
- GRAPHY
- ERNET TUTORING
- VIRUS & SPYWARE REMOVAL
- COMPUTER REPAIR
- FLYERS/POST CARDS
- WEBSITE DESIGN & HOSTING
- CAD PLOTTING & DRAFTING
- RASTER TO VECTOR CONVERSION
- NCR BUSINESS FORMS
- RUBBER STAMPS
- STATIONARY & SO MUCH MORE...

Sotheby's

INTERNATIONAL REALTY

