

From: **Christopher Carillo**
Date: Mon, Feb 18, 2019 at 5:39 PM
Subject: Re: Cartwright Island Report
To: East Hampton Town Trustees

Good Afternoon Trustees:

After review of Mr. Boerner's Final report, I must say I am left very underwhelmed. While Mr. Boerner does provide some decent historical research, much of his analysis is based on comparisons to grants of Shelter Island and Fishers Island, thus making a big leap from there as to the ownership of Gardiners and Cartwright Islands. Mr. Boerner lists eight important legal documents, but then fails to meaningfully analyze them in any detail or order. Finally, and I am glossing over rather than analyzing all of his research, rather than tying any analysis together in a meaningful way, his brief conclusion wanders so far from its purpose that it references the 10,000 islands of Indonesia.

This document is also completely void as to two vital analysis:

1. Public Trust Doctrine: When he last spoke at our meeting, Mr. Boerner confirmed his commitment to research the public's right to access the foreshores of NYS under the Public Trust Doctrine. The final document is completely void of this analysis.

Alternatively, under Section VI, he analyzes the foreshore by embarking on a "comparative analysis of many other contemporary Indian purchases".

2. Goulet conveyance: This document concludes without ever analyzing the complete chain of title and the most recent conveyances to the Goulet family. Was the Goulet family granted title to Gardiners without referencing Cartwright Island? Did the conveyance reference the foreshore or the underwater tidelands? These and many other important questions are left unanswered.

Unfortunately, I feel we have swung and missed on our attempt to help the public gain any clarity on this important public beach access topic. I do not mean to disparage Mr. Boerner, but I feel he lost his direction a bit on this project. If anything, publishing this product will open the doors to ridicule and hole poking. I also feel we do not have a horse in this race, but that this topic may be ripe for lengthy litigation if the plaintiff in the criminal case decides to go down that path.

I do think we should meet to discuss how the Trustees wish to proceed before publishing this report. I have also done some preliminary research on the Public Trust Doctrine I can share with you, and I would like to continue with that research when time permits.

Sincerely,

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