

# STATE OF NEW YORK

---

1531

2023-2024 Regular Sessions

## IN ASSEMBLY

January 17, 2023

---

Introduced by M. of A. THIELE -- read once and referred to the Committee on Local Governments

AN ACT in relation to the trustees of the Freeholders and the Commonalty of the town of Southampton, county of Suffolk

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings. The legislature enacted chapter 255  
2 of the laws of 1818 and chapter 283 of the laws of 1831, addressing the  
3 respective powers of the trustees of the Freeholders and Commonalty of  
4 the town of Southampton, a body politic created by the Dongan Patent of  
5 1686, and the trustees for the proprietors of the town of Southampton, a  
6 body created by chapter 255 of the laws of 1818, with respect to the  
7 title to and use of the ocean beaches in the town, and further, to make  
8 clear the continuing ownership of the trustees of the Freeholders and  
9 Commonalty of the town of Southampton of the underwater lands in the  
10 town and the taking of the products thereof, and their right to protect  
11 the public's right to use and enjoy the easement upon the ocean beaches  
12 that was granted to them by the Dongan Patent. The trustees for the  
13 proprietors of the town of Southampton sold the last of the ocean beach  
14 lands owned by them and disbanded the board of trustees in 1882 and  
15 thereafter ceased to exist. The legislature enacted chapter 257 of the  
16 laws of 1892 and chapter 872 of the laws of 1896 authorizing the Trustees  
17 of the Freeholders and Commonalty of the town of Southampton, "from  
18 time to time, whenever in their judgment it shall become necessary" to  
19 determine the necessity and location of one or more inlets in the town  
20 of Southampton from the Atlantic Ocean to Shinnecock Bay, or into Mecox  
21 Bay, or into Sag Pond, and to exercise the power of eminent domain over  
22 ocean beaches in order to locate such inlet or inlets. For more than a  
23 century the courts of this state have rendered inconsistent decisions  
24 with respect to the powers of the said trustees over the ocean beaches.  
25 The legislature wishes to confirm that the Proprietors' Trustees no

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD02012-01-3

1 longer exist, address the powers of the trustees of the Freeholders and  
2 Commonalty of the town of Southampton in light of contemporary circum-  
3 stances, and clarify the application of chapter 255 of the laws of 1818  
4 and chapter 283 of the laws of 1831.

5 § 2. The legislature confirms that the Trustees for the Proprietors of  
6 the town of Southampton, created by chapter 255 of the laws of 1818, are  
7 extinguished as a body politic.

8 § 3. Notwithstanding any provisions of chapter 255 of the laws of 1818  
9 and chapter 283 of the laws of 1831 to the contrary, the trustees of the  
10 Freeholders and Commonalty of the town of Southampton have and shall  
11 continue to have the authority to enforce the public's easement and  
12 access upon the ocean beaches within the town of Southampton, including  
13 all rights of the public with respect to the said ocean beaches which  
14 were conferred upon them by the Dongan Patent of 1686. The legislature  
15 recognizes that any authority over the ocean beaches that may have been  
16 conferred upon the trustees for the proprietors of the town of Southamp-  
17 ton revert to the trustees of the Freeholders and Commonalty of the town  
18 of Southampton.

19 § 4. For the purposes of this act, "ocean beaches" shall be the area  
20 of the Atlantic Ocean beaches within the town of Southampton that lies  
21 between the crest of the primary dune and the high water mark of the  
22 Atlantic Ocean.

23 § 5. The trustees of the Freeholders and Commonalty of the town of  
24 Southampton shall continue to have and exercise all of the rights of  
25 ownership over the waters of the town of Southampton and the products  
26 thereof that they had and exercised by virtue of the powers conferred  
27 upon them by the Dongan Patent, as well as the rights of ownership over  
28 the said waters and the productions thereof that they were authorized to  
29 have and exercise by chapter 255 of the laws of 1818 and chapter 283 of  
30 the laws of 1831.

31 § 6. Nothing in this act shall be construed to take from the trustees  
32 of the Freeholders and Commonalty of the town of Southampton any of the  
33 powers conferred upon them by chapter 283 of the laws of 1831, including  
34 the power to make rules, orders and by-laws for the management of the  
35 property and franchises of the town; to regulate their affairs; to  
36 impose penalties on any person offending against such rules, orders or  
37 by-laws; and to appropriate and apply the funds arising from their  
38 activities as they deem most proper to promote the interest of the town.

39 § 7. Nothing in this act shall be construed as affecting any power or  
40 authority of any incorporated village within the town of Southampton  
41 over lands, beaches, and waters within such villages, pursuant to the  
42 village law, the general municipal law, the municipal home rule law, or  
43 any other state law.

44 § 8. This act shall take effect immediately.