

Montauk's Trustee Corporation
Township of Montauk
Est. 1686/1852/2000

State of New York
Dept. of Law Charities Bureau
120 Broadway, New York, NY 10271

In re: 2002 & 2006 CHAR006 Notice of Annual Filing Exemption for MFOP/Montauk
Trustee Corporation file# 057323 Exec. Law# 65891

Dear Sirs,

Enclosed please find notarized copies of the above referenced forms. The corporation has been active in support of its incorporated purposes since first established under the New York Not-for-Profit Law in 1994. At no time have we either received contributions exceeding \$25,000 or used a professional fundraiser.

Your office should know that, subsequent to its discovery of further responsibilities and duties incumbent upon it, in December of 2000, the Corporation resolved to adopt a charter entitled "The Articulated Rights and Constitution of the Township of Montauk" was subsequently served with a petition to the Supreme Court of the State of New York. Copies of these documents are attached.

The issues raised in the above documents are a central part of Town of Montauk, Inc. v. Pataki, et. al. (AD no. 2005-10912). This matter is currently before the Appellate Division waiting to be calendared for argument.

Please add this correspondence and attachments to our file.

Sincerely

Robert A. Ficalora
Acting Supervisor
Incorporated Township of Montauk

STATE OF NEW YORK
DEPARTMENT OF LAW CHARITIES BUREAU
120 BROADWAY, NEW YORK, NY 10271
<http://www.oag.state.ny.us/charities>

NOTICE OF ANNUAL FILING EXEMPTION* CHAR006

For Fiscal Year Ending 2002

Attorney General's registration number(s): EPTL 057323 Exec. Law 65891

Organization's name: Montauk Friends of Olmsted Parks / Montauk Trustee Corporation

Mailing address: MFOP/Montauk Trustee Corp. P.O. Box 2612 Montauk NY 11954
c/o Robert A. Ficalora

State of New York)
County of Suffolk)ss.

I swear under oath that the organization listed above is exempt from filing an annual report or paying an annual filing fee to the NYS Department of Law for the reporting period stated above because

ESTATES, POWERS & TRUSTS LAW REGISTRANTS AND/OR DUAL REGISTRANTS

(1) total contributions did not exceed \$25,000, and (2) the assets (market value) and the cumulative gross receipts received by the organization did not exceed \$25,000 at any time during the fiscal year.

EXECUTIVE LAW REGISTRANTS

(1) total contributions from the public did not exceed \$25,000 during the fiscal year and (2) it did not use the services of a fundraising professional at any time during the reporting period for which the exemption is claimed.

NOTE:

DUAL REGISTRANTS MUST SATISFY BOTH OF THE ABOVE EXEMPTIONS IN ORDER TO BE EXEMPT FROM FILING ANNUAL REPORTS WITH THE OFFICE OF THE ATTORNEY GENERAL.

NO FEE IS REQUIRED WHEN SUBMITTING THIS FORM.

Robert A. Ficalora

NAME (Printed) _____ TITLE _____
SIGNATURE Robert A. Ficalora
631-668-2525

Sworn to before me this _____ day of _____, 2002, _____ Daytime telephone number _____

[Signature]
NOTARY PUBLIC

*Note: A Notice of Annual Filing Exemption Form must be submitted for each reporting period for which an exemption is claimed.

+In the case of a corporation, the Notice of Annual Filing Exemption Form must be signed by one officer of the Corporation. A Notice of Exemption Form for a trust or estate must be signed by one trustee or executor.

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NO FEE IS REQUIRED WHEN SUBMITTING THIS FORM.

Robert A. Ficalora

NAME (Printed) TITLE

SIGNATURE 631-668-2525

Daytime telephone number

Sworn to before me this 9th day of APRIL, 2006
JOHN J. McDONALD
NOTARY PUBLIC, State of New York
NOTARY PUBLIC

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The Articulated Rights and Constitution of the Township of Montauk

We the proprietors and residents of Montauk, in order to form a more perfect body politic, establish justice, insure domestic tranquility, husband our natural resources, promote the general welfare, and secure the blessings of our birthright liberties to ourselves and to our posterity, do hereby establish this constitution for the Township of Montauk.

Article I - Rights

I.I. ALL OF THE CORPORATE RIGHTS, LIBERTIES, PRIVILEGES, OR POWERS OF THE PROPRIETORS OF MONTAUK ESTABLISHED BY THE EASTHAMPTON TOWN PATENT DATED DECEMBER 9TH, 1686, THE CHARTER ENACTED BY THE ASSEMBLY OF THE STATE OF NEW YORK ON APRIL 2ND, 1852 (CHAPTER 139), AND THE CORPORATION OF THE MONTAUK FRIENDS OF OLMSTED PARKS (MFOP) ESTABLISHED ON APRIL 13TH, 1994, ARE HEREBY ASSUMED AND CONSOLIDATED.

I.II. ALL CORPORATE TRUST IN EQUITABLE OR LEGAL RIGHT, TITLE OR INTEREST OF THE PROPRIETORS OF MONTAUK, ESTABLISHED BY THE TOWN PATENT OF THE TOWN OF EASTHAMPTON, OR BY THE VARIOUS PURCHASES AND AGREEMENTS MADE WITH THE MONTAUK TRIBE OF INDIANS, OR BY GRANTS OF CERTAIN ROADWAYS AND PARCELS OF LAND MADE BY THE ESTATE OF ARTHUR W. BENSON, IS HEREWITH ASSUMED.

I.III. AS SUCCESSOR IN INTEREST UNDER THE 1686 TOWN PATENT THIS BODY CORPORATE AND POLITIC IS AND SHALL BE KNOWN AS THE INCORPORATED TOWNSHIP OF MONTAUK (TOWNSHIP).

I.IV. ALL PROPRIETORS AND RESIDENTS HAVE A RIGHT TO FULL KNOWLEDGE OF AND SECURITY IN THE POSSESSION OF THEIR REAL AND PERSONAL PROPERTY AND SHALL NOT BE MOLESTED IN SAME WITHOUT DUE PROCESS OF LAW.

I.V. NO LAW OR RULE SHALL BE ENACTED OR ENFORCED WHICH IS REPUGNANT TO THE LAWS OF THE STATE OF NEW YORK OR OF THE UNITED STATES OF AMERICA OR WHICH PUNISHES AN INDIVIDUAL OR GROUP OF CONSENTING ADULTS FOR ANY ACTION WHICH DOES NOT HARM THE PROPERTY OR PERSON OF ANOTHER, EXCEPTING AND RESERVING LAWS AND RULES MADE IN THE PUBLIC INTEREST FOR THE REGULATION OF TRADE, PUBLIC HEALTH AND SAFETY, AND ZONING.

I.VI. THE TOWNSHIP SHALL ADMINISTER AND REVIEW ITS OWN ELECTIONS WITH A REVIEW BY CERTIORARI AVAILABLE BEFORE THE MAGISTRATES OF THE STATE OF NEW YORK UPON GOOD CAUSE OPENLY SHOWN BY THREE OR MORE PROPRIETORS OR ADMITTED RESIDENTS IF BROUGHT WITHIN 30 DAYS OF AN ELECTORAL EVENT.

I.VII. EACH AND EVERY PERSONAL OR CIVIL RIGHT SET FORTH IN THE ORIGINAL CONSTITUTION OF THE STATE OF NEW YORK OR IN THE SEVERAL AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA ARE ADOPTED HEREWITH AS FUNDAMENTAL RIGHTS OR AS RESTRAINTS UPON THIS CORPORATION, RESERVING A CLAIM OF ORIGINAL JURISDICTION.

I.VIII. ALL CANDIDATES FOR OR HOLDERS OF THE OFFICES SET FORTH HEREIN SHALL STAND UPON THEIR OWN MERITS AND NO BODY POLITIC OR CORPORATE OF ANY TYPE OR NATURE MAY ORGANIZE OR PROVIDE MATERIAL OR OTHER SUPPORT TO THEM. ANY CANDIDATE OR ELECTED OFFICIAL DISCOVERED WITH, SHOWING OR PUBLICIZING SUCH AFFILIATIONS OR ENDORSEMENTS SHALL BE IMMEDIATELY DISQUALIFIED AND REMOVED.

I.IX. AN ASSOCIATION MAY BY MAJORITY VOTE AT A CAUCUS ASSEMBLED DENY CAUCUS ATTENDANCE TO ANY PERSONS OR PARTIES FOR DISRUPTIVE OR DISRESPECTFUL CONDUCT, WITH AN APPEAL RIGHT RESERVED TO THE TOWN MEETING.

I.X. THE TOWNSHIP SHALL BE THE ONLY CORPORATION OR PUBLIC ENTITY ABLE TO PURCHASE OR HOLD FEE TITLE TO REAL PROPERTY, OR EASEMENTS OVER REAL PROPERTY, IN MONTAUK. CORPORATIONS OR PUBLIC ENTITIES MAY, HOWEVER, APPLY FOR APPROVAL TO PURCHASE OR HOLD FEE TITLE, WHICH SAID APPLICATION MAY BE APPROVED BY MAJORITY VOTE OF THE TRUSTEES MET IN TOWN MEETING. ALL SUCH APPROVALS ARE CONDITIONAL AND MAY BE REVOKED FOR UNAPPROVED USES, FOR INJURY OR ATTEMPTED INJURY TO THE LANDS,

ADOPTED DECEMBER 5TH, 2000, "EASTHAMPTON" SPELLING CORRECTED JULY 29TH, 2002

WATERS, FISHERIES, OR OTHER RESOURCES OF MONTAUK OR FOR INJURY OR ATTEMPTED INJURY TO THE BODY POLITIC AND CORPORATE OF THE TOWNSHIP.

I.XI. APPROVED CORPORATE OWNERS OF REAL PROPERTY SHALL HAVE ONE VOTE PER CORPORATION WITHIN ONE UNCHANGEABLE ASSOCIATION AND MUST EITHER BE REPRESENTED BY AN ATTORNEY OR BY A LEGAL ASSIGNMENT OF ITS RIGHTS TO A NON-ATTORNEY BY ITS BOARD OF DIRECTORS. SHELL CORPORATIONS WITH INTERLOCKING DIRECTORATES OR CORPORATIONS ESTABLISHED FOR THE PURPOSES OF AFFECTING REPRESENTATION WITHIN THE TOWNSHIP SHALL BE DISALLOWED, EXTINGUISHED OR EJECTED FROM THE TOWNSHIP.

I.XII. THE TOWNSHIP RESERVES EXCLUSIVE RIGHT TO ASSESS OR LEVY TAXES UPON REAL PROPERTY OR ITS SALE AND ALSO TO HAVE OR GRANT EXEMPTION FROM TAXATION OF MONTAUK LANDS ALLOWING, HOWEVER, THE CONTINUED EXEMPTION OF EXISTING CHURCHES.

I.XIII. THE TOWNSHIP RESERVES THE EXCLUSIVE RIGHT AND POWER TO LEGISLATE AND ADJUDICATE ALL MATTERS OF CRIMINAL JUSTICE.

I.XIV. THE TOWNSHIP RESERVES THE EXCLUSIVE RIGHT TO POLICE POWER AND EMINENT DOMAIN OVER ALL OF THE LANDS AND WATERS OF MONTAUK.

I.XV. THE TOWNSHIP RESERVES ANY AND ALL RIGHT TO REGULATORY AND POLICE POWER OVER ALL FISHING AND SHELL FISHING IN ITS HISTORIC WATERS AS APPURTENANCES AND A FRANCHISE UNDER THE 1686 PATENT OR AS OTHERWISE HAVING AT ANY TIME BEEN PREVIOUSLY ESTABLISHED EITHER IN LAW OR IN EQUITY.

I.XVI. ALL REAL PROPERTY IN MONTAUK SHALL ESCHEAT TO THE TOWNSHIP FOR LACK OF HEIRS.

I.XVII. UNLESS SUPERCEDED BY A LAW OR RULE AS MAY BE MADE FROM TIME TO TIME BY THE TOWN MEETING, OR THE LAW TO BE APPLIED IS IN ANY WAY REPUGNANT TO THE LIBERTIES AND PRIVILEGES CLAIMED OR ESTABLISHED HEREIN, THE LAWS AND STATUTES OF THE STATE OF NEW YORK OR OF THE UNITED STATES OF AMERICA WILL APPLY.

I.XVIII. THE SUPREME COURT OF THE STATE OF NEW YORK SHALL HAVE JURISDICTION OVER THIS CORPORATION IN ANY PROCEEDING AT LAW OR IN EQUITY AGAINST THE CORPORATION OR ITS OFFICERS.

I.XIX. FOR THE PURPOSES OF INITIATING AND EFFECTING THIS CONSTITUTION, THE BOARD OF DIRECTORS OF THE MONTAUK FRIENDS OF OLTMSTED PARKS CORPORATION SHALL SIT AS ACTING TRUSTEES PENDING THE ELECTION OF TRUSTEES AS SET FORTH HEREIN.

Article II - Democratic Process

II.I. THE TOWNSHIP SHALL BE GOVERNED BY TWELVE ASSOCIATIONS OF APPROXIMATELY EQUAL POPULATION BI-ANNUALLY ASSEMBLED IN CAUCUSES TO LEARN ABOUT AND VOTE UPON MONTAUK ISSUES AND TO ELECT AND SEND A TRUSTEE AND FOUR COMMITTEE PERSONS TO THE TOWN MEETING.

II.a. Caucuses

II.A.I. ATTENDANCE BY SEVEN (7) VOTING PROPRIETORS SHALL CONSTITUTE A QUORUM FOR THE PURPOSE OF ELECTIONS AND VOTING.

II.A.II THE SPRING CAUCUSES WILL BE HELD ON THE SECOND WEEKEND IN MAY FOR THE ELECTION OF OFFICERS AND THE INTRODUCTION OF PROPOSED RESOLUTIONS.

II.A.III. THE FALL CAUCUSES WILL BE HELD THE SECOND WEEKEND IN SEPTEMBER TO VOTE UPON: 1.) THE BUDGET OF THE TOWNSHIP AS SET IN THE SPRING TOWN MEETING, 2.) RESOLUTIONS PREVIOUSLY SUBMITTED FOR A VOTE BY A MEMBER OF THEIR CAUCUS, 3.) RESOLUTIONS PREVIOUSLY APPROVED BY A CAUCUS FOR A VOTE BY ALL OF THE CAUCUSES AND THE TOWN MEETING; 4.) TRUSTEE RESOLUTIONS REQUIRING CONTINUANCE.

II.b. Town Meeting

II.B.I. A TOWN MEETING MAY BE CONVENED AT ANY TIME SUBSEQUENT TO PUBLIC NOTICE OBTAINED AS SET FORTH IN THE 1686 PATENT BY THREE (3) TRUSTEES AND A JUDGE'S SIGNATURE.

II.B.II A TOWN MEETING WILL HAVE A QUORUM FOR THE EFFECTING OF BUSINESS UPON A CONVENING SEVEN (7) TRUSTEES.

II.B.III. THE TOWN MEETING SHALL DELIBERATE AND VOTE UPON PROPOSED TRUSTEE RESOLUTIONS FOR THE MAKING OF EXPEDIENT LAWS OR RULES.

II.B.IV. THE TOWN MEETING SHALL REVIEW ALL REQUESTS FOR VARIANCES FROM THE ZONING CODE.

II.B.V. THE BI-ANNUAL TOWN MEETINGS SHALL FORM COMMITTEES TO REVIEW AND PREPARE BUDGETS FOR ALL MUNICIPAL DEPARTMENTS AND AUTHORITIES.

II.B.VI. THE SPRING TOWN MEETING WILL REVIEW ALL MUNICIPAL DEPARTMENTS OR AUTHORITIES AND PREPARE THEIR BUDGETS.

II.B.VII THE FALL TOWN MEETING WILL TALLY THE CAUCUS VOTING ON THE BUDGET, MAKE RULES OR LAWS DIRECTING THE VARIOUS MUNICIPAL BODIES AND PROMULGATE LAW AS VOTED UPON WITHIN THE RESOLUTION PROCESS.

II.c. Resolutions

II.C.I. AT LARGE AND TOWN MEETING RESOLUTION PROCESSES WILL BE UTILIZED FOR THE MAKING OF ALL LAWS AND RULES WHICH SAID RESOLUTIONS SHALL BE KNOWN AS "BILLS", "RESOLUTIONS ON COMMITTEE" AND "TRUSTEE RESOLUTIONS".

II.C.II. BILLS MAY BE INTRODUCED AND PRESENTED BY ANY MEMBER AT THEIR CAUCUS IF SPONSORED BY THREE (3) OTHER MEMBERS OF THE CORPORATION. BILLS WILL BE POSTED TO THE WEB SITE AND/OR OTHERWISE PUBLISHED FOR REVIEW AND VOTED UPON AT THE SUBSEQUENT ASSOCIATION CAUCUS.

II.C.III. BILLS APPROVED BY MAJORITY VOTE OF AN ASSOCIATION WILL BE PLACED ON THE AGENDA OF ALL ASSOCIATIONS FOR A VOTE AT THE SUBSEQUENT CAUCUSES.

II.C.IV. BILLS APPROVED BY A MAJORITY VOTE OF A MAJORITY OF THE CAUCUSES ASSEMBLED IN TOWN MEETING WILL HAVE THE FORCE OF LAW.

III.C.V. RESOLUTIONS ON COMMITTEE MAY BE PASSED BY MAJORITY VOTE OF THE TRUSTEES IN TOWN MEETING ASSEMBLED FOR THE FORMULATION OF CHARTERS OF MUNICIPAL DEPARTMENTS, THE ESTABLISHING OF COMMITTEES TO OVERSEE THEM, AND TO DIRECT THE CHARTERED ACTIVITIES OF SAID DEPARTMENTS.

III.C.VI. TRUSTEE RESOLUTIONS WILL BE UTILIZED TO IMMEDIATELY EFFECT A SPECIAL LAW OR RULE BY A TWO THIRDS (2/3) VOTE OF THE TRUSTEES IN TOWN MEETING ASSEMBLED BUT SHALL EXPIRE WITHIN ONE YEAR UNLESS CONFIRMED BY THE MAJORITY VOTE OF A MAJORITY OF THE CAUCUSES ASSEMBLED IN TOWN MEETING.

II.d. Voting

II.D.I. ALL VOTING WILL BE TAKEN AT THE DOOR OF THE CAUCUS SITE AND MAY BE CHANGED UP UNTIL THE CLOSURE OF DISCUSSION OF THE ITEM BEING VOTED UPON, EXCEPT ABSENTEE BALLOTS WHICH MAY BE POSTMARKED OR OTHERWISE MADE NO LATER THE ONE WEEK BEFORE THE SCHEDULED CAUCUS.

III.D.II. THE VOTING WILL BE COLLECTED AND TALLIED BY THE ASSOCIATION CONSTABLE WHO WILL ANNOUNCE THE RESULTS UPON THE COMPLETION OF DELIBERATION UPON EACH ITEM.

II.D.III. EACH PROPRIETOR WILL HAVE ONE VOTE WHICH MAY BE EXERCISED IN CAUCUS BY INDIVIDUALS SIXTEEN YEARS OR GREATER IN AGE.

II.D.IV. NON-LANDED RESIDENTS MAY HAVE ONE VOTE PER TENANCY WITHIN MONTAUK LANDS UPON SHOWING OF TWO YEARS RESIDENCY AND LETTERS OF COMMENDATION FROM THREE PROPRIETORS OF MONTAUK AND APPROVED BY MAJORITY VOTE OF THE TRUSTEES ASSEMBLED IN TOWN MEETING..

III.D.V. IN CLOSING THE CAUCUS VOTING THE TRUSTEE SHALL SWEAR AN OATH TO DELIVER THE VOTING AND CONSENSUS OF THE CAUCUS TO THE TOWN MEETING.

Article III - Offices

III.a. Trustees

III.A.I. SIX ASSOCIATIONS SHALL EACH YEAR ELECT ONE TRUSTEE OF MONTAUK TO A TWO YEAR TERM. A NOMINATIONS SUPPORTED BY TWO (2) PROPRIETORS MUST BE SUBMITTED TO THE SUPERVISOR BY MARCH 1ST FOR INCLUSION ON THE BALLOT.

III.A.II NO TRUSTEE SHALL SERVE TWO CONSECUTIVE TERMS.

III.A.III. THE TRUSTEES OF MONTAUK SHALL PRESIDE OVER THE TOWN MEETING, HIRE THE SUPERVISOR ACCORDING TO A MULTI-YEAR CONTRACT AND DIRECT THE SUPERVISOR IN THE ADMINISTERING AND POLICING THE COMMONWEALTH AND JURISDICTIONS OF THE TOWNSHIP.

III.A.IV. EACH ASSOCIATION'S TRUSTEE WILL CARRY ITS VOTING TO THE TOWN MEETING AND PROMULGATE RESOLUTIONS AS LAW UPON CERTIFYING THAT: 1.) A MAJORITY OF QUORUM OF SEVEN ASSOCIATIONS HAVE APPROVED BY MAJORITY

VOTE, 2.) EACH ASSOCIATION CONVENED ITS CAUCUS WITH ADEQUATE NOTICE OF TIME, PLACE AND AGENDA HAVING BEEN MADE, 3.) THAT A QUORUM OF SEVEN OR MORE MEMBERS WAS PRESENT AT EACH CAUCUS REPRESENTED, 4.) THE VOTING TALLIED AT EACH CAUCUS IS AS CERTIFIED BY THE ASSOCIATION CONSTABLE.

III.A.V THE TRUSTEES SHALL ADMINISTER CRIMINAL JUSTICE AND IN THEIR FIRST YEAR MAY ATTEND THE CLASS FOR THE TRAINING OF JUDGES OF THE JUSTICE COURT AND IN THEIR SECOND YEAR BE AVAILABLE TO PRESIDE OVER MATTERS BEFORE THE JUSTICE COURT ON A PER DIEM BASIS.

III.A.VI. THE TRUSTEES IN TOWN MEETING ASSEMBLED SHALL DETERMINE THE MANNER IN WHICH THEY SCHEDULE AND ADMINISTER THEIR JUSTICE COURT.

III.A.VII. THREE OR MORE TRUSTEES WILL FORM A COMMITTEE TO POST AND PROMOTE PUBLIC NOTICE OF THE TIME AND LOCATION OF THE CAUCUSES AND TOWN MEETING WITH THIRTY DAYS NOTICE.

III.A.VIII. THE TRUSTEES ASSEMBLED IN TOWN MEETING SHALL SWEAR AN OATH TO UPHOLD THIS CONSTITUTION AND MAY BE COMPELLED TO STOP VIOLATIONS OF THE CONSTITUTION UPON GOOD CAUSE SHOWN BY MAJORITY VOTE OF THE TOWN MEETING ASSEMBLED.

III.b. Committee Persons

III.B.I. EACH ASSOCIATION SHALL ANNUALLY ELECT UP TO FOUR COMMITTEE PERSONS TO ASSEMBLE IN TOWN MEETING WITH THE TRUSTEES.

III.B.II. THE COMMITTEE PEOPLE SHALL FORM COMMITTEES TO REVIEW THE OPERATIONS OF ALL MUNICIPAL DEPARTMENTS AND AUTHORITIES AND THEIR COMPLIANCE WITH THEIR CHARTERED RESPONSIBILITIES.

III.B.III. THE COMMITTEE PEOPLE SHALL DEVELOP AND PRESENT THE TOWN BUDGET TO THE TRUSTEES FOR APPROVAL BY A VOTE OF THE CAUCUSES.

III.B.IV THE COMMITTEE PEOPLE SHALL FORMULATE CHARTERS FOR THE VARIOUS NECESSARY MUNICIPAL DEPARTMENTS (WATER, SCHOOLS, COMMERCE, ETC.) AND PRESENT THEM TO THE TRUSTEES FOR APPROVAL BY MAJORITY VOTE.

III.c. Supervisor

III.C.I. CANDIDATES FOR SUPERVISOR SHOWING THE ENDORSEMENT OF THREE OR MORE PROPRIETORS OF MONTAUK MAY APPLY TO THE TRUSTEES AND SHALL BE CHOSEN AND HIRED BY MAJORITY VOTE OF THE TRUSTEES IN TOWN MEETING ASSEMBLED .

III.C.II. THE SUPERVISOR IS AND SHALL BE THE CHIEF EXECUTIVE OFFICER OF THE TOWNSHIP RESPONSIBLE FOR THE GENERAL SUPERVISION OF ALL DEPARTMENTS AND AUTHORITIES.

III.C.III THE SUPERVISOR IS SUCCESSOR TO THE PRESIDENT OF THE MONTAUK FRIENDS OF OLMSTED PARKS CORPORATION AND WILL RESTORE, MAINTAIN AND IMPROVE MONTAUK'S ECOLOGICAL, LANDSCAPE AND RECREATION RESOURCES

III.C.IV THE SUPERVISORS OFFICE SHALL ASSIST AND PROMOTE THIS CONSTITUTIONAL PROCESS OF GOVERNMENT BUT OTHERWISE SHALL HAVE NO LEGISLATIVE CAPACITY WHATSOEVER.

III.C.V. THE SUPERVISOR SHALL OVERSEE A CLERK TO KEEP AND PUBLISH THE RECORDS OF THE CORPORATION.

III.C.VII. THE SUPERVISOR SHALL BE CHIEF OF THE PARKS POLICE.

III.C.VIII. THE BUDGET AND OPERATION OF THE SUPERVISOR'S OFFICE SHALL BE REVIEWED ANNUALLY AT THE TOWN MEETING.

III.d. Constables

III.D.I. CANDIDATES FOR TWO CAPTAINS OF THE MONTAUK CONSTABULARY SHOWING THE ENDORSEMENT OF THREE OR MORE PROPRIETORS OF MONTAUK SHALL APPLY TO THE SUPERVISOR AND WILL BE CHOSEN BY MAJORITY VOTE OF THE TRUSTEES IN TOWN MEETING ASSEMBLED.

III.D.II. EACH ASSOCIATION WILL ANNUALLY ELECT AN ASSOCIATION CONSTABLE TO ADMINISTER ITS VOTING, TO KEEP THE PEACE IN AND AROUND THE CAUCUS AND TO JOIN THE MONTAUK CONSTABULARY.

III.D.III. THE CONSTABLES SHALL SERVE THEIR ASSOCIATION AND MAKE EVERY EFFORT TO PROVIDE FRIENDLY SERVICE AND TO BE ACCESSIBLE TO ITS RESIDENTS.

III.D.IV. CONSTABLES WILL HAVE SUCH OTHER RESPONSIBILITIES AS MAY BE ESTABLISHED FROM TIME TO TIME BY THE MEMBERSHIP.

III.D.V. CONSTABLES WILL HAVE GENERAL JURISDICTION UPON MONTAUK LANDS EXCEPTING MONTAUK'S PARKS, HARBORS AND FORSHORES

III.D.VI. THE MONTAUK CONSTABULARY SHALL HAVE NO OTHER POWER OR AUTHORITY THAN EXPLICITLY GRANTED BY RESOLUTION OF THE TOWN MEETING.

III.D.VII. THE BUDGET AND OPERATIONS OF THE CONSTABULARY SHALL BE REVIEWED ANNUALLY AT THE TOWN MEETING.

III.e. Parks Police

III.E.I. CANDIDATES FOR THE PARKS POLICE SHOWING THE ENDORSEMENT OF THREE OR MORE PROPRIETORS OF MONTAUK SHALL APPLY TO AND BE CHOSEN BY THE SUPERVISOR AT HIS/HER DISCRETION.

III.E.II. THE PARKS POLICE SHALL PROTECT THE PUBLIC SAFETY WITHIN THE PARKS AND BEACHES AND ENFORCE SUCH RULES GOVERNING THEM AS MAY BE MADE BY THE TOWN MEETING.

III.E.III. THE PARKS POLICE SHALL PROVIDE HOSPITALITY AND MAKE EVERY EFFORT TO PROVIDE FRIENDLY SERVICE AND BE ACCESSIBLE TO THE MONTAUK COMMUNITY AND OUR MANY VISITORS.

III.E.IV. THE PARKS POLICE SHALL PATROL ON FOOT OR BY BICYCLE WHENEVER POSSIBLE.

III.E.V. THE BUDGET AND OPERATIONS OF THE PARKS POLICE SHALL BE REVIEWED ANNUALLY AT THE TOWN MEETING.

III.f. Harbor Master

III.F.I. CANDIDATES FOR HARBOR MASTER SHOWING THE ENDORSEMENT OF THREE OR MORE PROPRIETORS OF MONTAUK SHALL APPLY TO THE SUPERVISOR AND BE CHOSEN AND HIRED BY MAJORITY VOTE OF THE TRUSTEES IN TOWN MEETING ASSEMBLED.

III.F.II. THE HARBOR MASTER SHALL HIRE HIS OWN STAFF ACCORDING TO THE BUDGET ALLOWED BY THE TOWN MEETING.

III.F.III. THE HARBOR MASTER SHALL PROTECT THE PUBLIC SAFETY AND PROTECT THE FISHERIES WITHIN LAKE MONTAUK, FORT POND BAY, NAPEAGUE HARBOR AND ALL SUCH WATERS AS MAY BE FOUND TO BE WITHIN THE TOWN'S JURISDICTION BY ENFORCING SUCH RULES AND LAWS AS MAY BE MADE BY THE TOWN MEETING.

III.F.IV. THE HARBOR MASTER SHALL EFFECT PROPER LICENSING AND PROVIDE FREE WATER SAFETY COURSES AND INFORMATION.

III.F.V. THE HARBOR MASTER SHALL PROVIDE FRIENDLY SERVICE AND BE ACCESSIBLE TO MONTAUK'S MANY TOURISTS, FISHERMEN AND BOAT OWNERS.

III.F.VI. THE BUDGET AND OPERATIONS OF THE HARBOR MASTER SHALL BE REVIEWED ANNUALLY AT THE TOWN MEETING.

III.g. Town Assessors

III.G.I. CANDIDATES FOR TWO POSITIONS AS TOWN ASSESSOR SHOWING THE ENDORSEMENT OF THREE OR MORE PROPRIETORS OF MONTAUK SHALL APPLY TO THE SUPERVISOR AND BE CHOSEN BY MAJORITY VOTE OF THE TRUSTEES IN TOWN MEETING ASSEMBLED.

III.G.II. THE ASSESSORS SHALL HIRE THEIR OWN STAFF ACCORDING TO THE BUDGET ALLOWED BY THE TOWN MEETING.

III.G.III. THE BUDGET AND OPERATIONS OF THE TOWN ASSESSORS OFFICE SHALL BE REVIEWED ANNUALLY AT THE TOWN MEETING.

Article IV - Amendments

IV.I. THIS CONSTITUTION MAY BE AMENDED BY A GENERAL BILL PROPOSED BY TWO THIRDS VOTE OF AN ASSOCIATION CAUCUS AND APPROVED BY A TWO THIRDS VOTE OF NINE (9) OR MORE ASSOCIATIONS.

UNANIMOUSLY APPROVED, DECEMBER 5TH, 2000
STEVEN CORWIN, HELEN FICALORA, WILLIAM GRIMM, DANIEL GRIMM, SHAWN MILLER, RICHARD MONAHAN - ACTING TRUSTEES & DR. ALICE ROOS.

ATTEST: ROBERT A. FICALORA

Correction

Corrected by resolution of the board of acting trustees on July 29th, 2002, to reflect the proper legal spelling of the name of the Town of "Easthampton" as per Dongan patent and legislative enactments. - Steven Corwin, William Grimm, Helen Ficalora, Connie Judson, Richard Monahan and Jay Sayers concurring.
Attest: R. A. Ficalora



Montauk's Trustee Corporation
Township of Montauk
Est. 1686/1852/2000

November 9, 2002

Hon. Judith S. Kaye
Chief Judge
New York State Court of Appeals
20 Eagle Street
Albany, New York 12207-1095

Hon. Michael Pesce, J.S.C.
Presiding Justice
New York State Supreme Court
Appellate Term, 2nd Dept.
111 Livingston
Brooklyn, NY 11201

In re: Montauk Trustee resolution and the matters of Joseph J. Grucci and Stewart Bennett Vorpahl

Dear Justices Kaye and Pesce,

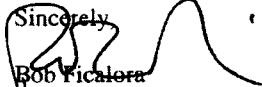
I humbly address this letter to your courts pursuant to resolutions of our board of acting Trustees of the Township of Montauk. Attached please find a copy of the Trustees signed resolution to commence the process of returning to lawful government by town meeting.

We understand that parties' motion for leave to appeal the July 2nd 2002 opinion of the Appellate Term in the Matter of Joseph J. Grucci was granted on October 29th, but is not yet calendared. The State's appeal and Stuart's motion in the Matter of Stuart Bennett Vorpahl were fully submitted to the Appellate Term before the August break – *over three months ago* – but judges have not yet been assigned by to hear the case.

As these cases deal with substantially the same rights of jurisdiction, we ask the Court of Appeals to either: 1.) postpone hearing and judgment on the *Grucci* matter until the *Vorpahl* matter is disposed of below and brought up on appeal, or 2.) immediately pull the *Vorpahl* case from the Appellate Term (if that is possible). We ask that the court allow us such simple relief and do pray that the Court of Appeals will not use the *Grucci* case to prejudge Mr. Vorpahl's case without his papers under consideration before it.

Montauk's proprietors are interested parties in the matters of Joseph J. Grucci and of Stuart Bennett Vorpahl and therefore make known to the court that the Montauk Trustee Corporation will appear in person or by attorney if requested.

Sincerely,


Bob Fichiora
acting supervisor
Town of Montauk

Honorable Magistrates of the Court¹,

In these past several years the Montauk Friends of Olmsted Parks Corporation has acted according to its incorporated purposes, and its claim of assumption of the powers at law of the 1852 Montauk Trustee Corporation, for and on behalf of the proprietors of Montauk to present to the court issues regarding our extensive properties, our sovereign rights of a township and of our sufferings under unlawful government.

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In consideration of this situation, and with an attentive eye to the needs of this court, in December of 2000 our board of acting trustees adopted a Constitution for Montauk entitled "The Articulated Rights and Constitution of the Township of Montauk" (Montauk Constitution). As set forth therein, we ARE RETURNING to government by town meeting in the same manner as our forebears and other towns of New England. What is set forth in the Montauk Constitution is the process of a "Representative Town Meeting" (RTM) such as currently enjoyed by forty two Massachusetts towns, seven Connecticut towns, one Maine town and one Vermont town.

We do beg the court to understand that we have lost no war, and we haven't done anything wrong that we know of, but the very special liberties and privileges at law of our town - fundamental rights of sovereignty - have been suppressed and a new and despotic form of government has been imposed upon us. We do pray for the rule of law and your understanding that our complaint is a matter that can and must be equitably settled.

Acting trustees of Montauk:

STL Richard A. Mond Constance Judson
John Jay Ayer JDC John G. Gustin John C. C. Lanza
Bill Hill David Hill Ellen Ficalora
PRN

Acting supervisor,
Incorporated Township of Montauk

November 5, 2002

¹ For delivery to the N.Y. Court of Appeals (Grucci), Appellate Term (Vorpahl) & others.

Affidavit of Service upon the following parties:

N. Y. Court of Appeals: 20 Eagle Street, Albany, New York 12207-1095

Carmine Beauchamp Ciparick, Victoria A. Graffeo, Howard A. Levine, Albert M. Rosenblatt, George Bundy Smith.

Appellate Term, 2nd Dept, 111 Livingston, Brooklyn, NY 11201:

Michael Pesce; Marquette L. Floyd; Robert W. Doyle; Nicholas Colabella; Alan L. Winnick; Gloria C. Aronin; Michael Weston Patterson; Joseph G. Golia; Jaime A. Rios.

**Mr. Eliot Spitzer, Esq.
Attorney General of the State of New York
120 Broadway
New York, NY 10271**

Grucci case:

**Mr. Steve A. Hovani, Esq.
Chief of Appeals Bureau
Assistant District Attorney
Criminal Courts Building
200 Center Drive
Riverhead, NY 11901**

**Mr. Jay Lee Snead, Esq.
Attorney for defendant Joseph Grucci
Van Brunt, Juzwiak, Russo
150 Main St
Sayville, New York 11782**

Vorpahl case:

**Ronald E. Lipetz, Esq.
Assistant District Attorney
Suffolk County District Attorney's office
Criminal Courts Building
200 Center Drive
Riverhead, NY 11901**

**Stuart Bennett Vorpahl
American Citizen Sovereign
P.O. Box 256
Amagansett, L. I., New York 11930
*In propria persona***

On Nov. _____ 2002 I, Robert A. Ficalora, a non-party in either the *Matter of Joseph J. Grucci* or the *Matter of Stuart Bennett Vorpahl*, did serve this distribution list together with the attached letter to Justices Kaye and Pesce and the letter of the Montauk Trustee Corporation dated November 5, 2002, upon the above named parties by depositing them in post-paid sealed rappers and placing them in care of the United States Postal Service.

Robert A. Ficalora

Notary

Note: Montauk Trustee contact person: Richard (Dick) Monahan – (631) 668-0308

Montauk Trustee's Nov. 9th letter to the Courts: Additional Distribution

Governor George E. Pataki

U. S. Senator Hillary Rodham Clinton

U. S. Senator Charles E. Schumer

U.S. Congressman Timothy H. Bishop

State Senator Kenneth P Lavallo

State Assemblyman Fred W. Thiele, Jr.

Hon. Howard Berler, J.S.C.

Hon. David S. Ritter, J.A.D.

Hon. A. Gail Prudenti, J.A.D.

Hon. Daniel F. Luciano, J.A.D.

Hon. John J. Jones, Jr., J.S.C.

Hon. Alan D. Oshrin, J.S.C.

Hon. William L. Underwood, Jr., J.S.C.

Hon. Myriam J. Altman, J.A.D.

Hon. Sandra J. Feuerstein, J.A.D.

Hon. Lawrence J. Bracken, J.S.C.

Hon. Leo F. McGinity, J.A.D.

Hon. Lester E. Gerard, J.S.C.

Hon. Gloria Goldstein, J.A.D.

John P. Courtney, Esq. (Attorney for the Trustees of the Freeholders and
Commonalty of the Town of Easthampton)