

**Hampton Bays Citizens Advisory Committee Meeting
Minutes
July 20, 2016**

Members Present: Michael Dunn; Mary Egan; Paula Godfrey; Gayle Lombardi; Terrance McGrath; Tom Mulrooney; Eric Sutton; Maureen Sutton; Zeb Youngman

Members Absent: Daniel Aube; Margaret Campbell, Bruce Doscher; Ed Laureano; Simone Scott; Kevin Springer

Elected Officials: Councilperson Stan Glinka (Co-Chairperson Mike Dunn reported that Councilperson Julie Lofstad had sent an email with regrets that she was unable to attend)

Guests: various

- Call to Order by Co-Chairperson Michael Dunn at 7:00 PM
- Pledge of Allegiance
- Discussion of Code Enforcement with Councilperson Stan Glinka

Councilperson Glinka reported that he has become the liaison with the code enforcement unit in the last few weeks. He reported that he is trying to make improvements in the efficiency and effectiveness of the process including, but not limited to, regular (weekly) staff meetings to discuss status of complaints, hiring additional office personnel, and “real time” complainant contact.

Councilperson Glinka also reported on efforts to correct code violations at specific properties previously reported by the Concerned Citizens of Hampton Bays (“CCHB”) and other members of the Hampton Bays community. Councilperson Glinka reported that the “storage facility” behind 132 West Montauk Highway that was illegally being used as a gathering hall and Church has been vacated as a result of the efforts of code enforcement as well as cooperation of the new property owner.

Councilperson Glinka also reported that he is helping facilitate the relocation of the current residents at the Bel-Aire Motel that is illegally being used as full-time apartments. He also reported that he is working with the property owners to correct the current illegal use of the property.

Councilperson Glinka also explained the unique challenges that each location poses especially as it relates to absentee landlords and out-of-state landlords.

Councilperson Glinka provided the attendees with a cell phone to contact him if there is a property that requires his immediate attention.

Attendees requested that Councilperson Glinka arrange code enforcement action at the following locations:

- **Liggett's Shopping Center - On-going complaints regarding garbage at the rear of the building (across from train station); questionable compliance with town code regarding outdoor seating and questionable compliance with town code for signage in hedges of parking lot.**
- **Potentially the Hampton Landing Marina south on Springville toward Rampasture – reports of consistent overflowing garbage;**
- **99 Argonne Road East - potential overcrowding and excess cars.**

Committee members once again discussed the issue that the Court decisions appear to have a negative effect on the outcome of enforcement actions.

Co-Chairman Mike Dunn reported that he is encouraged by the efforts and support of the Town Board. He reported that, as the President of CCHB, he met with Supervisor Schneiderman and Councilperson Lofstad regarding various issues facing Hampton Bays including the illegal use of motels as full-time residences, the use of single-family homes for multi-family uses, and the material adverse effect the proposed accessory apartment initiative would have on Hampton Bays. He also indicated that he and Councilperson Lofstad toured each of the locations that contain the 498 lodging rooms in Hampton Bays. He also reported that he and Simone Scotto (Co-Chairperson of the CAC and Board Member of the CCHB) met with the enforcement agents. He reported that follow-up meetings were scheduled with Town Officials. He indicated that additional information would be provided at the CCHB meeting scheduled on July 28, 2016.

The members of the Committee thanked Mike Dunn and Councilperson Glinka for all their efforts and indicated that they hope to see continuing positive results in the future.

- **Discussion of Letters sent to Town Officials from Hampton Bays School District (*Attachments 1/1A*)**

Gayle Lombardi reported that the correspondence was reported on the Town Board meeting agenda of July 12, 2016 and that the receipt of the letters from the Hampton Bays School District was obtained via a FOIL request made to the Town Clerk. The Town Clerk's office promptly complied with the request.

Co-Chairperson Mike Dunn highlighted that there were two letters. One letter was addressed from the Hampton Bays School District's Superintendent citing the material adverse effect that the accessory apartment initiative proposed by the Town would have on the Hampton Bays School District. The second letter was addressed from the Hampton Bays School District's legal counsel citing the material adverse effect that the use of motels as full-time residences and the use of single-family homes as multi-family homes have on the Hampton Bays School District. Co-Chairperson Mike Dunn noted that since these letters were addressed from the Hampton Bays School District that all queries and comments should be addressed

directly to the Hampton Bays School Board potentially at the monthly Hampton Bays School Board meetings.

- **Discussion of status of CB's liquor license suspension (*Attachment 2*)**

The CAC members discussed the correspondence from the State Liquor Authority ("SLA") dated July 19, 2016 indicating that the Mr. Tejada's liquor license at CB's Bar and Grill was cancelled. The CAC members raised the question as to whether this prevented Mr. Tejada from immediately applying for a new liquor license. Gayle Lombardi indicated that she would follow up with the SLA and report back to the members of the committee at the next meeting or via email.

- **Discussion of Dream nightclub code enforcement**

Several of the CAC members reported that they were at the Town Board Work Session on July 14th and noted that attendees complained about activities in and around the Dream nightclub. No attendees at the CAC meeting could report first-hand knowledge of the activities at the Dream nightclub.

- **Discussion of Town Projects**

- **Good Ground Park**

Attendees discussed the presentation made at the Town Board Work Session of July 14th. Members reiterated their concern for the operating costs of the Park and noted that the costs should be spread over the entire Town since the Park is intended to be a flagship Park for the entire Town.

Co-Chairperson Mike Dunn noted that the CAC was requested to complete a letter of support for a grant application made to NYS Parks Department by the Town of Southampton

- **Members unanimously approved the execution of the letter of support pending additional review by Mike Dunn and Gayle Lombardi.**

- **Ponquogue Beach Pavilion Renovation**

Attendees discussed the presentation made at the Town Board Work Session of July 14th. The attendees discussed that the survey process should include an on-line feature to gather input from as many stakeholders as possible. The CAC committee members recommend that the Town Board conduct public hearings in Hampton Bays.

- **Pattern Books for Main Street Overlay District**

Attendees discussed the picture that had been circulated that some attendees referred to as Disneyland like. However, it appears that no vendor for the project has been selected yet.

- **Discussion of Opening Day activities for Good Ground Park**

Mike reported that a committee has been formed for the Opening Day activities and that he is on the committee as a representative of the Hampton Bays CAC as well as Gail Liner (an attendee at the meeting) as a representative of CCHB.

- Ribbon Cutting Friday October 14th
- Activity day/opening to public Saturday October 15th.

- **Discussion of sidewalk construction along Springville Road**

Zeb Youngman raised the issue regarding the need/want for additional sidewalks especially along Springville Road. Members unanimously agreed that that would be a valuable asset for the community. Committee should discuss next steps at the next meeting.

- **Discussion of Potential Guest Speaker regarding potential gang activity (*Attachment 3*)**

Bruce Doscher suggested that the CAC should obtain additional information regarding gang activity in light of the stabbing at CB's Bar and Grill and alleged "gang tagging" in the community. The members discussed whether or not gang activity was an issue. The committee members unanimously directed Gayle Lombardi to coordinate a guest at one of the CAC meetings.

- Meeting adjourned at 8:20 (so members could attend the San Gennaro fundraiser at Oaklands).

Respectfully submitted,

Gayle Lombardi 8-10-16

Gayle Lombardi
Secretary
Hampton Bays CAC

4/4



HAMPTON BAYS

Union Free School District

Administrative Offices: 86 Argonne Road East, Hampton Bays, NY 11946 • Tel: (631) 723-2100 • Fax: (631) 723-2109

LARS CLEMENSEN
SUPERINTENDENT OF SCHOOLS

June 22, 2016

The Honorable Jay Schneiderman
Southampton Town Supervisor
Southampton Town Hall
116 Hampton Road
Southampton, NY 11964

Dear Supervisor Schneiderman

2016 JUN 27 AM 11:50

RECEIVED

I write today to express significant concern regarding the concept of amending the accessory apartment code in the Town of Southampton. While an official proposal has not yet been presented for Town Board consideration, the conceptual framework as presented at numerous public events causes concern for the Board of Education.

It has long been the position of the Hampton Bays Board of Education to oppose official decisions that allow for variance from existing zoning that could increase enrollment in the schools. We face a significant challenge as we deliver the best education for our kids when one considers that our land represents roughly five percent of the Town's total assessed value, yet we educate roughly 25 percent of the town's students. From end to end in Southampton Town, the disparate land values create a difference of up to tens of thousands of dollars that are being invested per pupil between districts. This unequal tax responsibility burdens our taxpayers with a disproportionate cost of education, thus perpetuating a "tale of two Southamptons." We are concerned that a loosening of the accessory apartment provisions of the code will further exacerbate that problem.

As taxpayers ourselves, we appreciate the high-cost of living in this destination location and understand that it creates a barrier for young firefighters, EMTs, police officers, and emerging professionals attempting to gain a foothold in the community to build an adult life. However, this concept is a slippery slope for increasing density, further increasing enrollment in our schools, and aggravating our already delicate environmental condition.

In Hampton Bays, we have experienced consistent enrollment growth for more than 10 years, but over the past 10 months have seen our student enrollment plateau. This reality is finally to the benefit of our district, as we can now mitigate having one of the highest average class sizes, the lowest spending per pupil, and the highest tax rate in the Town. Now is not the time to amend the Town Code in a way that will increase density and enrollment again.

As you know, municipalities, including school districts, are subject to the Tax Levy Limit Law enacted by New York State in 2011. As a result, the ability of school districts to afford

ATT 1, 1

increases in fixed costs and increases has been severely compromised and the formula does not take into account enrollment growth. For the 2016-17 school year, the tax levy limit formula was .12% (a far cry from the 2% popularly stated to be the cap amount in the absence of achieving a 60% override vote to allow for raising monies in excess of the cap).

The Hampton Bays Board of Education requests that the Southampton Town Board either revisit this concept or put forth a clear outline of what the proposal entails so that the public can officially comment. The Board of Education, as elected officials representing the district's taxpayers, strongly believe that it is their fiduciary responsibility to oppose proposals that would increase density in the Town of Southampton.

Your consideration of this position is appreciated and both the members of the Board of Education and I are available at your convenience to discuss this further.

Sincerely yours,



Lars Clemensen
Superintendent of Schools

CC: Hampton Bays Board of Education members *via email*
The Honorable Christine Scalera, Councilwoman
The Honorable Stan Glinka, Councilman
The Honorable John Bouvier, Councilman
The Honorable Julie Lofstad, Councilwoman
The Honorable Sundry Schermeyer, Town Clerk

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BETH L. SIMS
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JULIE M. SHAW

GARRETT L. SILVEIRA
MEGAN A. SHEDDEN *
JENNIFER A. GEMMELL

MARK C. RUSHFIELD *
OF COUNSEL
MARIA D. GILL **
OF COUNSEL
JOHN E. OSBORN
OF COUNSEL

* also admitted in New Jersey
** also admitted in Connecticut

WESTCHESTER OFFICE
115 STEVENS AVENUE
VALHALLA, NEW YORK 10595
(914) 741-9870
FAX (914) 741-9875

2016 JUN 30 11:15 AM
SOUTHAMPTON

2016 JUN -5 PM 1:15

RECEIVED

July 1, 2016

Certified Mail, Return Receipt Requested

Mr. James Burke
Southampton Town Attorney
Southampton Town Hall
116 Hampton Road
Southampton, NY 11964

Dear Mr. Burke:

We, as the attorneys for the Hampton Bays Union Free School District Board of Education ("Board of Education"), have been directed to write and raise an issue of critical concern regarding the duty owed by the Town of Southampton to the school community and residents of the Hampton Bays Union Free School District ("Hampton Bays UFSD" or "School District"). As you know, municipalities, including school districts, are subject to the Tax Levy Limit Law enacted by the New York State Legislature in 2011 that became effective for the 2012-13 School Year. As a result of that law, the ability of school districts to afford increases in fixed costs and increases due to unfunded State educational mandates has been severely compromised. For the 2016-17 School Year, the Consumer Price Index statistic that had to be applied to the tax levy limit formula was .12% (a far cry from the 2% popularly stated to be the cap amount in the absence of achieving a 60% override vote to allow for raising monies in excess of the cap). The Board of Education has done a remarkable job of fiscal management by achieving one of the lowest per pupil expenditure rates in Suffolk County. Considering that the Hampton Bays UFSD's land represents roughly five percent of the Town's total assessed value, yet the School District educates roughly 25 percent of the Town's students, it is clear that the unequal tax responsibility has burdened the School District's taxpayers with a disproportionate cost of educating children.

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The anomaly of low per pupil expenditures and high taxes in the Hampton Bays UFSD is caused, in part, by a lack of local code enforcement. The illegal use of certain properties that are classified as either hotels, motels, camps, cottages, or bungalows is of major concern, as these properties are, by definition, intended to be transient in nature, as noted in Town Code and GEIS for Hampton Bays. It is well-known that many of these properties are currently being used for permanent residence. Please note that the definition for length of stay for Motels and Hotels is defined in Southampton Town Code 330-5 as, "Hotels and Motels" are to be transient in use. Transient is described as "daily or weekly". Weekly is defined as "Weekly, but not to exceed a month, by the same person in any calendar year". "Camps, cottages and Bungalows" are to be used on a seasonal basis as clearly described in Southampton Town's own and adopted GEIS statement for Hampton Bays.

The negative tax implications to the Hampton Bays UFSD based upon violations of these codes and misuse of the land is tremendous. The Southampton Town Government has been aware of this practice, with documentation, and has failed to fully and permanently address the blatant misuse of these properties. The practice of allowing such transient units to operate illegally and contrary to their intended use, as clearly described in the Town of Southampton's adopted GEIS for Hampton Bays, needs to be addressed and cease immediately. Additionally, of concern, is the use of single family homes for multiple family use, which is inconsistent with the Town Code and also contributes to higher taxes.

The Hampton Bays UFSD Board of Education requests the current Southampton Town Board to immediately start enforcing land use throughout Hampton Bays at all motel, hotel, camp, cottage and bungalow locations to be used for their intended transient use. An immediate transition of such properties will bring tangible results prior to the 2016-2017 school year. It is the Board of Education's strong belief that the proper use of all such locations would promote tourism, raise the assessed value and desirability of the community, and ultimately have the double benefit of lowering the tax rate while mitigating school enrollment density. The Board of Education of the Hampton Bays UFSD, as elected officials representing the School District's taxpayers, also strongly believe that it is their fiduciary and ethical responsibility to the tax payers to remedy this situation immediately.

Through this letter, the Board of Education seeks answers from the Town Board, the Town Supervisor and your office, on an expedited basis, regarding how the matters described above will be addressed. Your prompt attention to these matters would be appreciated.

While the Board of Education prefers a cooperative approach to resolve these issues, the Board will not hesitate to pursue legal recourse, if necessary, to ensure that the financial interests of the taxpayers of the Hampton Bays UFSD are addressed in a fair, equitable and expeditious matter.

Very truly yours,

SHAW, PERELSON, MAY & LAMBERT, LLP

BY:



DAVID S. SHAW, ESQ.

CC: The Honorable Jay Schneiderman, Town Supervisor
The Honorable Christine Scalera, Councilwoman
The Honorable Stan Glinka, Councilman
The Honorable John Bouvier, Councilman
The Honorable Julie Lofstad, Councilwoman
The Honorable Sundry Schermeyer, Town Clerk

The Honorable Anna Throne-Holst, Former Town Supervisor

The Honorable Bridget Fleming, Suffolk County Legislator and Former Councilwoman

The Honorable Christopher Nuzzi, Former Town Councilman

Ms. Tiffany Scarlato, Former Town Attorney

The Honorable Brad Bender, Former Town Councilman
Via email, brad@bradbender.com

The Honorable James Malone, Former Town Councilman

Hampton Bays Board of Education members

Mr. Lars Clemensen, Superintendent of Schools
Via email, lclemensen@hbschools.us

NEW YORK STATE LIQUOR AUTHORITY

**CANCELLATION ORDER
EFFECTIVE JULY 19, 2016**

1278675, SUFFOLK OP 1278675

WITH \$1,000 BOND CLAIM

CHARLIE BROWNS BAR & GRILL INC
CB'S BAR & GRILL
214 W MONTAUK HWY
HAMPTON BAYS, NY 11946

1308-2016/Case No 112987

Proceedings having been duly instituted pursuant to the provisions of the Alcoholic Beverage Control Law, (Chapter 478 of the Laws of 1934, as amended) to cancel or revoke the above license issued to the licensee for premises located at the address stated above and the licensee having duly pled "no contest" to the charges contained in the Notice of Pleading or a hearing having been duly held by the State Liquor Authority in connection with said proceedings, and

The matter having been duly considered by the State Liquor Authority at a meeting held on 07/05/2016, and the Authority having found

ATT 2

- 1 That on/before 5/21/16, the occurrence of noise, disturbance, misconduct or disorder in the licensed premises, in front of or adjacent to the licensed premises, or in the parking lot of the licensed premises has resulted in the licensed premises becoming a focal point for police attention, all cause for revocation, cancellation or suspension of the license in accordance with rule 36 1(q) of the Rules of the State Liquor Authority [9 NYCRR 53 1(q)]
- 2 That on 5/21/16 , the occurrence of noise, disturbance, misconduct or disorder in the licensed premises, in front of or adjacent to the licensed premises, or in the parking lot of the licensed premises adversely affects or tends to affect the protection, health, welfare, safety or repose of the inhabitants of the area in which the licensed premises are located, all cause for revocation, cancellation or suspension of the license in accordance with rule 36 1(q) of the Rules of the State Liquor Authority [9 NYCRR 53 1(q)]
- 3 That on 5/21/16, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law
- 4 That on 6/1/16, the licensee violated rule 54 3 of the Rules of the State Liquor Authority [9 NYCRR 48 3], in that it did not conform with all applicable building codes, and/or fire, health, safety and governmental regulations (Combustible materials stored by oil burner), all cause for revocation, cancellation or suspension of the license in accordance with rule 36 1(f) of the Rules of the State Liquor Authority [9 NYCRR 53 1(f)]
- 5 That on 2/7/16, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law
- 6 That on 12/28/15, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law
- 7 That on 02/25/16, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law
- 8 That on 10/10/15, the licensee violated rule 54 3 of the Rules of the Authority [9 NYCRR 48 3] in that the licensee did not conform with local governmental regulations regarding noise since an unreasonable amount of noise was found to emanate from the licensed premises, all cause to warrant revocation, cancellation or suspension of the license in accordance with rule 36 1(f) of the Rules of the Authority [9 NYCRR 53 1(f)]
- 9 That on 9/6/15, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law
- 10 That on 8/22/15, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law
- 11 That on 7/4/15, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law
- 12 That on 5/17/15, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law
- 13 That on 2/23/15, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law
- 14 That on 12/28/14, the licensee violated rule 54 3 of the Rules of the Authority [9 NYCRR 48 3] in that the licensee did not conform with local governmental regulations regarding noise since an unreasonable amount of noise was found to emanate from the licensed premises, all cause to warrant revocation, cancellation or suspension of the license in accordance with rule 36 1(f) of the Rules of the Authority [9 NYCRR 53 1(f)]
- 15 That on 12/25/14, the licensee violated rule 54 3 of the Rules of the Authority [9 NYCRR 48 3] in that the licensee did not conform with local governmental regulations regarding noise since an unreasonable amount of noise was found to emanate from the licensed premises, all cause to warrant revocation, cancellation or suspension of the license in accordance with rule 36 1(f) of the Rules of the Authority [9 NYCRR 53 1(f)]
- 16 That on 12/21/14, the licensee violated rule 54 3 of the Rules of the Authority [9 NYCRR 48 3] in that the licensee did not conform with local governmental regulations regarding noise since an unreasonable amount of noise was found to emanate from the licensed premises, all cause to warrant revocation, cancellation or suspension of the license in accordance with rule 36 1(f) of the Rules of the Authority [9 NYCRR 53 1(f)]
- 17 That on 12/20/14, the licensee violated rule 54 3 of the Rules of the Authority [9 NYCRR 48 3] in that the licensee did not conform with local governmental regulations regarding noise since an unreasonable amount of noise was found to emanate from the licensed premises, all cause to warrant revocation, cancellation or suspension of the license in accordance with rule 36 1(f) of the Rules of the Authority [9 NYCRR 53 1(f)]
- 18 That on 12/19/14, the licensee violated rule 54 3 of the Rules of the Authority [9 NYCRR 48 3] in that the licensee did not conform with local governmental regulations regarding noise since an unreasonable amount of noise was found to emanate from the licensed premises, all cause to warrant revocation, cancellation or suspension of the license in accordance with rule 36 1(f) of the Rules of the Authority [9 NYCRR 53 1(f)]
- 19 That on and before 6/1/16, the licensee, through the actions of its principal and its agents and employees, has violated rule 54 2 of the Rules of the State Liquor Authority [9 NYCRR 48 2] in that the licensee has failed to exercise adequate supervision over the conduct of the licensed business, all cause for revocation, cancellation or suspension of the license in accordance with rule 36 1(f) of the Rules of the State Liquor Authority [9 NYCRR 53 1(f)]

IT IS HEREBY ORDERED that the license aforesaid issued to said licensee for the above described premises be, and the same hereby is **CANCELLED**, effective 7/19/2016, and

IT IS FURTHER ORDERED that said licensee surrender said license forthwith to the State Liquor Authority or its duly authorized representative, on the above effective date

Dated 07/19/2016

STATE LIQUOR AUTHORITY

Certified by

JACQUELINE HELD
Acting Secretary to the Authority

VINCENT G BRADLEY
CHAIRMAN

To 214 W MONTAUK HWY, HAMPTON BAYS, NY 11946

Licensee's name and residence address

TEJADA, LUIS, [REDACTED] 02

Licensee's Landlord

BOVICKS INC, 214 W MONTAUK HGWY, HAMPTON BAYS, NY 11946

Please take notice that any person who shall sell any alcoholic beverages, without a license by the Liquor Authority or after his license has been revoked, cancelled or surrendered, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred dollars nor more than twelve hundred dollars or by imprisonment in a county jail or penitentiary for a term of not less than thirty days nor more than one year or both

STATE OF NEW YORK
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

80 South Swan Street, Suite 900
Albany, NY 12210-8002

317 Lenox Avenue
New York, NY 10027

535 Washington Street, Suite 303
Buffalo, NY 14203

IN THE MATTER OF PROCEEDINGS TO CANCEL OR REVOKE

NOTICE OF PLEADING

1278675, SUFFOLK OP 1278675

1308-2016/Case No. 112987

CHARLIE BROWNS BAR & GRILL INC
CB'S BAR & GRILL
214 W MONTAUK HWY
HAMPTON BAYS, NY 11946

PLEASE TAKE NOTICE, that pursuant to Section 118 of the Alcoholic Beverage Control Law, you are required to answer by mail as provided below, or in person with proper photo ID, at the office of the Division of Alcoholic Beverage Control, Harlem Center, 317 Lenox Avenue, 4th Floor, (between 125th & 126th Streets), New York, New York 10027, on **JULY 5, 2016**, at 11:00 AM, in connection with proceedings to cancel or revoke the above-referenced license, and to plead to the following charge(s)

- 1 That on/before 5/21/16, the occurrence of noise, disturbance, misconduct or disorder in the licensed premises, in front of or adjacent to the licensed premises, or in the parking lot of the licensed premises has resulted in the licensed premises becoming a focal point for police attention, all cause for revocation, cancellation or suspension of the license in accordance with rule 36 1(q) of the Rules of the State Liquor Authority [9 NYCRR 53 1(q)]
- 2 That on 5/21/16, the occurrence of noise, disturbance, misconduct or disorder in the licensed premises, in front of or adjacent to the licensed premises, or in the parking lot of the licensed premises adversely affects or tends to affect the protection, health, welfare, safety or repose of the inhabitants of the area in which the licensed premises are located, all cause for revocation, cancellation or suspension of the license in accordance with rule 36 1(q) of the Rules of the State Liquor Authority [9 NYCRR 53 1(q)]
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- 4 That on 6/1/16, the licensee violated rule 54 3 of the Rules of the State Liquor Authority [9 NYCRR 48 3], in that it did not conform with all applicable building codes, and/or fire, health, safety and governmental regulations (Combustible materials stored by oil burner), all cause for revocation, cancellation or suspension of the license in accordance with rule 36 1(f) of the Rules of the State Liquor Authority [9 NYCRR 53 1(f)]
- 5 That on 2/7/16, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law
- 6 That on 12/28/16, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law
- 7 That on 20/25/16, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law
- 8 That on 10/10/15, the licensee violated rule 54 3 of the Rules of the Authority [9 NYCRR 48 3] in that the licensee did not conform with local governmental regulations regarding noise since an unreasonable amount of noise was found to emanate from the licensed premises, all cause to warrant revocation, cancellation or suspension of the license in accordance with rule 36 1(f) of the Rules of the Authority [9 NYCRR 53 1(f)]
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- 16 That on 12/21/14, the licensee violated rule 54 3 of the Rules of the Authority [9 NYCRR 48 3] in that the licensee did not conform

STATE OF NEW YORK
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

80 South Swan Street, Suite 900
Albany, NY 12210-8002

317 Lenox Avenue
New York, NY 10027

535 Washington Street, Suite 303
Buffalo, NY 14203

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PLEASE TAKE NOTICE THAT YOUR FAILURE TO PLEAD WILL BE DEEMED A "NO CONTEST" PLEA AND NO FURTHER HEARING WILL BE HELD

PLEASE TAKE FURTHER NOTICE that you may be represented by counsel

PLEASE TAKE FURTHER NOTICE that you may plead to the charge(s) by mail instead of by personal appearance provided that a letter signed by you or your attorney, setting forth your plea of "Not Guilty" or "No Contest" is received by the Office of Counsel of the Division of Alcoholic Beverage Control at the above New York City address on or before the pleading date specified above

PLEASE TAKE FURTHER NOTICE that the maximum penalty may be a revocation and forfeiture of the Bond filed by you, and or a civil penalty. In addition, if the Authority revokes the license, the Authority may proscribe the issuance of a license at the premises for a period of two years from the date of revocation of the license

PLEASE TAKE FURTHER NOTICE: If you plead not guilty to the charge(s), a hearing will thereafter be scheduled at which you may appear with counsel, produce witnesses, and introduce evidence in your behalf

PURSUANT TO SECTION 301 of the State Administrative Procedure Act and Executive Order Number 26, interpreter services shall be made available to licensees, at no charge, by the Authority

Licensee's name and residence address
ILIADA, LUIS

Date 06/13/2016

[REDACTED]

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Licensee's Landlord
BOVICKS INC

Office of Counsel
by Michael Ammirato
317 Lenox Avenue, 4th Floor
New York, New York 10027

Notice to Landlord As stated above, in the event the disposition of this case results in a Revocation of the license, the Authority may impose, as part of the penalty, a two year prohibition against the issuance of any alcoholic beverage license at these premises

tel (212) 961- 8330
Fax (212) 961-8316

Certified Mail # 7015 06400 0002 9340 1815

LICENSE SUSPENDED

NEW YORK STATE LIQUOR AUTHORITY

IN THE MATTER OF PROCEEDINGS
TO SUSPEND, CANCEL OR REVOKE

License Number: Suffolk OP 1278675
Issued to: Charlie Browns Bar & Grill, Inc.
Dba: CB's Bar & Grill
Licensed Premises: 214 West Montauk Highway
Hampton Bays, NY 11946

EMERGENCY SUMMARY ORDER OF SUSPENSION

Serial No.:

Suffolk OP 1278675
Case No. 112987

Proceedings having been duly considered by the State Liquor Authority at a meeting held on June 14, 2016, and:

The Members of the New York State Liquor Authority, pursuant to subdivision 3 of section 401 of the State Administrative Procedure Act, and in conjunction with the Alcoholic Beverage Control Law of the State of New York and the Rules of the New York State Liquor Authority, hereby find that the public health, safety and welfare imperatively require emergency action, and therefore, enter an **EMERGENCY SUMMARY ORDER OF SUSPENSION** of alcoholic beverage license serial number Suffolk OP 1278675, issued to Charlie Browns Bar & Grill, Inc., doing business as CB's Bar & Grill, located at 214 West Montauk Highway, Hampton Bays, NY 11946.

This **EMERGENCY SUMMARY ORDER OF SUSPENSION** is based upon the following facts, findings and conclusions:

FACTS

1. Charlie Browns Bar & Grill, Inc., dba. CB's Bar & Grill is the holder of an alcoholic beverage license, serial number Suffolk OP 1278675, originally issued August 20, 2014, scheduled to expire on July 31, 2018.
2. The State Liquor Authority, by Notice of Pleading dated June 13, 2016, a copy of which is attached to this Order, commenced a disciplinary proceeding to revoke the license of Charlie Browns Bar & Grill, Inc. on the following charges:
 1. That on/before 5/21/16, the occurrence of noise, disturbance, misconduct or disorder in the licensed premises, in front of or adjacent to the licensed premises, or in the parking lot of the licensed premises has resulted in the licensed premises becoming a focal point for police attention; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(q) of the Rules of the State Liquor Authority [9 NYCRR 53.1(q)].
 2. That on 5/21/16, the occurrence of noise, disturbance, misconduct or disorder in the licensed premises, in front of or adjacent to the licensed premises, or in the parking lot of the licensed premises adversely affects or tends to affect the protection, health, welfare, safety or repose of the inhabitants of the area in which the licensed premises are located; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(q) of the Rules of the State Liquor Authority [9 NYCRR 53.1(q)].
 3. That on 5/21/16, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.
 4. That on 6/1/16, the licensee violated rule 54.3 of the Rules of the State Liquor Authority [9 NYCRR 48.3], in that it did not conform with all applicable building codes, and/or fire, health, safety and governmental regulations (Combustible materials stored by oil burner); all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(f) of the Rules of the State Liquor Authority [9 NYCRR 53.1(f)].
 5. That on 2/7/16, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.

Suffolk OP 1278675

Charlie Browns Bar & Grill, Inc.

6. That on 12/28/16, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.
7. That on 20/25/16, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.
8. That on 10/10/15, the licensee violated rule 54.3 of the Rules of the Authority [9 NYCRR 48.3] in that the licensee did not conform with local governmental regulations regarding noise since an unreasonable amount of noise was found to emanate from the licensed premises; all cause to warrant revocation, cancellation or suspension of the license in accordance with rule 36.1(f) of the Rules of the Authority [9 NYCRR 53.1(f)].
9. That on 9/6/15, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.
10. That on 8/22/15, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.
11. That on 7/4/15, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.
12. That on 5/17/15, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.
13. That on 2/23/15, the licensee suffered or permitted the licensed premises to become disorderly in violation of subdivision 6 of section 106 of the Alcoholic Beverage Control Law.
14. That on 12/28/14, the licensee violated rule 54.3 of the Rules of the Authority [9 NYCRR 48.3] in that the licensee did not conform with local governmental regulations regarding noise since an unreasonable amount of noise was found to emanate from the licensed premises; all cause to warrant revocation, cancellation or suspension of the license in accordance with rule 36.1(f) of the Rules of the Authority [9 NYCRR 53.1(f)].
15. That on 12/25/14, the licensee violated rule 54.3 of the Rules of the Authority [9 NYCRR 48.3] in that the licensee did not conform with local governmental regulations regarding noise since an unreasonable amount of noise was found to emanate from the licensed premises; all cause to warrant revocation, cancellation or suspension of the license in accordance with rule 36.1(f) of the Rules of the Authority [9 NYCRR 53.1(f)].
16. That on 12/21/14, the licensee violated rule 54.3 of the Rules of the Authority [9 NYCRR 48.3] in that the licensee did not conform with local governmental regulations regarding noise since an unreasonable amount of noise was found to emanate from the licensed premises; all cause to warrant revocation, cancellation or suspension of the license in accordance with rule 36.1(f) of the Rules of the Authority [9 NYCRR 53.1(f)].
17. That on 12/20/14, the licensee violated rule 54.3 of the Rules of the Authority [9 NYCRR 48.3] in that the licensee did not conform with local governmental regulations regarding noise since an unreasonable amount of noise was found to emanate from the licensed premises; all cause to warrant revocation, cancellation or suspension of the license in accordance with rule 36.1(f) of the Rules of the Authority [9 NYCRR 53.1(f)].
18. That on 12/19/14, the licensee violated rule 54.3 of the Rules of the Authority [9 NYCRR 48.3] in that the licensee did not conform with local governmental regulations regarding noise since an unreasonable amount of noise was found to emanate from the licensed premises; all cause to warrant revocation, cancellation or suspension of the license in accordance with rule 36.1(f) of the Rules of the Authority [9 NYCRR 53.1(f)].
19. That on and before 6/1/16, the licensee, through the actions of its principal and its agents and employees, has violated rule 54.2 of the Rules of the State Liquor Authority [9 NYCRR 48.2] in that the licensee has failed to exercise adequate supervision over the conduct of the licensed business; all cause for revocation, cancellation or suspension of the license in accordance with rule 36.1(f) of the Rules of the State Liquor Authority [9 NYCRR 53.1(f)].

Suffolk OP 1278675

Charlie Browns Bar & Grill, Inc.

3. The charges contained in the Notice of Pleading, are based on reports from the Southampton Police Department concerning Charlie Browns Bar & Grill, Inc., dba: CB's Bar & Grill.

FINDINGS AND CONCLUSIONS

1. The incidents and activities reflected in the foregoing record indicate a serious risk to the health, safety and welfare of the public caused by Charlie Browns Bar & Grill, Inc., dba: CB's Bar & Grill.

2. It is concluded that in order to protect the public health, safety and welfare, it is imperative that emergency action be taken against the immediate and continuing danger resulting from the licensee's illegal activities and failure to adequately supervise the conduct of the licensed premises. It is apparent that the licensee has failed to operate the licensed premises in conformity with the Alcoholic Beverage Control Law and Rules of the State Liquor Authority.

3. That such emergency action requires the State Liquor Authority to issue an **EMERGENCY SUMMARY ORDER OF SUSPENSION** of the alcoholic beverage license of Charlie Browns Bar & Grill, Inc., dba: CB's Bar & Grill, pursuant to subdivision 3 of section 401 of the State Administrative Procedure Act.

4. The record before the Members of the Authority demonstrates a continuing risk to the health, safety, and welfare of the People of the State of New York.

5. This **EMERGENCY SUMMARY ORDER OF SUSPENSION** is the most practical and viable means of protecting the public health, safety, and welfare available to the State Liquor Authority.

6. The Members of the State Liquor Authority have weighed the public versus the private interest in the suspension of the license, and find that the licensee's interest in the continued enjoyment of the license privilege is far outweighed by the immediate danger existing to the public health, safety, and welfare presented by the licensee's illegal activities and failure to properly supervise the licensed premises.

BASED UPON THE FOREGOING FACTS, FINDINGS AND CONCLUSIONS, IT IS HEREBY ORDERED:

1. That the alcoholic beverage license issued to Charlie Browns Bar & Grill, Inc., dba: CB's Bar & Grill, serial number Suffolk OP 1278675, is hereby **SUSPENDED** until such time as this ORDER is lifted, or until a final ORDER becomes effective in connection with the revocation proceeding instituted by the Notice of Pleading dated June 13, 2016, a copy of which is served simultaneously herewith.

2. That the licensee, its agents, servants and employees are prohibited from trafficking in alcoholic beverages until the ORDER is lifted, or until a final ORDER becomes effective in connection with the revocation proceeding instituted by the Notice of Pleading dated June 13, 2016.

3. The licensee has until July 5, 2016, to enter a plea to the charges set forth in the Notice of Pleading of June 13, 2016. Failure of the licensee to plead on or before the pleading date stated in the Notice of Pleading shall be deemed a plea of "No Contest" to the charges alleged therein.

4. In the event that the licensee should plead "Not Guilty" to the charges alleged in the Notice of Pleading of June 13, 2016, the licensee will be afforded a prompt and speedy administrative hearing with respect to such charges.

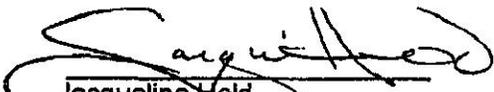
Suffolk OP 1278675
Charlie Browns Bar & Grill, Inc.

IT IS FURTHER ORDERED that said licensee surrender said license forthwith to the State Liquor Authority or its duly authorized representative, upon commencement of this said period of suspension, and

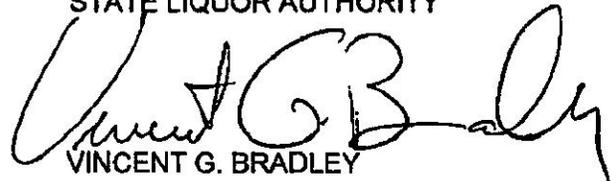
IT IS FURTHER ORDERED that failure by the licensee to comply with the terms of this order shall result in the cancellation or revocation of the said license in accordance with the provisions of the Alcoholic Beverage Control Law.

Dated. June 14, 2016

Certified by


Jacqueline Neld
Acting Secretary to the Authority

STATE LIQUOR AUTHORITY


VINCENT G. BRADLEY
Chairman

THIS ORDER OF SUSPENSION MUST BE PUBLICLY DISPLAYED IN THE FOLLOWING MANNER:

If there be a door opening from the street into the licensed premises and a window facing the street upon which such door opens, such order shall be displayed in such window so that it may be readily seen from the street. If the licensed premises are otherwise located, such order shall be affixed to the door of the entrance to the premises.

THIS SUSPENSION ORDER MUST NOT BE REMOVED FROM THE WINDOW DURING THE ABOVE PERIOD OF THIS SUSPENSION.

Please take notice that any person who shall sell any alcoholic beverage during the suspension period shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$200 or by imprisonment in a county jail or penitentiary for a term of not more than six months or both. (Section 130 of the Alcoholic Beverage Control Law)

NEW YORK STATE LIQUOR AUTHORITY

NOTICE OF DEMAND
(for license Summarily Suspended)

IN THE MATTER OF PROCEEDINGS TO REVOKE

License Number 1278675, SUFFOLK OP 1278675
Issued to CHARLIE BROWNS BAR & GRILL INC
CB'S BAR & GRILL

DO#1308-2016/Case # 112987

TO: TEJADA, LUIS
Residing at: 34 MAIDSTONE LN, WADING RIVER, NY 11792

Demand is hereby made upon you by the State Liquor Authority for the Surrender, forthwith, of license number
1278675, SUFFOLK OP 1278675 issued to you for premises located at

214 W MONTAUK HWY, HAMPTON BAYS, NY 11946 which license was

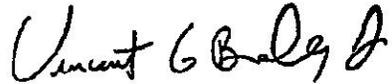
SUMMARILY SUSPENDED by the State Liquor Authority effective IMMEDIATELY.

A liquidator's permit shall be issued to the licensee upon application therefor to sell its entire stock of alcoholic beverages
to other licensees.

By order of
STATE LIQUOR AUTHORITY

Dated 06/13/2016

Certified by



JACQUELINE HELD
Acting Secretary to the Authority

VINCENT G. BRADLEY
CHAIRMAN

Aforesaid License received by: _____

of the _____ from _____
(name of person who surrendered license)

on _____, at _____ A.M./P.M. at _____
(Month, Day, Year) (Place)

(Signature)

Response from Ryan Horn
Regarding guest speaker

..several years ago, when I dealt with some of this stuff through the Supervisor's and Council Office, I spoke with then-Sergeant James Kiernan, who was the head of the Town's Street Crime Unit (uncovers, surveillance, drugs, gangs, etc.) . Since that time he has been promoted to Lieutenant and that unit has been disbanded in favor of the county-led East End Drug Task Force. Lieutenant Susan Ralph, who is also the SHTPD's community liaison would be a good person to either invite to speak herself, or to suggest someone else who could be more appropriate. She can be reached at 702-2247 or via email at sralph@southamptontownny.gov.

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