

Federal Jury Rules Against Brookhaven

By Barbara LaMonica

A federal jury has ordered the town of Brookhaven to pay \$29,000 in damages and \$1,000 in punitive damages to a Mastic Beach homeowner for the partial demolition of his house.

According to Paul Palmieri, President of the Coalition of Landlords, Homeowners & Merchants, Inc., a not-for-profit organization which represented Stephen Content of 111 Elm Street, Mastic Beach in federal court, Content was not given due process, "Basically, there was a small fire at his house and this fire department put the fire out, but a town inspector came and said the fire was still smoldering and Brookhaven's bulldozers started tearing down the house without notifying Mr. Content, and in the process they did \$29,000 in damages when Mr. Content got there to stop them," Palmieri said.

Palmieri, who explained that his coalition's mission statement is "dedicated to maintaining and advancing the principles of a free and democratic society, with the voice of the people speaking against injustices, fighting injustices and winning," alleges Content's residence was under the town's Operation Firestorm, a program under which the town demolishes structures deemed unsafe by inspectors.

Brookhaven Town Attorney Annette Eaderesto countered Palmieri's charge that Content's is n Operation Firestorm case. "There is a provision in our town code which says fire prevention and the highway department assist the fire department by extinguishing fires. Pursuant to that," Eaderesto continue, "the highway department, at the direction of the Mastic Beach Fire Department, partially demolished Mr. Content's house, which he was renovating (at the time of the fire)."

According to Eaderesto, the town highway department will collapse a structure with heavy equipment when it is needed, and when there exists danger of fire spreading to other houses.

Eaderesto said the town is paying the \$30,000 ordered by the jury, and there will be no appeal. "We're paying because the attorney's fees would exceed (expenses for) the appellate process which would be too excessive," she explained. According to Palmieri, at press time the town satisfied \$29,000 in damages.

While Eaderesto underscores that the coalition did not win an Operation Firestorm case, she added, "It becomes a Firestorm (issue) after a structure has been partially demolished. We gave Mr. Content notice to fix it up, and right now we have a Supreme Court case against him to get a Certificate of Occupancy." The town, Eaderesto said, is monitoring Content's progress on his property. "We're enforcing the law for him to get permits and CO," she noted. At press time the town attorney reported Content had acquired neither.

Content could not be reached for comment by press time. Palmieri, who says his coalition has "won between 150 to 2,000 cases," commented that the jury asked for more than \$30,000 for Content. "The jury felt the town did an injustice so he deserved more," Palmieri said, "but the judge said since \$30,000 was all he asked for, that was all he could be awarded. Operations by any building town inspectors in Brookhaven have different sets of rules like the

Neighborhood Preservation Act, and Firestorm, and they decide what they're going to do, and do it."