



Ferreira Charges Dismissed

By Russell Drumm | October 11, 2012 - 10:44am

East Hampton Town Justice Lisa Rana dismissed four charges against Thomas Ferreira, a Montauk mechanic, on Sept. 24 on the advice of John Jilincki, the town attorney, and Robert Connelly, an attorney in Mr. Jilincki's department. In doing so, she cited their brief of July 30, which cited a "legal impediment to the conviction of the defendant for the offenses charged."

Three of the four were for alleged violations of state fire and property maintenance codes dealing with the storage of unregistered vehicles and maintenance of a wooden carport. The fourth was an alleged violation of a town code requiring a building permit for a radio antenna.

The town attorneys' advice came after Lawrence Kelly, a former federal prosecutor, and Thomas Horn, an East Hampton attorney, filed a \$55 million civil rights action against the town on Mr. Ferreira's behalf, which is pending. It also followed revision of numerous town ordinances, whose details and terminology were questioned by the lawyers.

Mr. Connelly advised Justice Rana: "It appears from researching the East Hampton Town Code that the town did not affirmatively adopt, by resolution, the New York State Fire Prevention and Building Code, commonly referred to as the Uniform Code, until June 3, 2011, sometime after the defendant was served with charges for same." Mr. Connelly said that while the town was permitted to administer the code at the time, it did not have the authority to enforce it.