

# TOWN OF SOUTHAMPTON

Office of the Town Attorney  
116 HAMPTON ROAD  
SOUTHAMPTON, NY 11968

Phone: (631) 287-3065

Fax: (631) 287-3662



JAY SCHNEIDERMAN  
TOWN SUPERVISOR

JAMES M. BURKE  
TOWN ATTORNEY

KATHLEEN MURRAY  
CHRISTINE J. PRESTON  
DEPUTY TOWN ATTORNEYS

KARA L. BAK  
SEAN CAMBRIDGE  
KELLY A. DOYLE  
KATHRYN V. GARVIN  
ASSISTANT TOWN ATTORNEYS

July 28, 2020

**Sent via e-mail**

[howard.zucker@health.ny.gov](mailto:howard.zucker@health.ny.gov)

Commissioner Howard A. Zucker, M.D., J.D.  
Commissioner of Health  
New York State Department of Health  
Empire State Plaza  
Corning Tower,  
Albany, NY 12237

Dear Dr. Zucker:

The Town of Southampton is in receipt of your letter dated July 27, 2020 and welcomes an opportunity to respond to your inquiries relative to the fundraising “drive-in concert” which took place on July 26, 2020. Combatting the spread of Covid-19 and protecting public health has been the first priority of the Town. We are very proud of the many actions the Town of Southampton and the Southampton Town community has taken to ensure compliance with all of Governor Cuomo’s Executive Orders and assisting those in need during this challenging time. Whether it’s strictly enforcing state mandates including social distancing guidelines or working with non-profits to address critical needs such as food insecurities, the Town of Southampton has stepped up and continues to set an example in safeguarding the health of the public here on the East End.

In response to your questions, please be advised that the Town issued a Special Event Permit for this Event. The permit required that “[t]he event shall be conducted in compliance with all Federal, New York State, Suffolk County and Southampton Town health and social distancing protocols in effect at the time of the event.” Further terms of the permit included restricting guests to an assigned personal area adjacent to their vehicle which they could not leave except to use the restroom. PPE was provided to all guests including a mask to be worn when leaving their area to use a restroom. In addition, hand washing and sanitizing stations were required in all rows and 2 dedicated security guards per row were assigned to enforce all rules. Additional measures were taken including: signage concerning social distancing, temperature taking, parking markings ensuring appropriate distancing of vehicles, monitoring of all the aforementioned by not less than 64 private security personnel required to be hired by the event holder.

Police detail as well as the Chief Fire Marshall and several support staff were present during the event. The Chief of Police and Town Supervisor were present earlier in the evening. For most of the evening, the event appeared to be running smoothly. It wasn't until later in the evening that Town officials observed possible permit violations occurring in an area immediately in front of the stage. There was no reference to such an area in the permit application and the Town did not approve any such gathering space. Once violations became apparent, corrective measures, including requesting organizers to address the situation and the Police Department engaging in efforts to orderly disperse the crowd took place.

The Town is greatly disturbed by reports of what occurred at the event and are investigating this matter and will hold the organizers accountable.

Official aerial video documenting site conditions is available should you wish to review.

If you require anything further, please do not hesitate to contact me.

Very truly yours,



James M. Burke  
Southampton Town Attorney

JMB:ng

Cc: Sara E. Brazzell [sarah.brazzell@health.ny.gov](mailto:sarah.brazzell@health.ny.gov)