

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EAST END ERUV ASSOCIATION, INC.,
MARVIN TENZER, MORRIS TUCHMAN,
CLINTON GREENBAUM, ALAN H.
SCHECHTER, and CAROL SCHECHTER

Plaintiffs,

-against-

THE VILLAGE OF WESTHAMPTON BEACH,
CONRAD TELLER, individually and in his official
capacity as Mayor of the Village of Westhampton
Beach, TONI-JO BIRK, LEOLA FARRELL, JOAN
S. LEVAN, HANK TUCKER, each individually and
in their official capacities as Trustees of the Village
of Westhampton Beach, THE VILLAGE OF
QUOGUE, PETER SARTORIUS, individually and
in his official capacity as Mayor of the Village of
Quogue, RANDY CARDO, JEANETTE OBSER,
KIMBERLEY PAYNE, and TED NECARSULMER,
each individually and in their official capacities as
Trustees of the Village of Quogue, THE TOWN OF
SOUTHAMPTON, ANNA THRONE-HOLST,
individually and in her official capacity as Supervisor
of the Town of Southampton, NANCY S.
GRABOSKI, CHRISTOPHER R. NUZZI, JAMES
W. MALONE, BRIDGET FLEMING, each
individually and in their official capacities as
members of the Town Council of the Town of
Southampton

Defendants.

Index No. CV 11-0213

Hon. Leonard D. Wexler

**DECLARATION OF CLINTON GREENBAUM PURSUANT TO 28 U.S.C. § 1746
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, CLINTON GREENBAUM, hereby declare under penalty of perjury:

1. I am a plaintiff in the above-captioned proceeding and I have been involved in the efforts of certain residents of Suffolk County to establish an eruv in Westhampton Beach and parts of Quogue and Southampton (collectively, the "Municipalities"). As such, I am familiar

with the facts and circumstances set forth herein. I submit this Declaration in support of Plaintiffs' Motion for Preliminary Injunction.

2. I live year-round in Westhampton Beach, New York and am very involved in the community. I have been a publicly elected member of the Westhampton Beach School Board (2005-2010). I am currently a member of the Westhampton Beach Rotary Club (2003 to present), the Hampton Interfaith Council (2007 to present), and the Hampton Synagogue (1994 to present). I have served as the Treasurer of the Westhampton Beach Hurricane Education Foundation (2004 to present) and the director of its annual 5K race, and am the current Treasurer of the Westhampton Beach BOCES Learning Center Special Education PTA, an organization in which I have been active for the past 16 years and for which I have served multiple terms as president. I have led several civic campaigns that have benefited the community, including a campaign to pass a 2003 school bond that helped to fund the construction of the local school district's auditorium and expansions of the high school and elementary school, a campaign to purchase a Steinway Grand piano and climbing wall for the local elementary school. I also created the \$25 million House Tour Charity Fundraiser and co-founded Making Headway, a children's brain tumor foundation. In 2003 I received the inaugural Westhampton Beach Teacher's Association Education Advocate Award, and in 2007 I received the Rotary Club's Paul Harris Fellowship for Exceptional Community Service. In addition, I regularly march with my son Jake in Westhampton Beach's annual St. Patrick's Day Parade.

3. I have been personally involved in the establishment of an eruv in the Hamptons since 2008. Officials from the Municipalities have expressed their opposition to the eruv since that time both in public and directly to me.

4. For example, in the spring of 2008, before the Hampton Synagogue withdrew its application for an eruv, I personally spoke to each of the Westhampton Trustees at the time, which included Defendants Teller, Tucker, Levan and Birk. It was clear to me from these conversations that none of these four trustees would approve the eruv. In particular, these trustees indicated that they were opposed to the eruv because they were concerned about the change in the character of the village, the influx of Orthodox Jews, and that Westhampton would become like Lawrence. Never when we spoke did any of these trustees suggest that the eruv was impermissible under any sign law or that they were concerned about enforcing any local ordinance.

5. Further, in response to a recent inquiry regarding the currently proposed eruv, Southampton Supervisor Anne Throne-Holst e-mailed me to inform me that “the Town’s ability to respond to the [Eruv] proposal thus far has been limited to informing Verizon that issuing license agreements to permit the installation of lechis would be in conflict with the Town of Southampton’s sign ordinance.” Supervisor Throne-Holst attached Michael Sordi’s November 16, 2010 letter to her email, and reiterated her belief that “it is the duty of the Town to defend its local laws” and stated that she is “committed to supporting the efforts of our attorneys in this regard.” Supervisor Throne-Holst’s e-mail is attached hereto as Exhibit A.

6. In their opposition to the currently proposed eruv, Municipality officials have cited several local laws and ordinances, which they claim prohibit the attachment of lechis to utility poles. However, the Municipalities have not enforced any laws that would purport to prohibit the attachment of objects to utility poles.

7. Although the Village of Westhampton Beach has a sign law which regulates the attachments of signs to poles and other structures, it has not enforced it. Indeed, it has not

compelled the removal of a large variety of secular signs posted on utility poles. For example, Westhampton Beach has failed to enforce its sign law against conspicuous signs for “Tag Sales,” “Garage Sales,” “Fall Clean-Ups,” and “Yard Sales.” Additionally, Westhampton Beach has permitted a large banner promoting a St. Patrick’s Day event, several large banners promoting Westhampton Beach High School’s play “Is He Dead” to be strung across Main Street, and the attachment of two cameras to utility poles located on Main Street. Photographs depicting these signs are attached as Exhibit B.

8. Similarly, Quogue officials have not enforced Chapter 158 of the Quogue Village Code. For example, Quogue has permitted large and conspicuous signs that alert viewers to the fact that “School’s Open,” and inviting them to attend the Quogue Fire Department’s annual Pancake Breakfast. Photographs depicting these signs are attached as Exhibit C.

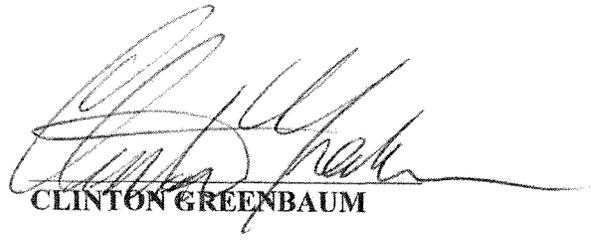
9. Like Westhampton Beach and Quogue, Southampton has pointed to its own sign law in an attempt to argue that the attachment of lechis to utility poles is prohibited. However, Southampton also does not uniformly enforce its sign law against others, and throughout the town, numerous signs – larger and more conspicuous than the lechis – are on display. Photographs depicting these signs are attached as Exhibit D.

10. In addition to the photos I have taken, I have gone to each pole upon which a lechi would be attached, and the vast majority of those poles have materials on them that show that the lechis will be no more obtrusive than what is already there, and many have staples or other evidence of prior signage.

11. I, therefore, respectfully request that this Court grant Plaintiffs’ application for a preliminary injunction.

12. I declare under penalty of perjury that the foregoing is true and correct.

14. Executed on March 14, 2011



CLINTON GREENBAUM