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Nautical Mile BBQ restaurant at odds with Freeport village over shutdown



Supporters of Backyard Barbeque, a Black-owned business located on the Nautical Mile in Freeport, rallied Sunday as its owner said the restaurant is being discriminated against after village officials issued a cease-and-desist order last week. Credit: Howard Simmons

By Keldy Ortiz

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Owners of a Black-owned business in Freeport say they are being singled out and held to higher standards than other eateries after village officials ordered them to temporarily close last week.

Located in a strip mall on Woodcleft Avenue, also known as the Nautical Mile, owners of Backyard Barbeque received a cease-and-desist letter Aug. 3 from the village building department to close their business due to "quality-of-life violations," co-owner Kenneth Ware said.

The village cited an instance of violence outside the establishment and said "this location has been a focal point of police attention." The letter said the restaurant "jeopardizes the health, safety and welfare of persons frequenting the premises and the surrounding community."

Ware and a childhood friend, Michael Toney, took over the business in November from Ware's father, Archie, who opened it in September 2018. Since he began operating the eatery, Ware said he feels he has been singled out for scrutiny. He said he has had "numerous visits" from the State Liquor Authority along with the Nassau County Health Department, and also received a ticket for playing music outside.

"We just feel that we haven't been treated fair," said Ware, 32, who recently filed an appeal to the village's closure that enabled the business to reopen Friday pending a hearing.

On Sunday, about 24 people rallied in support of the owners outside the establishment, chanting at times: "Minding my Black business" while listening to four speakers.

Richard Paul, an intervention counselor at STRONG Youth, an anti-gang advocacy group based in Uniondale, said the owners have supported the organization, which hosted a forum on youth violence last month that included people from Freeport, Roosevelt, Uniondale, Westbury and Hempstead.

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"Mr. Ware illustrates that individuals from our communities can become successful entrepreneurs," Paul said, adding: "What message are we communicating to our youth if Backyard Barbeque is no longer allowed to stay in business when that's the same establishment that invited them into their doors and educated them, fed them and most importantly treated them like the family that we are?"

Senior Pastor Arthur L. Mackey Jr. of the Roosevelt-based Mount Sinai Baptist Church Cathedral said the "discrimination" the owners experienced "is unacceptable."

"We're here to stand with the proud proprietors of Backyard Barbeque, a Black-owned business that is moving forward and making a difference," Mackey Jr., a former Freeport resident, said.

On June 20, according to the village, Freeport officials said police saw 10 to 15 people fighting in the parking lot of the establishment, and someone "appeared to be concealing a handgun in their waistband" and then ran away. That person was not caught and the business had two front windows damaged, village officials said.

On June 21, a weapon was located in the flower bed of an adjoining property, village officials said in the letter, as the location "has been a focal point of police attention during the late-night hours with groups congregating in the parking lot."

A man was hurt at a neighboring restaurant, Ware said, and "spilled over into our parking lot."

Ware said none of the incidents were directly related to his restaurant and while similar violence has occurred elsewhere in Freeport, it hasn't resulted in businesses being shut down.

Village attorney Howard Colton, who confirmed the business received a cease-and-desist letter, could not comment while the case remains pending. Colton said a business owner has the right to a hearing to appeal a cease-and-desist letter and, once an appeal is made, a business can open until a decision is made.

Ware said he was surprised by the process because "nothing on that letter says that if we give a request of an appeal that we can open up immediately." Ware said he filed the appeal after he received a phone call Thursday from Mayor Robert Kennedy telling him about the process.

According to the village code, appeals must be filed with the village clerk within 20 days of closure. Ware and Toney have a hearing scheduled for later this month.

Toney said that while growing up, he and Ware used to hang out on the Nautical Mile and are proud that they have become business owners there.

"We feel as young Black men owning a business on the Nautical Mile, this is a big accomplishment," he said, adding that the ordeal with the village "is playing with our livelihood."

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