



Town of Brookhaven Long Island

Mark Lesko, Supervisor

January 13, 2010

Supreme Court of the State of New York
Suffolk County
235 Griffing Avenue
Riverhead, NY 11901

Attention: Special Term

Re: In the Matter of the Application of Fireplace History Club and
Martin Van Lith v. Town Board of the Town of Brookhaven
Index No. 09-28006

Dear Sir/Madam:

Enclosed for filing please find Respondent's, Town Board of the Town of Brookhaven, Verified Petition with Objections in Point of Law and supporting Affidavits together with an original affidavit of service.

Thank you for your courtesy and kind cooperation.

Very truly yours,

Barbara M. Wiplush
Senior Assistant Town Attorney

BMW:gg

Enclosures

cc: Honorable Melvyn Tanenbaum
Regina Seltzer, Esq. ✓

Department of Law

Robert F. Quinlan, Town Attorney

One Independence Hill • Farmingville • NY 11738 • Phone (631) 451-6500 • Fax (631) 698-4489 • Fax (631) 451-6505

www.brookhaven.org

Litigation papers are NOT to be served by FAX except by express prior written permission



Town of Brookhaven Long Island

Mark Lesko, Supervisor

January 13, 2010

Honorable Melvyn Tanenbaum
Supreme Court of the State of New York
Suffolk County
170 Federal Plaza
Central Islip, NY 11722

Re: Fireplace History Club and Martin Van Lith, Chairman vs.
Town of Brookhaven
Index No. 09-28006

Dear Honorable Tanenbaum:

Enclosed please find a courtesy copy of the Respondent's Verified Petition with Objections in Point of Law and supporting Affidavits, the original of which were filed in Riverhead Supreme Court.

Thank you.

Very truly yours,

Barbara M. Wiplush
Senior Assistant Town Attorney

BMW:gg

Enclosures

cc: Regina Seltzer, Esq. ✓

Department of Law

Robert F. Quinlan, Town Attorney

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
FIREPLACE HISTORY CLUB, and
MARTIN VAN LITH, Chairman

Petitioner

AFFIDAVIT

- against -

Index No. 09-28006

TOWN BOARD OF THE TOWN OF BROOKHAVEN

Respondents.

-----X
STATE OF NEW YORK)
 SS.:
COUNTY OF SUFFOLK)

CAROL A. BISSONETTE, being duly sworn, deposes and says:

1. I am the Deputy Commissioner of the Town of Brookhaven Department of Parks and as such am familiar with the facts and circumstances concerning this matter.
2. In early June of 2009, as Deputy Commissioner of the Town Parks Department, I participated in a tour of those cemeteries "deemed to be significant" by Martin Van Lith, Chairman of the Fireplace History Club. At such time, Mr. Van Lith provided a list of the cemeteries which allegedly the Town was responsible to remove the grass and weeds. After the tour I advised Mr. Van Lith that the Parks Department would begin to remove the grass and weed the required cemeteries, and, thereafter, an employee of the Town Parks Department was assigned to and commenced the removal of the grass during the weeks June 15 through August 27, 2009.

3. However, upon receipt of Petitioners' filing of its Verified Petition, dated July 16, 2009, I subsequently reviewed the list of cemeteries provided by the Petitioners, in order to confirm those cemeteries that the Town has a legal obligation to provide grass removal and weeding services pursuant to Town Law Section 291.

4. I compared and reviewed those cemeteries listed in the Verified Petition to the information provided in the Town's parcel data base, which information consists of ownership, address and Suffolk County Tax Map Number (SCTM); I then compared the information on the Town's parcel data base with the Suffolk County Department of Land Records, which records are maintained in the Suffolk County Clerk's Office and shows information as to each recorded deed and parcel within Suffolk County (those records list the SCTM, the owner of record and the liber and page number).

5. My research demonstrated that the sole cemetery that the Town has an obligation to remove grass and weeds from is the Rose Family Cemetery as such property has been deeded to the Town of Brookhaven. (see, Exhibit A, deed). The remaining nine cemeteries, listed in the Verified Petition, are private, religious or family cemeteries.

Carol A. Bissonette
CAROL A. BISSONETTE

Sworn to before me this
8th day January, 2010.

Gina Guccione
Notary Public

GINA GUCCIONE
NOTARY PUBLIC, State of New York
No. 01GU4907574, Suffolk County
Term Expires October 13, 2013



CC #: C09-45289

COUNTY CLERK'S OFFICE
STATE OF NEW YORK
COUNTY OF SUFFOLK

I, JUDITH A. PASCALE, Clerk of the County of Suffolk and the Court
of Record thereof do hereby certify that I have compared the annexed with the original
DEED

recorded in my office on **01/30/1997** under Liber **D00011813** and Page **589** and,
that the same is a true copy thereof, and of the whole of such original.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said County
and Court this **11/10/2009**

SUFFOLK COUNTY CLERK

Judith A. Pascale

JUDITH A. PASCALE

SEAL

BOXES 1 THRU 9 MUST BE TYPED OR PRINTED IN BLACK INK ONLY PRIOR TO RECORDING OR FILING.

1 SUFFOLK COUNTY CLERK L# 11813 #589 Number of pages <u>3</u> TORRENS Serial # _____ Certificate # _____ Prior City _____ Deed / Mortgage Instrument	2 23009 <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 150px;"> RECEIVED REAL ESTATE JAN 30 1997 TRANSFER TAX SUFFOLK COUNTY 23009 </div> Deed / Mortgage Tax Stamp	3 <div style="display: flex; justify-content: space-between;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);"> EDWARD P. SCARLINE CLERK OF SUFFOLK COUNTY </div> <div> 97 JAN 30 AM 10:09 RECORDING </div> </div> Recording / Filing Stamp
--	---	---

4 FEES	
Page / Filing Fee <u>9</u> Handling <u>5</u> TP-584 <u>5</u> Notation _____ EA-5217 (County) <u>5</u> EA-5217 (State) <u>25</u> R.P.T.S.A. <u>15</u> Comm. of Ed. <u>5.00</u> Affidavit _____ Certified Copy _____ Reg. Copy _____ Other _____ <div style="text-align: right;"> Sub Total <u>24</u> Sub Total <u>45</u> GRAND TOTAL <u>69</u> </div>	Mortgage Amt. _____ 1. Basic Tax _____ 2. SONYMA _____ Sub Total _____ 3. Spec/Add. _____ TOT. MTG. TAX _____ Dual Town _____ Dual County _____ Held for Apportionment _____ Transfer Tax <u>0</u> Mansion Tax _____ The property covered by this mortgage is or will be improved by a one or two family dwelling only. YES _____ or NO _____ If NO, see appropriate tax clause on page # _____ of this instrument.

<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> Real Property Tax Service Agency Verification </div> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Dist</th> <th>Section</th> <th>Block</th> <th>Lot</th> </tr> </thead> <tbody> <tr> <td>0200</td> <td>978.50</td> <td>01.00</td> <td>001.055</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Dist	Section	Block	Lot	0200	978.50	01.00	001.055													6 Title Company Information First American Title Ins. Co. Company Name 632-8-5047-B Title Number
Dist	Section	Block	Lot																		
0200	978.50	01.00	001.055																		

7 FEE PAID BY: Cash _____ Check _____ Charge _____ Payer same as R & R _____ OR: AQUERBOGUE ABSTRACT CORP. 123 MAPLE AVENUE RIVERHEAD, NY 11901	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> RECORD & RETURN TO: Michele DePaolo Brookhaven Town Law Department 3233 Route 112 Medford, NY 11763 </div> 8 RECORD & RETURN TO (ADDRESS)
--	--

Suffolk County Recording & Endorsement Page

This page forms part of the attached Deed for Cemetery made by:
 (Deed, Mortgage, etc.)

The premises herein is situated in
SUFFOLK COUNTY, NEW YORK.

In the TOWN of Brookhaven

In the VILLAGE
 or HAMLET of Brookhaven

Post Point Farm Associates

TO
Town of Brookhaven

Post Point Farm, Section II

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT. THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

TAX
- 0 -

THIS INDENTURE, made the 6 day of February, nineteen hundred and eighty-nine
BETWEEN POST POINT FARM ASSOCIATES, a co-partnership having
its principal place of business at 12 Montebogue Lane,
Woolhampton Beach, New York,

party of the first part, and TOWN OF BROOKHAVEN, a municipal corporation
having its principal place of business at 3233 Route 112,
Medford, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration
paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs
or successors and assigns of the party of the second part forever,

5/15/96
C.K.
H

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the Hamlet of Brookhaven, Town of Brookhaven, County
of Suffolk, State of New York and more particularly described
as follows:

Beginning at a point on the easterly side of Jared's Path and
the southwest corner of the cemetery and point being the following
3 courses and distances from the westerly end of a 25.00 foot
radius curve connecting the northerly side of Jared's Path with
the westerly side of Gorman Avenue (Mott Lane); 1. South 88°
51' 50" West 465.00 feet; 2. Along a curve to the right in a
northwesterly direction having a radius of 200.00 feet and a length
of 355.17 feet; 3. North 10° 36' 40" West 249.72 feet; thence
from said point of beginning North 10° 36' 40" East 150.00 feet
along the easterly side of Jared's Path to a point; thence South
79° 23' 20" East 90.00 feet along a Town of Brookhaven Recharge
Basin to a point; thence South 10° 36' 40" West 150.00 feet along
the Town of Brookhaven Recharge Basin to a point; thence North
79° 23' 20" West 90.00 feet along the Town of Brookhaven Recharge
Basin to the easterly side of Jared's Path and the point or place
of beginning, containing an area of 13,500 square feet.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and
roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances
and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO
HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of
the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything
whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of
the first part will receive the consideration for this conveyance and will hold the right to receive such consid-
eration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply
the same first to the payment of the cost of the improvement before using any part of the total of the same for
any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above
written.

IN PRESENCE OF:

POST POINT FARM ASSOCIATES

BY:


PETER L. SIMMONS, Co-partner

11813 K589

STATE OF NEW YORK, COUNTY OF

§§:

STATE OF NEW YORK, COUNTY OF

§§:

On the day of 19 , before me
personally came

On the day of 19 , before me
personally came

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged that
executed the same.

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged that
executed the same.

STATE OF NEW YORK, COUNTY OF SUFFOLK

§§:

STATE OF NEW YORK, COUNTY OF

§§:

On the 6 day of February 1989, before me
personally came PETER F. SIMMONS
to me known, who, being by me duly sworn, did depose and
say that he resides at No. 12 Monticogue Ln.
Westhampton Beach, N.Y.
that he is a co-partner in Post Point
Farm Association

On the day of 19 , before me
personally came
the subscribing witness to the foregoing instrument, with
whom I am personally acquainted, who, being by me duly
sworn, did depose and say that he resides at No.

that he knows

in and which executed the foregoing instrument; that the
described in and who executed the foregoing instrument;
that he, said subscribing witness, was present and saw
execute the same; and that he, said witness,
at the same time subscribed his name as witness thereto.

to be the individual
described in and who executed the foregoing instrument;
that he, said subscribing witness, was present and saw
execute the same; and that he, said witness,
at the same time subscribed his name as witness thereto.

Karen M. Coid
Notary Public

KAREN M. COID
NOTARY PUBLIC, State of New York
No. 4957500, Suffolk County
Term Expires February 10, 1990

Warranty and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. _____

TO

SECTION

BLOCK

LOT

COUNTY OR TOWN

Recorded at Request of
CHICAGO TITLE INSURANCE COMPANY

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

CHICAGO TITLE
INSURANCE COMPANY

RECORD & RETURN TO:
Michele DePalo
Brookhaven Town Law Dept.
3233 Route 112
Medford, NY 11763

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

Index No. Year RJI No. Hon.
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

Application of
FIREPLACE HISTORY CLUB,
and MARTING VAN LITH, Chairman,

Petitioners,

For a Judgment Pursuant to
CPLR Article 78

-against-

TOWN BOARD OF THE TOWN OF
BROOKHAVEN,

Index No. 09-28006

Respondents.

AFFIDAVIT

Robert F. Quinlan, , BROOKHAVEN TOWN ATTORNEY

BY: Barbara M. Wiplush, Senior Asst. Town Atty.
Attorney for Respondents

Office and Post Office Address, Telephone

1 INDEPENDENCE HILL

FARMINGVILLE, NEW YORK 11738

(631) 451-6500

LITIGATION PAPERS ARE NOT TO BE SERVED BY FAX EXCEPT BY EXPRESS PRIOR WRITTEN PERMISSION

To

Signature (Rule 130-1.1-a)

Attorney(s) for

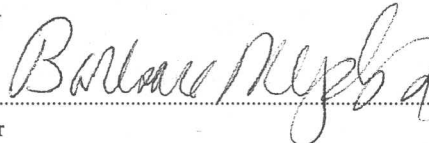
Print name beneath

Barbara M. Wiplush, Senior Asst. Town Atty.

Service of a copy of the within

is hereby admitted.

Dated,



Attorney(s) for

Please take notice

☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

at

M

Dated,

Yours, etc.

Robert F. Quinlan, BROOKHAVEN TOWN ATTORNEY

BY:

To

Attorney for

Attorney(s) for

Office and Post Office Address

1 INDEPENDENCE HILL

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
FIREPLACE HISTORY CLUB, and
MARTIN VAN LITH, Chairman

Petitioner

AFFIDAVIT

- against -

Index No. 09-28006

TOWN BOARD OF THE TOWN OF BROOKHAVEN

Respondent.

-----X
STATE OF NEW YORK)
SS.:
COUNTY OF SUFFOLK)

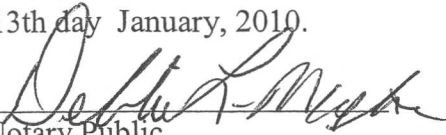
KIM KRAMER-ROMERO being duly sworn, deposes and says:

1. I am a Planning Aide within the Town of Brookhaven Department of Planning, Environment and Land Management, Division of Planning, and have reviewed the list of cemeteries as provided by Petitioners. (See, attached Petitioner's list with asterisks)
2. I used the Suffolk County Real Property's Geographic Information System (GIS Basemap) and the Town Geographic Information System (GIS) to derive the locations and Suffolk County Tax Map Parcel Numbers for the cemeteries. I further reviewed information maintained by the Town Assessor's Office as to parcel ownership. My research showed that the Town of Brookhaven is the owner of the SCTM Number parcel identified for the Rose Family Cemetery. My research also showed that County of Suffolk is the owner of the parcel identified by SCTM Number for the South Haven Presbyterian Church Cemetery and the Carman Family Cemetery; and that the Federal government is the owner of the parcel identified by SCTM Number for the Nathaniel

Hawkins Cemetery and the David Hawkins Cemetery, as shown on the "Cemeteries –
Brookhaven Hamlet" list, which I prepared, (see attached).

Kim Kramer-Romero
KIM KRAMER-ROMERO

Sworn to before me this
13th day January, 2010.


Notary Public

DEBBIE L. MASTERSON
NOTARY PUBLIC, State of New York
No. 01MA4694984, Suffolk County
Term Expires February 28, 2010

EXHIBIT A



Fire Place History Club

Dedicated to preserving and sharing the history of Brookhaven Hamlet, the oldest settlement on the South Shore of Brookhaven Town.

18 River Lane, Brookhaven NY 11719 • 631-286-6897

Karen M. Wilutis, Esq.
Brookhaven Town Attorney
FAX: 698-4489

July 31, 2009

Dear Ms. Wilutis,

Our attorney, Regina Seltzer, said that you have had trouble accessing the database of Brookhaven Town-maintained cemeteries and asked me to send you a copy of the relevant pages listing the cemeteries that we are asking the Town to maintain. This information is contained in the following three pages, taken from what I believe to be the most recent update of the Town's Cemetery Field Survey Results.

Sincerely,

A handwritten signature in cursive script that reads 'Martin Van Lith'.

Martin Van Lith
vanlith@optonline.net
631-286-5897

Town of Brookhaven
Cemetery Field Survey Results

114	Nassakeage Hawkins Private Graveyard	Pond Path	south of the Lutheran Church, east side of Pond Path	Setauket	maintained by TOB, some help from Three Village Historical Society
132	Methodist Cemetery	Northeast Corner Rte 25A & Main Street	Behind Setauket Methodist Church	Setauket	Maintained by church
138	Laurel Hill Cemetery	Christian Ave.	South side, west of Main Street	Setauket	Maintained by Bethel Church
15	Judge Wm Tangier Smith Cemetery	St. Georges Manor	on grounds of manor	Shirley	cemetery is enclosed by a locked fence
113	Former Robinson Private Graveyard	North Country Road	1000' north of small pond former Heatley (now Acker) property	Shoreham	stones, not remains moved to Wading River. See O. Shaw list. No file
125	Sell Private Graveyard	1/8 mile north former Shoreham LIRR Station		Shoreham	Stones moved to Wading River Cemetery
X 4	South Haven Presbyterian Church		south of Montauk Hwy	South Haven	
42	Davis Cemetery	Lotowana Lane		Stony Brook	contiguous with #43
43	Jonas Davis Cemetery	Lotowana Lane		Stony Brook	contiguous with #42
46	Smith-Rudyard Cemetery	Route 25A	on grounds of LI Museum	Stony Brook	maintained by TOB, cleanup by TVHS, some help from museum
104	Oak Hill Cemetery	Hollow Road	east side of Hollow Road	Stony Brook	maintained by private cemetery association
106	Methodist Cemetery	Christian Avenue	behind the Stony Brook Community Church	Stony Brook	portion of cemetery maintained by TOB
120	Nichols Private Graveyard	Millstream Lane	near Millbrook Dr	Stony Brook	maintained by TOB
137	Bethel Negro Cemetery	Christian Ave & Woodfield Rd.		Stony Brook	Maintained by TOB
142	Quaker Hallock Graveyard	Lubber Street	North of monument to former big oak tree	Stony Brook	Stones moved to Cemetery 106
40	Tuthill Graveyard	North Country Road	200 ft west of Great Rock	Wading River	all stones removed to SeaView Cemetery, Mt. Sinai
14	Hawkins Cemetery	Yaphank Middle Island Road	no. of Walters St.	Yaphank	
22	Yaphank Cemetery	Main Street		Yaphank	Yaphank Cemetery Assn. Box 1, Yaphank, NY 11980
37	Private Cemetery		west of Yaphank Ave. (see O.Shaw)	Yaphank	possibly unlocateable, see file
38	Homan/Buckingham Cemetery	Main Street	south side Main St., east of Yaphank Ave	Yaphank	
47	St. Andrew's Cemetery	Main Street	St. Andrew's Episcopal Church	Yaphank	maintained by church
48	Presbyterian Cemetery	Main Street	east side of Presbyterian Church	Yaphank	maintained by TOB
49	Yaphank Baptist Cemetery	Main Street	south side Main St., rear of old Fire Dept	Yaphank	maintained by TOB
133	Suffolk County Alms House	Yaphank Avenue		Yaphank	Maintained by Suffolk County

As of 7/31/09 10:12 AM

Town of Brookhaven
Cemetery Field Survey Results

VAN LITH P3 OF 4

Jul 31 09 10:21a

Martin Van Lith

Town No.	Cemetery Name	Location	Street	Hamlet	Ward No.	Notes/Background Info
17	Woodruff-Robinson Cemetery		NW of So. Country Rd,	Bellport	D-4	possibly 0200 98150 0200 015000 owned by TOB
18	Col. Wm. Howell Cemetery		west of No. Howells Pt. Road	Bellport	D-4	on private property. Owner maintains. See file
20	Bellport Cemetery	Academy Lane		Bellport	D-4	within Inc. Village of Bellport
28	Woodland Cemetery	Station Road	west side north side, opposite Bellport Country Club	Bellport	D-4	no of So. Country Rd, west side of Station Rd
56	Munsell Graveyard	South Country Road		Bellport	D-4	no record of burials in O. Shaw's record d. 1939
G-8				Bellport	D-4	See Osborn Shaw's description
G-11				Bellport	D-4	Stones moved to Cem. 28
G-7		South side of South Country Rd.	1939 Near Hoyt Estate	Bellport	D-4	
115	Former Avery private graveyard	no longer locateable		Blue Point	D-5	
116	Blue Point Cemetery	Blue Point Ave		Blue Point	D-5	maintained by Blue Point Cemetery Assn., 93 Middle Rd, BP
16	David Hawkins Cemetery		south of Montauk Hwy	Brookhaven	D-4	on grounds of Wertheim Nat'l Refuge. Permit needed
19	King David Hulse Cemetery	Fire Place Neck Road		Brookhaven	D-4	
21	Oaklawn Cemetery	Arthur Avenue	north of Montauk Hwy	Brookhaven	D-4	
29	Barteau Cemetery	Montauk Highway	approx. 500 ft. east of Yaphank Ave	Brookhaven	D-4	
30	Rose Cemetery		2640' s of Beaver Dam Rd/ 691' e of Edgar Ave	Brookhaven	D-4	
32	Miller Cemetery	r.o.w. on Fireplace Neck Road	450' east of Fireplace Neck Rd	Brookhaven	D-4	
33	Corwin Cemetery	Chapel Ave	ROW between #15 & #17 Chapel Ave	Brookhaven	D-4	
39	Hawkins Cemetery		south of Montauk Hwy; east of Old Stump Rd	Brookhaven	D-4	
51	Fireplace Methodist Cemetery			Brookhaven	D-4	all stones moved to Cem #21 or Cem #28. See O. Shaw's record
52	Rose Private Graveyard			Brookhaven	D-4	all stones moved to Cem #21, now site of Brookhaven Library
55	Post private graveyard	Beaver Dam Rd	north side, later the Burnet home place	Brookhaven	D-4	stones moved first to Cem. #20, then Cem #28
79	S. Carman/N. Miller Private Graveyards		on Suffolk Co. parkland, southwest of cemetery #4	Brookhaven	D-4	maintained by TOB

631-286-6897

p.3

As of 7/31/09 10:12 AM

Town of Brookhaven
Cemetery Field Survey Results

VAN LITH P4 OF 4

Jul 31 09 10:21a

Martin Van Lith

631-286-6897

p.4

80	Homan Graveyard	Wertheim Nat'l Wildlife Refuge	400' south of telephone pole # 121 on Montauk Hwy	Brookhaven	D-4	No maintenance required by John Deitz of Brookhaven
81	Azel Hawkins Private Graveyard	Stillwoods Road	behind #12 Stillwoods Road	Brookhaven	D-4	maintained by TOB; contact info @ Historian's Office
96	Former Ketcham Private Graveyard		monument in Cem. #28, stones removed, stored, & lost	Brookhaven	D-4	
G-1			Opposite Methodist Church	Brookhaven	D-4	
G-9		Near Fireplace Creek	1939 Back of Mary Seaman House	Brookhaven	D-4	
G-10			1939 On Carman Lush Property	Brookhaven	D-4	
G-12		Southeast of former Tiger-Corrigan Nursery	300' east of Mott Rd.	Brookhaven	D-4	
G-17		South side of Beaver Dam Rd.		Brookhaven	D-4	
7	Mt. Pleasant Cemetery	Cemetery Road, west of Kaler's Pond	Montauk Highway	Center Moriches	D-6	maintained by Mount Pleasant Cemetery Assn.
86	Bishop & Robinson Private Graveyard	Montauk Highway	rear of St. John's RC Church - see file in Historian's office	Center Moriches	D-6	originally town cemetery - maintenance unknown
105	Old Presbyterian Cemetery	Beachfern Road	south of Montauk Hwy	Center Moriches	D-6	aka Beachfern Cemetery, maintained by TOB
112	Methodist Cemetery	Montauk Highway	se of church	Center Moriches	D-6	unknown re: maintenance
122	Solomon Bishop Private Graveyard			Center Moriches	D-6	
123	Former Bishop and Reeve Graveyard	no longer locateable		Center Moriches	D-6	Stones moved to Cem. #7
124	Former Isaac Bishop Private Graveyard	no longer locateable		Center Moriches	D-6	Stones removed; see Osborn Shaw record
127	Former A. Osborn & E. Raynor Private Graveyard		500' N. Montauk Hwy 200' W Bank St.	Center Moriches	D-6	
128	Former Duryea Graveyard	Southside Montauk Hwy	Stones removed to Babylon	Center Moriches	D-6	
135	A.M.E. Zion Cemetery	West of Railroad Ave. North of Montauk Hwy	Behind A. M. E. Zion Church	Center Moriches	D-6	
87	Joseph Ruland Private Graveyard	Durst Drive	entrance on east side of #22 Durst Drive	Centereach	D-5	maintained by TOB
99	Isaac Hammond Private Graveyard	North Coleman Road	enter through elementary school parking lot	Centereach	D-5	maintained by TOB, some help from Centereach Cemetery Assn.
100	George Lee Private Cemetery	Mark Tree Road	located rear of parking lot for 3 story office building, just north of Rte 25	Centereach	D-5	maintained by TOB
23	Trinity Methodist Cemetery	Old Middle Country Road	north of 25, next to Methodist Church	Coram	rd	aka Coram Village Cemetery
24	Old Baptist Cemetery	Old Middle Country Road	north of 25, across from Methodist Church	Coram		

As of 7/31/09 10:12 AM

Cemeteries – Brookhaven Hamlet

Note: Ownership is provided according to the most recent GIS/Assessor information available through the Town portal. Numbers 1-10 below are keyed to map provided.

1. Rose Family Cemetery
SCTM: 0200-978.50-01.00-001.055
Location: Jared's Path, Fireplace Historic District
Ownership: Town of Brookhaven
2. Hulse Cemetery
SCTM: 0200-974.10-02.00-021.000
Location: W/S Fireplace Neck Road, Fireplace Historic District
Ownership: Not provided in portal (database field blank)
3. Corwin Family Cemetery
SCTM: 0200-963.00-01.00-008.000
Location: South of/adjacent to 10 Beaverbrook Drive (accessible via ROW between #15 and #17 Chapel Avenue), Fireplace Historic District
Ownership: Not provided in portal (database field blank)
4. Azel Hawkins Cemetery
SCTM: 0200-974.20-01.00-023.000 *(needs to be verified)*
Location: S/O Stillwoods Road (behind #10 Stillwoods Road), Fireplace Historic District
Ownership: Not provided in portal (database field blank)
Cannot find identified as cemetery on Suffolk County Tax Map
5. Barteau Cemetery
SCTM: 0200-903.00-01.00-010.000
Location: N/O Montauk Highway (South Country Road), accessible via right of way from South Country Road – NOT located in Fireplace Historic District
Ownership: Not provided in portal (database field blank)
6. Miller Family Cemetery
SCTM: 0200-974.10-03.00-016.000
Location: E/O Fireplace Neck Road (at rear of 19 Fireplace Neck Road, directly to the east of the recharge basin, between Brookhaven Elementary School and Brook Nursery Road), Fireplace Historic District
Ownership: Private
7. David Hawkins Cemetery
SCTM: 0200-933.00-01.00-002.000
Location: Within the Wertheim National Wildlife Refuge – NOT located in Fireplace Historic District
Ownership: Federal

8. South Haven Presbyterian Church Cemetery
SCTM: 0200-849.00-03.00-005.000
Location: South of Montauk Highway, west of the Carmans River
(Private Road) – NOT located in Fireplace Historic District
Ownership: Suffolk County
9. Carman Family Cemetery
SCTM: 0200-878.00-01.00-001.004
Location: South of Montauk Highway, west of the Carmans River –
NOT located in Fireplace Historic District
Ownership: Suffolk County
10. Nathaniel Hawkins Cemetery
SCTM: NEEDS TO BE VERIFIED – appears to be somewhere on parcel
0200-933.00-01.00-001.000 (cannot be located on Suffolk County Tax
Maps)
Location: South of Montauk Highway, east of Old Stump Road (just to
the north and west of the David Hawkins Cemetery) – NOT located in
Fireplace Historic District
Ownership: Federal

Index No. Year RJI No. Hon.
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

Application of
FIREPLACE HISTORY CLUB,
and MARTING VAN LITH, Chairman,

Petitioners,

For a Judgment Pursuant to
CPLR Article 78
-against-
TOWN BOARD OF THE TOWN OF
BROOKHAVEN,

Index No. 09-28006

Respondents.

AFFIDAVIT

Robert F. Quinlan, , BROOKHAVEN TOWN ATTORNEY

BY: Barbara M. Wiplush, Senior Asst. Town Atty.
Attorney for Respondents

Office and Post Office Address, Telephone
1 INDEPENDENCE HILL
FARMINGVILLE, NEW YORK 11738
(631) 451-6500

LITIGATION PAPERS ARE NOT TO BE SERVED BY FAX EXCEPT BY EXPRESS PRIOR WRITTEN PERMISSION

To

Signature (Rule 130-1.1-a)

Attorney(s) for

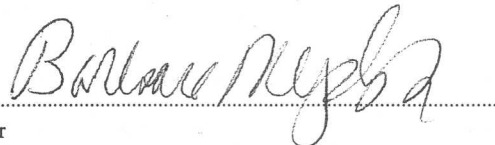
Print name beneath

Barbara M. Wiplush, Senior Asst. Town Atty.

Service of a copy of the within

is hereby admitted.

Dated,



Attorney(s) for

Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

at

M

Dated,

Yours, etc.

Robert F. Quinlan, , BROOKHAVEN TOWN ATTORNEY

BY:

To

Attorney for

Attorney(s) for

Office and Post Office Address
1 INDEPENDENCE HILL