

My name is Richard Thomas. I reside in the hamlet of Brookhaven, which, until 1871, was known as Fire Place.

I wish to address the Town Council tonight to say how pleased I am that the Town will soon resume its care and maintenance of the historic burial grounds located in Brookhaven and South Haven hamlets.

New York has long recognized the need to maintain these historic graveyards. The state legislature first passed a law placing the responsibility to do so with the Town governments in 1826.

In 1901, at the urging of the Daughters of the American Revolution, the state legislature made it clear that it is the duty of every Town to mow the weeds and remove the brush from any abandoned cemeteries once each year.

And in 1909, the state legislature stated that it was the responsibility of the Town to provide for the preservation, care and fencing of *any* cemetery, *by whomsoever owned*, if there were no longer any corporation or trustees who might care for it.

The Town of Brookhaven was faithful in carrying out its legal and moral responsibility for many years.

An article in the *Patchogue Advance* in 1937 reported that the Town Highway Department was again engaged in removing the brush from twelve graveyards in Brookhaven and South Haven.

And in 1964, the Town was regularly issuing a purchase order to a private contractor to haul away debris and cut the weeds in thirteen burying grounds in Brookhaven and South Haven.

These sites, which long ago ceased to be used for burial purposes, continue to provide a link to our past and have great historical value, since in them are interred patriots of the Revolutionary War and leaders of the Town of Brookhaven.

They are no longer private family graveyards, but have become public historic sites.

They have been used by our local schools to educate students about local history and are a rich resource for local and Town historians.

I do not know why the Town forgot about its moral responsibility and legal duty to care for these historic sites, but sometime after 1970, the Town appears to have done so.

The Fire Place History Club contacted officials in the Parks Department beginning in 2005.

While these public servants were quick to acknowledge that it *was* their duty to care for the historic cemeteries, and made repeated promises to begin doing so again, they somehow never actually managed to get any weeds mowed or any brush removed from a single cemetery.

First they claimed they had forgotten where the cemeteries were, so the Deputy Parks Commissioner was given a tour. Still nothing happened.

Each year the trees that had sprouted up in the cemeteries grew larger, and after every winter more grave markers were found to be broken and destroyed by fallen limbs.

In these cemeteries are buried eleven who fought in the Revolutionary War, and also a Town Supervisor and a President of the Board of Trustees of the Town of Brookhaven.

In the Carmans cemetery is buried Samuel Carman Jr. who became a Trustee of the Town in 1827 and elected President of the Board of Trustees of the Town in 1849.

In 2003, his grave stone was still fully intact. By 2008, due to a falling tree in this cemetery — that has been so long neglected by the Town — his grave marker was found smashed into eight pieces.

Finally, an Article 78 was initiated.

I think the citizens of your Town would be astonished to discover that the Town decided to pay a Town attorney to fight the Article 78.

For the cost of assigning a lawyer to the case, the Town could have cared for all the cemeteries for years.

Just as shocking as the Town's disregard for its own history, the Town's filing in response to the Article 78 was surprisingly ignorant of the long history of state law regarding the responsibility of Town governments in this matter.

Also, by failing to acknowledge that the Town had indeed preserved and maintained these historic sites for a period of forty years between 1930 and 1970, and perhaps for an even much longer time, the Town seemed to be attempting to mislead the Judge as to the facts in this case.

The Town had long recognized by its own actions that what had formerly been private family graveyards had long ago ceased to be used for that purpose and had acquired a public nature by their use by the schools and citizens for historical purposes.

These cemeteries have had no known private owners for decades and none have had any private trustee to care for them, so to claim that they were private cemeteries was disingenuous, to say the least.

In his order of August 20, 2010, Judge Melvyn Tanenbaum of the New York State Supreme Court of Suffolk County showed that he was not, however, misled, and so I look forward to the day (which, according to the Judge's order, is to be before November 18<sup>th</sup> of this year), when the Town will be resuming its maintenance of these cemeteries so important to the history of Brookhaven Town.