

TWN - Town

Article 17 - CEMETERIES

290 - Duties of town board.

291 - Burial grounds.

292 - Transfer of burial grounds to cemetery corporation.

292-A - Cemetery and funeral home combinations.

293 - Exception.

294 - Armed forces' burial plot.

295 - Removal of remains of deceased members of armed forces.

296 - Abandonment of cemeteries.

§ 291. Burial grounds. 1. The title to every lot or piece of land which shall have been used by the inhabitants of any town in this state as a cemetery or burial ground for the space of fourteen years shall be deemed to be vested in such town, and shall be subject in the same manner as other corporate property of towns, to the government and direction of the town board. In any town the town board may adopt regulations for the proper care of any such cemetery and burial ground and regulating the burial of the dead therein. It shall be the duty of the town board to remove the grass and weeds from any such cemetery or burial ground in any such town at least three times in each year, and to erect and maintain suitable fences around such cemetery or burial ground. The town board of any town must also provide for the removal of grass and weeds at least twice in each year from any cemetery or burial ground, by whomsoever owned, in such town, where such control is not vested by other provisions of law in the town or in trustees or other corporate body, and provide for the preservation, care and fencing of any such cemetery and the town board of any town must also provide for the removal of grass and weeds from all cemeteries, other than private burial grounds, which are abandoned or not controlled by any existing board or body and for the care of which there exists no special fund or endowment and such duties shall be performed under the supervision of the town board, or a person whom the town board may designate; provided, however, that such duties shall not be exercised in respect to any private ground or particular lot or lots therein after the true owner or owners thereof file written objections thereto with the town clerk. The cost and expenses of any officer or person in performing any duties under or pursuant to the provisions of this section shall be a town charge, and the town board shall appropriate and provide annually the moneys necessary for carrying out the provisions of this section, and make the same available for the proper officer or persons by whom the moneys are required to be expended. The town board may also receive and execute any trust for the care of any cemetery which the town is required to care for pursuant to the provisions of this section and to receive and execute any trust for the care of lots in any such cemetery.

2. Burial grounds and cemeteries of which the title is vested in or the care or control is charged upon any town, by virtue of this section, shall not be taxed or assessed for any local improvement or other purpose whatsoever by any village, and no action shall be maintained against any town to recover the cost of any local improvement or municipal charge, based on town ownership or care of such burial grounds, the provisions of any special, local or general statute whatsoever to the contrary notwithstanding.

3. Upon the adoption of a resolution therefor, the town board may construct and maintain permanent improvements in any one or more of the classes of cemeteries described herein and may acquire, by purchase or condemnation, additional lands for cemetery or burial ground purposes, whenever in the judgment of the town board it is necessary or advisable that such improvements be made or additional lands be acquired. If the

Exhibit A

maintain cemeteries.

7. (a) No county shall, directly or indirectly:

(i) sell, or have, enter into or perform a lease of any of its real property dedicated to cemetery purposes or adjacent thereto to a funeral entity, or use any of its property for location of a funeral entity;

(ii) commingle funds used for cemetery purposes with a funeral entity;

(iii) direct or carry on its cemetery related business or affairs with a funeral entity;

(iv) authorize control of its cemetery related business or affairs by a funeral entity;

(v) engage in any sale or cross-marketing of goods or services with a funeral entity;

(vi) have, enter into or perform a management or service contract for cemetery operations with a funeral entity; or

(vii) have, enter into or perform a management contract with any entity other than a not-for-profit or religious corporation, or governmental entity.

(b) Only the provisions of subparagraphs (i) and (ii) of paragraph (a) of this subdivision shall apply to counties with thirty acres or less of real property dedicated to cemetery purposes, and only to the extent the sale or lease is of real property dedicated to cemetery purposes, and such cemeteries shall not engage in the sale of funeral home goods or services, except if such goods and services are otherwise permitted to be sold by cemeteries.

(c) For the purposes of this subdivision, "funeral entity" means a person, partnership, corporation, limited liability company or other form of business organization providing funeral home services, or owning, controlling, conducting or affiliated with a funeral home, any subsidiary thereof or any officer, director or stockholder having a ten per centum or greater proprietary, beneficial, equitable or credit interest in a funeral home.

Students clean local cemetery



Pictured are students and advisors working to clear the Rose Family cemetery.

On Saturday, Nov. 18, the Bellport High School History Club, along with Students for Environmental Quality (SEQ), took part in their second annual Cemetery Clean-up. Working with local historian John Dietz and in coordination with Brookhaven hamlet resident Helen Geraghty, the club targeted the Rose Family cemetery on Jared's Path Lane in Brookhaven. The cemetery holds the graves of several prominent early residents of the area, including Revolutionary War veterans. The students plotted the

exact location of the graves in preparation for an updated map of the site. In addition, previously missing graves were uncovered and documented for possible future restoration.

"There was a real electricity in the air as some of our Bellport High School students located headstones that hadn't been visible for decades. It was a great reminder of how significant our local history can be," said co-advisor and Bellport High School Social Studies teacher Dennis Pluth. ■



Exhibit B

Turning in their graves

Town doesn't have accurate list of its cemeteries

By SARAH HARTMANN

Brookhaven Village Association historian Martin Van Lith says that the Miller Family must be turning in their graves to read the town of Brookhaven's outdated list of cemeteries. The list has the famous Brookhaven hamlet family cemetery located in Bellport (it's not) at Miller Avenue (doesn't exist) and Beaver Dam Road (it's accessed from Brook Nursery Court).

The town list supplied recently to Van Lith from the Parks Department notes 51 cemeteries. Van Lith said the list had to be at least 50 years old and did not match anything in the town historian's office. Van Lith also noted that four Brookhaven hamlet cemeteries needed to be added to the list.

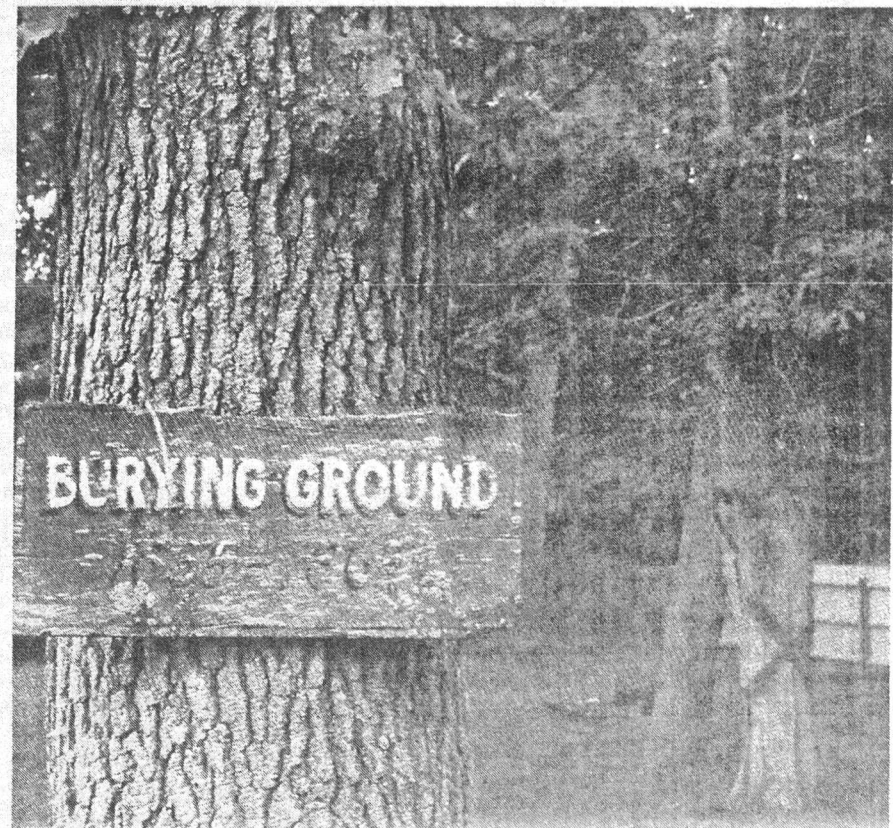
The disconnect about what the town knows exists and what really is out there goes to the heart of Van Lith and fellow Brookhaven hamlet historians' complaints about the state of the area's historic cemeteries. If the town doesn't know that they exist or even where they are located, how can it maintain them? Van Lith and his colleagues have insisted that the 20 cemeteries they have meticulously catalogued are abandoned and by law must be maintained by the town but have not received any town attention for three years.

Brian Pratt, the town's new Parks Department Commissioner for the new administration, said it's been longer than that and that his department is working on putting together a

town historic summit to address this problem, among others. "I'm a big history buff and believe that our cemeteries are an important part of our heritage. I also know that in taking care of these cemeteries far more than mowing and stone preservation is involved," said Pratt.

Pratt, who was hired by the Foley administration to completely overhaul a department long noted even among Republican insiders for its dysfunction and political patronage, said he will concentrate on the cemeteries in late fall. The effort will involve research, gridding out the cemeteries for correct location, and noting the condition of stones. "We want to put together a program for early next year," he said. He noted, too, that the town's law department would have to be consulted to establish what is meant by abandoned.

For now, Pratt admitted his department has a lot on its plate to accomplish to bring the town's many parks into the 21st century. "When I first walked our parks in January my reaction was 'yikes!'" said Pratt. No listing of town holdings even existed, let alone any kind of inventory accessible to the public that would explain where parks are located and what kinds of amenities exist at them. Further, communities' needs change. What had once served well as a pocket park for children becomes defunct if the community has grown up and now there is a different demographic. "Teens and seniors need a place to go, too, and parks are far better used and made



A weathered sign is all that marks the cemetery on Academy Lane in Bellport Village. In the distance is a tree marked with an "X" by Brookhaven Town.

ADV/Nolan

safe from vandals if they are multifaceted, thus appealing to people across a spectrum," he said.

Currently, the Parks Department is developing just such a park in Coram. The Avalon Pines Park will be state-of-the-art with a multipurpose, artificial-turf field for football, lacrosse, and soccer to compliment the two baseball fields it already has. There will be what Pratt calls "an awesome play structure" for kids, a walking track and other amenities to make it palatable to all age groups.

The department is also a little over halfway through its initial mission, which has been to catalogue the town's

holdings. "Thus far 490 parcels have been identified and researched as to the original deed, its use, and title. The parcels have also been GIS mapped and are being inventoried for assets by a team on the ground. The goal is to get the data on the town website for residents to find out which parks have what. It's a long process that will set the standard and provide a model of park stewardship for years to come.

"I'm a Boy Scout at heart," Pratt added. "The big thing for me is to leave the campsite better than I found it. We are running a non-stop schedule to get the Parks Department on the right track," he said. ■

Uncovering lively times, then and now

Bellport High School History Club restores cemeteries

By LINDA LEUZZI

Three years ago Andrew Budris, co-advisor of the Bellport High School History Club, asked his students their thoughts about excavating and landscaping local historical cemeteries.

The consensus was unanimous.

"They liked the idea," Budris recalled. "Historical cemeteries combine art and history. There's the surprise of finding hidden treasure amongst the homes you see here. On one angle we live in the suburbs, which is typical, but right down the road you wind up finding something that has the feel of an artifact."

Budris teaches AP American history and government and standard American history classes to 11th- and 12th-graders. "Politics and history is dramatic and interesting," he said. "If you can construct an activity for them that catches their interest, they'll be glad they attended." Dennis Pluth, also an American history teacher, guides the club with Budris.

The Nathaniel Miller Cemetery, off Fire Place Neck Road, was the first cemetery the group renovated in Brookhaven hamlet, along with the Students for Environmental Quality (SEQ) Club. That gathering engaged the students so much they've since cleaned headstones and debris at the Rose Cemetery, also with the SEQ, and most recently, the Barteau Cemetery.

At the Barteau Cemetery, Budris pointed out a gravestone that was cov-



Members of the Bellport High School History Club helped restore a cemetery in Brookhaven hamlet recently.

ered over with leaves, weeds and dirt. Etched in stone was the name Deborah (Barteau) Havens, born in 1780 and passed away in 1866. She was buried with her husband, Peter. "It was way beyond life expectancy and she would also have a memory of George Washington and the assassination of Abraham Lincoln and it's extraordinary to see that kind of history within your own lifetime," Budris said.

John Deitz and Marty Van Lith, members of the Fire Place History Club, provide a background of the families

who contributed to the founding of the area before the students begin their work. "Generally comments from the kids are how surprised they are to find things," Budris explained. "It feels like important work and a lot of times, students aren't allowed to do important work. Digging up stones, cleaning them and plotting them for historical records, it has a real value to the community."

Senior Molly Forsythe has been

See HISTORY on page 22

ADOPTED
BY THE BROOKHAVEN TOWN BOARD

RESOLUTION NO. 76-09
MEETING: JANUARY 27, 2009

AUTHORIZATION TO DISBURSE
FUNDING FROM THE CAITHNESS
COMMUNITY BENEFIT FUND TO THE
BROOKHAVEN VILLAGE
ASSOCIATION, THE FIRE PLACE
HISTORY CLUB, THE SHINNECOCK-
SEWANAKA SOCIETY INC. AND THE
YAPHANK HISTORICAL SOCIETY

WHEREAS, Caithness Long Island LLC made an application to the Town Board of the Town of Brookhaven for a special permit and related variances for the construction and development of an electric generating facility; and

WHEREAS, pursuant to the approval of the special permit and variances, Caithness, LIPA and the Town agreed to a Host Community Benefits Agreement which provides for the establishment of a Community Development Fund the proceeds of which shall be used solely to support projects in the designated host communities; and

WHEREAS, by Resolution No. 289-07 adopted April 17, 2007, the Town Board approved the creation of a Citizens Advisory Committee for the Caithness Community Development Fund to consider and make recommendations to the Town Board for the distribution of Community Development Funds; and

WHEREAS, the Citizens Advisory Committee after numerous meetings and careful deliberations have made recommendations to the Town Board for the initial distribution of funds as listed in the attached Grant Information Sheets, which grants total \$100,400.00; and

RESOLUTION SUBMISSION

MEETING OF: JANUARY 27, 2009

RESOLUTION NO. 76-09

MOVED BY COUNCILMEMBER: CONNIE KEPEPT

REVISION

SHORT TITLE: AUTHORIZATION TO DISBURSE FUNDING FROM THE CAITHNESS COMMUNITY BENEFIT FUND TO THE BROOKHAVEN VILLAGE ASSOCIATION, THE FIRE PLACE HISTORY CLUB, THE SHINNECOCK-SEWANAKA SOCIETY INC. AND THE YAPHANK HISTORICAL SOCIETY

DEPARTMENT: TOWN COUNCIL

REASON: To disburse funding in accordance with the Caithness Community Benefit Fund

PUBLIC HEARING REQUIRED:

DEPARTMENT OF FINANCE APPROVAL: YES NO

DOLLARS INVOLVED: \$100,400.00 (H1315 5893 C005, H1315 5893 C006, H1315 5893 C007 and H1315 5893 C008)

SEQRA REQUIRED: no

DETERMINATION MADE: POSITIVE NEGATIVE

FEIS/FINDINGS FILED:

EXECUTION OF DOCUMENT REQUIRED:

AMB:pd

Present	Absent		Motion	Aye	No	Abstain	Not Voting
		Councilmember Fiore-Rosenfeld		1			
		Councilmember Bonner		1			
		Councilmember Walsh		1			
		Councilmember Kepert	1	1			
		Councilmember Mazzei	2	1			
		Councilmember Romaine		1			
		Supervisor					

Lively times

HISTORY from page 5

involved with the second and third cemetery cleanups. "They were involved with the Revolutionary War," said Forsythe of the folks who came before her. "And I feel I'm showing my respect for the history of our country. There was one headstone we uncovered this year they thought had been lost and we found it. It was still legible and we were able to figure out who it was. This person was actually part of the family who founded Brookhaven hamlet and he's the reason we're living here now."

That was Nathan Rose Barteau. Historical records note that his parents Nathan Rose and Temperance Barteau were romantically involved way back. Temperance became with child, as they called it, and had Nathan Jr. in 1758. Ten days later, Nathan Sr. ran off to fight in the French Indian War. Trustees of the town oversaw the care of little Nathan. Years later, the son would take his mother's maiden name as his surname. He eventually reconciled with his father, Captain Nathan Rose of the Third Company, First Regiment of Suffolk County during the Revolutionary War and served under him.

"It was like a little *Peyton Place* back then," admitted Van Lith.

Besides the cemeteries, the history club also holds assemblies around election time, featuring informational skits and debates as prompting aids to help students of voting age make informed decisions. "We meet every two weeks after school on Thursdays," Budris said about the dozen or so students. "We tend to talk about politics and then plan activities."

Van Lith was hoping that would include more cemetery restorations. "We hope in the future to explore some of the cemeteries near the Wertheim Refuge and do a historical environmental tour of the refuge in the late spring," he said. ■

Football kickoff

Bellport.
William Floyd win
season openers

See page 35

Case closed?

Bellport wins Datri suit, appeal filed

See page 5

Sex offender alert

WF reroutes buses

See page 6

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135th Year, No. 5

September 21, 2006

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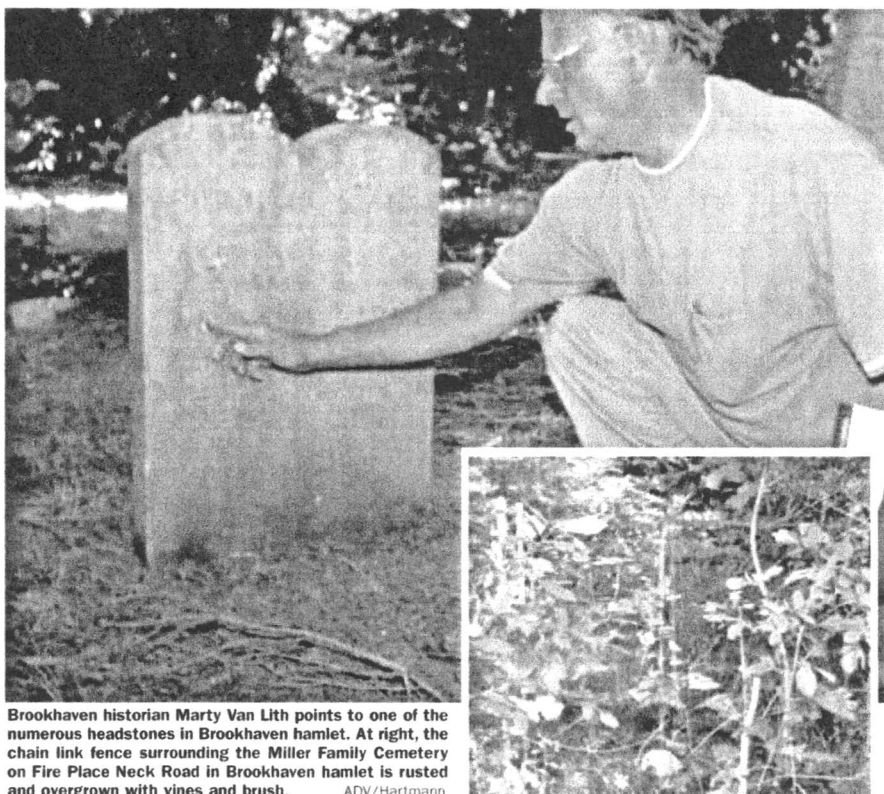
Link to the past being severed

Local historians see historical cemeteries neglected and crumbling

By SARAH HARTMANN

Down Fireplace Neck Road, a block and a half further than the old Miller homestead, through a side yard where the last few of the season's plum tomatoes hang from a garden vine, to a patch of woods that abuts an elementary school, lies a plot of land forgotten by all but those who pay attention to the past. The chain link fence surrounding it is now rusted and so overgrown with vines and brush that it is hard to see the headstones within, but they are there, a testament to the fact that the dead who lie beneath the ground in the Miller Family Cemetery were once flesh and blood residents of Brookhaven hamlet.

See CEMETERIES on page 8



Brookhaven historian Marty Van Lith points to one of the numerous headstones in Brookhaven hamlet. At right, the chain link fence surrounding the Miller Family Cemetery on Fire Place Neck Road in Brookhaven hamlet is rusted and overgrown with vines and brush.

ADV/Hartmann

Murky waters for mosquito testing

Plans to build a county laboratory are a question of finances

By SHOSHANNA MCCOLLUM

A solitary batch of mosquitoes, which took three weeks before test results could be known between sample gatherings to public announcement, tested positive for West Nile Virus earlier this month and raised more questions than it could answer.

The sample was collected at Watch Hill on Fire Island within the limits of a national park, but the same protocols were followed for other specimens gathered in Suffolk County—be it Bayport, Mastic Beach, Orient Point or anyplace else mosquitoes might be studied at regular intervals over the summer months.

Positive West Nile sample results

often take longer to confirm. Specimens with questionable findings are put through a battery of additional tests before certified as positive or negative.

"We send our samples to Albany because (Suffolk County) does not have a P-3 laboratory on site," said Dr. Scott Campbell, head of the Suffolk County Department of Health Anthropoid Borne Disease Laboratory.

"A P-3 Lab (also known as Bio-Safety Level Three) is the level of virus testing security required for West Nile and Eastern Equine Encephalitis to protect the public at large. It calls for special equipment and trained staff," he added.

The lack of a P-3 laboratory is not the

only obstacle standing in the way of timely test results, according to Dr. Campbell, as he described the terms of the sample delivery.

"For the past two years we had a contract with Albany," he said. "Under the contract we could send samples daily if we had to. We could send a single mosquito and they would test it. That contract was not renewed this year, and now we are limited to delivering samples only once a week. We must also stay within maximum and minimum specimen counts."

However, Dr. Patricia Dillon, director of Communicable Diseases, also with the Suffolk County Department of Health, did not agree with Campbell's assessment. "This is a service the

state offers at no cost, and we are very pleased with their turnaround time," she said.

While Dillon did not disclose how much the contract with the Albany labs had cost, she maintained that it duplicated services which the labs offered to all counties within the state at no charge, and the contract was not in the best interests of the Suffolk County taxpayers, according to Dillon.

"The state became overwhelmed when West Nile surfaced in New York back in 1999," Dillon said. "This is no longer the case. They have made great strides since then. We wouldn't benefit from a contract."

See MOSQUITO on page 12

Link to the past being severed

CEMETERIES from page 1

Historically recognized as the Fire Place for reasons still unknown, Brookhaven hamlet had at one time been home to at least 20 cemeteries. Through the years, some have been moved to Oak Lawn Cemetery so that today 17 remain in one form or another. All have been indexed and chronicled by Brookhaven hamlet residents Martin Van Lith and John Deitz. Van Lith, who is historian for the Brookhaven Village Association, and Deitz, who has joined him in these efforts and in the formation of the year-old Fire Place History Club, have spent countless hours walking the historic burial grounds, sometimes caring for them and lately worrying about them.

At one time, Van Lith and Deitz explain, the town of Brookhaven maintained these special places, mowing the lawns, mending the fences, keeping the brush at bay, but that care stopped about three years ago.

And now cemeteries where lie famous men like Nathaniel Miller II, a Brookhaven Town supervisor during the Civil War, and David "Priest" Rose, the fiery South Haven Presbyterian Church minister who advocated for the American Revolution, have become targets for vandals, and are in danger of literally fading away through neglect. The loss for Van Lith, for Deitz and for historic grant writer Helen Geraghty would be almost too awful to contemplate.

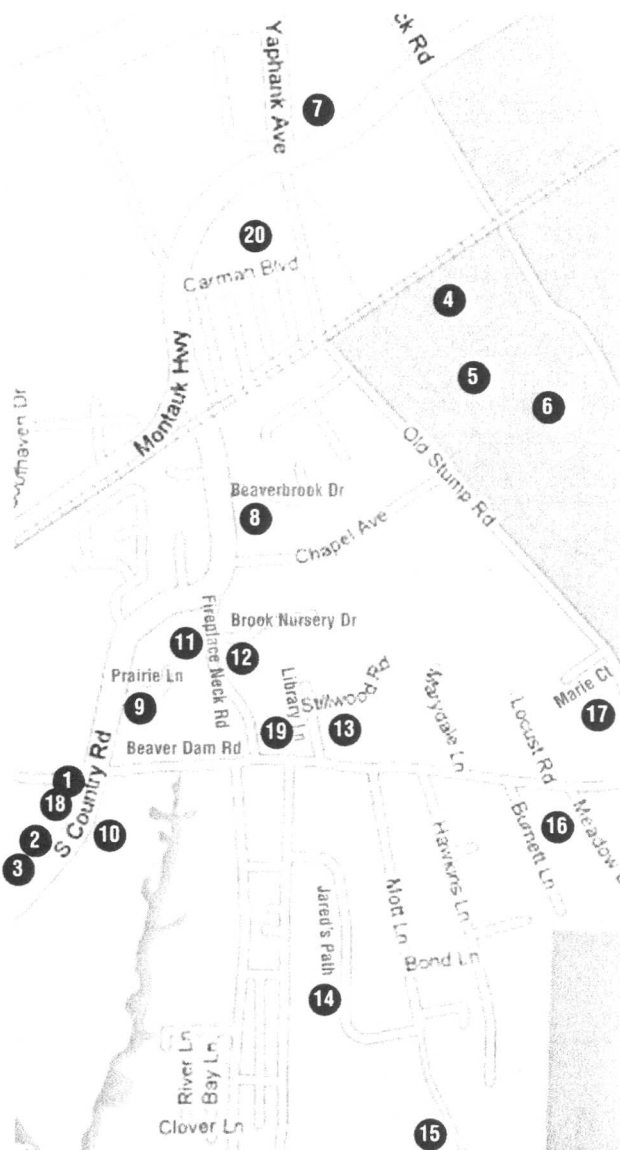
Geraghty, who has summered in the Miller house with her family for the past eight years and has just this spring moved in permanently, has a connection to the Millers that others might not. She explains that the house was built in 1815, and added on to in 1850 and 1950. Only three other families have owned it besides the Millers, since the 50s, and the basement, she explains, contrary to local myth, is not built in the shape of a ship. "That is just a story that has been around for a long time. It's a regular basement," she said, though there is the antique postal safe. Miller not only was a town supervisor but also the area's first postmaster for a community which in 1850 was

See CEMETERIES on next page

BROOKHAVEN CEMETERY LOCATIONS

- 1) Old Southaven Presbyterian Cemetery. There are 24 verifiable headstones and numerous fieldstones. Revolutionary War veteran Reverend David "Priest" Rose is buried here.
- 2) Carman Cemetery. 11 graves, including Revolutionary War veteran Capt. Samuel Carman.
- 3) Gilbert Miller Cemetery. Just two headstones.
- 4) Homan Cemetery. Three headstones moved to Old Southaven Presbyterian Cemetery before 1939, two headstones moved to Oaklawn Cemetery.
- 5) David Hawkins Cemetery. Erasmus Corning Hawkins, architect of the Alaskan Railroad, is buried here, though his headstone is missing. 20 of the 21 headstones bear the Hawkins name.
- 6) Nathaniel Hawkins Cemetery. 11 graves, including Revolutionary War veterans Richard Terry and Nathaniel Hawkins. Headstones were vandalized and none remains.
- 7) Bartheau Cemetery. 29 total graves, including Revolutionary War veterans Isaac Homan and Barnabas F. Rider.
- 8) Corwin Cemetery. 18 graves, including Revolutionary War veteran Richard Corwin.
- 9) James Greenfield grave. Single headstone illegible and crumbled, but a 1939 record reported there were eight other unmarked graves.
- 10) Betsey Howland grave. Headstone is missing, possibly more than one grave.
- 11) David Hulse Cemetery. 13 headstones.
- 12) Nathaniel Miller Cemetery. Nathaniel Miller, Brookhaven Supervisor during the Civil War, is buried here. There are 15 headstones.
- 13) Azel Hawkins Cemetery. 14 headstones, several of which have fallen.
- 14) Rose Cemetery. 23 total headstones, only a dozen now visible. Revolutionary War veterans Thomas Rose and Capt. Nathan Rose are buried here.
- 15) Mott Cemetery. Smith and Sarah Mott are buried here.
- 16) Barnabus Ryder Cemetery. Three headstones.
- 17) Conklin Cemetery. Samuel Zephariah and Desire Conklin are buried here.
- 18) Methodist Church Cemetery. All 77 graves relocated in 1890.
- 19) Thomas Rose Cemetery. All graves relocated to Oaklawn Cemetery in 1926.
- 20) Oaklawn Cemetery. Built in 1890.

—Compiled by Martin Van Lith



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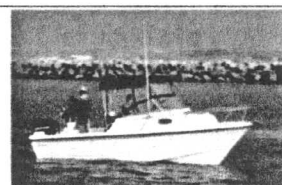
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Link to the past being severed

CEMETERIES from preceding page

only 75 strong.

Deitz explains that the Millers were a family integral to the history of both Brookhaven Town and hamlet and that Nathaniel the supervisor was both colorful and savvy. "He took off to California during the Gold Rush not to pan for gold but to open a provisions store," said Deitz. And unlike so many who went on that fool's errand and lost, Miller made money. When he died in 1896 at the age of 81, he was buried in the family plot, what was once the best-kept private cemetery in the hamlet, notes Van Lith.

And despite the fact that weeds and waist-high Locust trees threaten to take over the burial ground, it retains the kind of charm Washington Irving would have considered the grist for one of his better tales. Comprised of 15 headstones, many still in good condition and all marking the lifespan of various Miller family members, including two pets, the tiny graveyard is serenely tucked away and shaded by mature fir and cedar trees. Still, Van Lith notes that at least one headstone has fallen, while Geraghty points out that the height of the brush is proof positive that it has been at least three years since the cemetery has seen any town maintenance.

And taking care of our burial grounds, old and new, is the measure of a culture, says Deitz. "Our communities now live in a state of flux and

our cemeteries provide an anchor to the past telling us we are not just sojourners on this earth, but also stewards," he said. A simple reading of the headstones reveals the insight to be on target. There is almost as much about life as there is about death in these historic burial grounds.

At the South Haven Presbyterian Cemetery that fact is brought home at least twice with the headstones of Elizabeth Conkline and Nehemiah Hand. "Here lies Elizabeth Conkline, daughter of John and Sarah Conkline ..." reads the first stone about a family member, who died at 52 years, three months, and four days, and would clearly be missed. The headstone itself is a classic sight and one described by Van Lith and Deitz as pure quality. Professionally crafted headstones like this were shipped from England and only to those families who could afford them, they explained. "A lot of the markers here are just field stone, probably marking the graves of slaves or the less wealthy church members," said Van Lith.

Hand's gravestone is also well crafted and well preserved, and it, like Conkline's, tells its own story. "Nehemiah Hand who with ten others was drowned off the South Beach Nov. 5, 1813..." it reads succinctly, but old-timers know the back story. Hand and the others, who were net fishing on a shoal at low tide, were stranded when their boat drifted away. Legend has it that they met a slow watery death and that another rival fishing crew on shore



Many of the cemeteries in Brookhaven have been suffering from neglect.

ADV/Hartmann

heard their desperate cries for help but was too drunk and too mean to care.

The cemetery itself, located south of Montauk Highway west of where the road crosses the Carmans River, is in what Van Lith and Deitz describe as fair-good condition, considering it is the oldest burial ground located in the south of town. At one time, the South Haven Presbyterian Church sat adjacent to the cemetery, but the 1828 building was moved to the corner of Beaver Dam and South Country roads in 1960. Since that time, the cemetery has stood alone, and except for the ministrations of the likes of Van Lith and Deitz, been abandoned to the elements.

The oldest of the 24 headstones marks the grave of Sarah Tinker Hudson who died in 1746. Also buried in this historic church plot is the church's minister from 1765 to 1799, David "Priest" Rose, who sermonized in favor of the Revolutionary War and apparently influenced church members like Colonel William Floyd to take part in the cause. Rose,

too, fought for independence. Van Lith and Deitz note his status as a veteran and as such the destroyed headstone that marked his grave has been replaced with a standard issue military stone by an act of Congress. The perfect stone stands out in a sea of tall grass and crumbling monuments.

"Two things need to happen here: The town needs to maintain these grounds, and the cemeteries need to be restored," said Geraghty. And since the latter will cost money and is not the responsibility of the town, she is writing a grant for that purpose. Geraghty, Van Lith, and Deitz all note the possibility of involving students and Eagle Scouts in the project.

And if none of it happens? "Who in there is going to complain?" asks Van Lith, pointing to the forgotten headstones that punctuate the South Haven plot. No one, except perhaps three local historians who know that the present and future are better lived when the past is preserved. ■

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Tuesday	10:00 AM Seniors Discount Day
Wednesday	7:00 PM Ladies Night ~ Karaoke
Thursday	10:00 AM Grizzley's Slot Tournament Day! Co-sponsored by Jon Thomas Inne, Grizzley's Sports Den, and Exit 42 Deli & Catering ~ Seniors Discount Day
Friday	7:00 PM A Night with Elvis - Two shows starring Rick Virga (www.rickvirga.com)
Saturday	10:00 AM } Black Jack and Poker Tournaments 7:00 PM }

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- All passengers must be 21 years of age.
- Government issued photo ID is required from all passengers.
- Reservations are strongly suggested and only guaranteed up until 30 minutes prior to each departure. The parking lot and ticket office close 5 minutes prior to departure. No exceptions. Please plan accordingly. Photo ID is required from all passengers upon check in.

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Walkathon for fellow student

The Bellport High School Student Council will sponsor a walkathon for a ninth-grade student who was seriously injured in a swimming accident before the start of school this year.

Hanna Sheppard, who would have been a freshman at Bellport High School, dove into her pool and injured her spinal cord, according to Bellport High School. At the moment, she remains paralyzed and is in a facility in Westchester.

The walk will be held on Sunday, Nov. 16 at Bellport High School at 1 p.m. to raise funds for Hanna's family to help with construction costs on their house in preparation for her return home. Anyone who raises \$50 or more will receive a T-shirt. There will be raffles for gift baskets and gift certificates, as well as food and music for the walkers.

Anyone interested in participating in the walk or making a donation can get information at the Bellport High School Web site through www.southcountry.org or e-mail ehoffman@southcountry.org with any questions.

Art exhibit

The South Bay Art Association will present its 22nd Annual Nita Elder Scholarship Art Exhibit at the Bellport Village Community Center, Bell Street. Graduating seniors from over a dozen participating high schools across Suffolk County will compete for scholarships and awards.

The exhibit is open for viewing by the public on Saturday, Nov. 22 from 10 a.m. to 6 p.m., and on Sunday, Nov. 23 from 10 a.m. to 3 p.m. For more information, call 286-3701.

Benefit concert

On Friday, Nov. 14, at 7:30 p.m., *The Beetzehubs*, the men's singing group from Tufts University, will return to Bellport.

Founded in 1963, *The Beetzehubs* have sustained a tradition steeped in musical excellence and quality performance. *The Bubs* is a group of Tufts men who believe that singing should be fun for the performers and audience alike. To date, *The Bubs* have recorded 25 studio and 3 live albums and have won several awards for performing and recording.

The event is sponsored by the Gambles/Becker Music Fund of the South Country Education Foundation. Proceeds will be used to give music scholarships to students. For more information, call Gene Westoff at 325-8527.

Ballroom dancing

The South Country School District, one of the Long Island schools implementing American Ballroom Theater's (ABRT) nationally acclaimed dancing classrooms, will host ABRT's Artistic Director and creator of the program Pierre Dulaine as CoDanceCo and South Country prepare to implement dancing classrooms.

The school district and CoDanceCo have worked together with Assemblywoman Patricia Eddington, the South Country Education Foundation, and the PTA to successfully establish a coalition of funding sources that will support the implementation of dancing classrooms at Frank P. Long Intermediate School. As a result, during the winter/spring of 2009, all 13 fifth-grade classrooms at Frank P. Long will be participating in the program over a period of 10 weeks, twice a week. ■ —Mark Nolan



(Left to right) Ron Kinsella, Faith McCutcheon and Marty Van Lith at the Rose Family Cemetery in Brookhaven hamlet. Family members buried here were the first settlers in the area. At right, the Aziel Hawkins Cemetery is the next burial site being restored. ADV/Leuzzi

Remembering those who settled Brookhaven hamlet

Brookhaven cemetery restoration an ongoing and cumbersome task

By LINDA LEUZZI

It exists quietly, a small cemetery graced with a mantle of history. There are 26 buried here and 24 have been identified in the Rose Family Cemetery in Brookhaven hamlet.

"Virtually every male buried here signed a document called The Association, a commitment that you were part of the Revolutionary War," explained Marty Van Lith. "It was punishable by death to do so." Thomas Rose, a weaver and a farmer and the first settler in Brookhaven hamlet, in fact, died in action in 1780. His gravestone offers a glimpse of his life as well as a tempestuous, fiery era when

colonists fought fiercely for their cause.

At least now, Thomas Rose's place in history is secured.

Van Lith, the project manager, and other members of the Fire Place History Club are hoping to help restore the time-ravaged gravesites of other small family burial grounds in Brookhaven hamlet. The Rose Family Cemetery, off Jareds Path, was chosen as the group's first effort because of its prominence. Situated on land that was a former farm, Van Lith said he and his volunteer crew were able to scramble over what was the former Tiger Nursery more easily after an asphalt road and a new development transformed

the landscape, an open field, 10 years ago. A split-rail fence was built, thanks to the Williams family, and it became earmarked as a future project. It was completed this year, a group effort that involved preparing grids to mark headstone locations and literally hauling up the headstones to repair and clean their surfaces, a weekly gathering for four months.

The Azel Hawkins Cemetery, down the road from the Brookhaven Library off Stillwood Road, is next on the agenda. The group is hoping to restore at least seven.

A fierce love of history, community

See BROOKHAVEN HAMLET on page 18

Addressing the plume

Beaver Dam Creek Water Quality group meets

By LINDA LEUZZI

A 1988 U.S. Geological Survey Report, 86-4207, prepared with the town of Brookhaven, was the last of a series in a four-year study that provided clues of the plume's impact. In other words, what could happen as the leachate plume from the town landfill moved through the earth's layers over a 2.3 mile radius that crossed Montauk Highway and entered the residential part of Brookhaven hamlet. It simulated 12 years of chloride migration and described among other things, remedial actions designed to protect the ground water.

If the landfill was capped, chloride concentrations would be reduced to near background levels at the end of year 16 through dispersion, dilution and discharge to Beaver Dam Creek

and the simulation of four recovery wells that would be pumped, would prevent leachate migration beyond wells, the study said. Pumping would have to continue as long as the leachate entered the aquifer. Both capping and pumping would prevent plume migration and the report simulation indicated the bulk of contaminants would be removed at the end of year 12, at which point the pumping could be discontinued.

"In the late 1980s we abandoned a good well and went to public water," remembered Brookhaven hamlet resident Tom Williams. "They (the town) knew the plume was coming this way."

In 1993, a town of Brookhaven Landfill Groundwater Assessment report nixed the pumping solution.

After a pump test was conducted of the aquifer, and a determination was

made that a successful design for pumping out volatile organic chemicals (VOCs) could be achieved, the report stated that low levels of VOCs and high levels of iron in the ground-water indicated the expense of the pumping solution was unwarranted. NYSDEC, prior to the pump test, reached a similar conclusion and decided with the town that the preliminary course of action should be the capping and closure of the leaking cells of the landfill, specifically Cells 1, 2 and 3, which was done at the time. Two rounds of sampling had been taken by the town that included 22 wells within the site and 26 wells in the southerly range. The town had begun quarterly monitoring of those wells, the report said.

See PLUME on page 33

Remembering those who settled Brookhaven hamlet

BROOKHAVEN HAMLET from page 5

and preservation exists here. Faith McCutcheon, whose family moved to the area in 1900, will tell you "we just worked on local cemeteries," as she modestly put it. But in fact, when she was in her mid-seventies, McCutcheon biked over to the Southaven Presbyterian Church and the Carnans/Miller Cemeteries with hedge clippers and trowels and helped Van Lith rummage through those grounds to right markers and clean up the areas. "It took two years of exploring at the Wertheim Refuge," added Van Lith. "We were given a permit and went back month after month and found the David Hawkins Cemetery and 24 graves."

"We just stumbled on it," remembered McCutcheon.

Besides McCutcheon, the dedicated restoration crew includes Ron Kinsella, whose family settled here in 1906, who helped Van Lith pull out the cemetery stones and put them back in, as did Diane Martens. Ben Savage made the Rose Cemetery sign and laid out the grid lines with Eben Ludlow, John Deitz and Helen Geraghty. Stonemason Hollis Werner, of Peconic Monument Works, who set and repaired the stones, taught Van Lith how to repair cracks with epoxy. "It was so bad, it was like a jigsaw puzzle," Van Lith said of what greeted them at the Rose Cemetery.

The first Roses came from Ipswich, England and sailed to Wethersfield, MA, wrote descendant George Rose of Horseheads, New York to Van Lith. Rose, who read about cemetery restoration in *The Long Island Advance* in a previous article, thanked the group. "You have made an old man happy," he said in his letter.

Van Lith has asked for help from Brookhaven Town to maintain these cemeteries. "He's not returning our phone calls," he said of the commissioner. Town spokesperson Kevin Molloy said that the Brookhaven Town Parks Department is responsible for maintaining 114 cemeteries throughout the town, in addition to over 200 ballfields, more than 100 parks and



A peaceful vista now of the Rose Family Cemetery, a former shambles before renovation work took place.

ADV/Leuzzi

other recreational facilities. The parks and fields are maintained on a priority basis, he said, because of their heavy use, and most cemeteries, maintained by the department, are cleaned and mowed every few weeks.

Hauling out the gravestones for repair work takes muscle, Van Lith said, gesturing to the deep dirt indentations where the headstones were placed during a stroll through the Azel Hawkins cemetery. Hawkins was known to build many of the homes along Beaver Dam Road, and the first burial dates back to 1825.

It takes money to restore the headstones, and while fundraisers help, Van Lith is applying for an \$11,000 grant, enough for stonemason work and other tangible tools to tend to the gravesites of those families who established the hamlet. ■



Ben Savage, (left) who fashioned the Rose Cemetery sign, talks to Ron Kinsella.

ADV/Leuzzi

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Priest Rose, unsung Revolutionary hero

When U.S. mail carrier Ron Kinsella was delivering the mail in South Haven recently, he was startled to see a new headstone in an abandoned cemetery.

Investigating further, he found the name "Dr. David Rose, Reverend."

Every one has heard about Generals Nathaniel Woodhull and William Floyd, heroes of the American Revolution, but little has been said or written about Dr. David "Priest" Rose, pastor of the Old South Haven Presbyterian Church in the trying years of the War of Independence.

During his long ministry of thirty-three years, Priest Rose, who had medical training at Yale, administered to the bodies and souls in a parish of immense size. Traveling by horseback, his saddlebags full of herbs and medicines and a Bible, he served a dozen villages in a twenty-mile area from Eastport to Blue Point to Middle Island to Moriches.

Local historians agree that during his travels, Rose also helped to spread the seeds of rebellion against the British.

Rose evidently wielded great influence over the people in the southern and central part of Brookhaven town during the years before the Revolutionary War, and some of them became the most renowned figures in the cause for freedom. Among Rose's communicants at the Old South Haven Church were Nathaniel Woodhull and William Floyd, who had estates in nearby Mastic.

During the Battle of Long Island, Priest Rose fought under Colonel Josiah Smith of Moriches.

When the British defeated Washington's troops and occupied Long Island

in 1776, residents with rebel sympathies had to leave their homes and farms to the mercy of the soldiers.

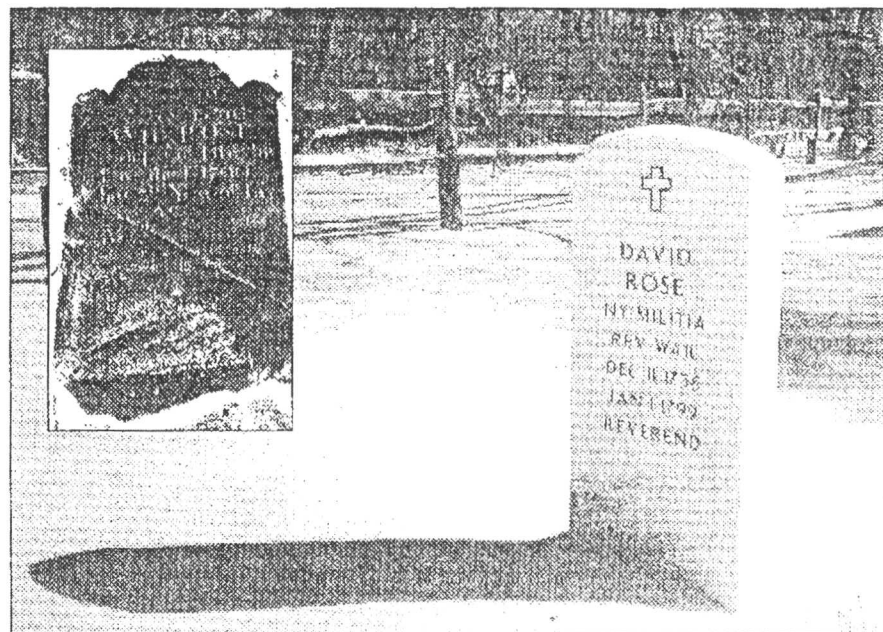
Priest Rose and his family joined the refugees in their flight to nearby Connecticut. Rose's wife died in Branford, his boyhood home, because of the hardships she had suffered during their flight.

Rose and his children returned to Long Island as soon as the British troops left the area, and began the slow, painful process of rebuilding their lives. Many returning refugees found their farms had been plundered and their homes burned.

The South Haven Church had been desecrated by the British. It had been used as a barracks for the troops, then a stable for their horses. Major Tallmadge, on his victorious return from his raid on Fort St. George in 1780, burned the church down so it could not be used by the British.

When Rose returned to the area, he set about immediately to rebuild the house of worship and the spirits of the residents. He was to marry again, twice, died on January 1, 1799, at the age of 63, and was buried in the South Haven Church cemetery. George Washington died the same year.

As the years passed, change came to South Haven. The church where Daniel Webster, George Washington, Martin Van Buren had worshipped was moved to its present location in the hamlet of Brookhaven. The old cemetery, left untended, began to sink into obscurity. Priest Rose's tombstone disappeared beneath the weeds.



David Priest Rose commemorated in two memorial sites in Old South Haven Church Cemetery.

Advance/Chuck Anderson

If it were not for a talk sponsored by the Brookhaven Village Association on May 14, 1994 by Reverend George Borthwick, former pastor of the South Haven Church and author of *The Church in the South*, Priest Rose would have remained in the mists of the past, unknown and unsung.

According to Rev. Borthwick, it was Priest Rose "with the authority of God behind his words, stirred the minds of the men, who listened to his preaching, to action."

Inspired by the Rev. Borthwick's talk and his book, Marty Van Lith and members of the Brookhaven Village Association began to restore the Old South Haven Burying Ground by clearing some of the overgrowth, installing a fence, and replacing the headstones.

They could not find Priest Rose's headstone, and with Town Historian David Overton's help, applied to the government for a replacement. According to Van Lith, there are government funds available for veteran burial sites.

Soon, a glistening white monument to Priest Rose stood at the northeastern corner of the cemetery.

Ironically, Van Lith and Faith McKutcheon of Brookhaven found the original headstone of Priest Rose about a year later, sunken into the earth in an obscure corner of the cemetery and hidden by a stand of bittersweet.

So now it appears that Dr. David "Priest" Rose, unsung local hero of the Revolutionary War, has not one, but two monuments erected in his memory.

— Chuck Anderson

Patchogue Advance, Sept 3, 1937, Brookhaven (hamlet), by
Helen M. Ewing:

"The annual cleaning of brush from the graveyards is being carried out by the state through the Town highway department. There are 12 of these family "Bury-grounds" in the community, including South Haven."

Exhibit C



TOWN OF BROOKHAVEN
SUFFOLK COUNTY, NEW YORK

PURCHASE ORDER

No. 6725

SHOW THIS NUMBER ON ALL SHIPMENTS, INVOICES AND CORRESPONDENCE.

DATE April 15, 1964

To: Harvey P. Richardson Sr.
45 North Howells Point Road
Bellport, New York

THIS ORDER IS SUBJECT TO THE TERMS AND CONDITIONS ON REVERSE SIDE AND RELATIVE LAWS WHICH ARE HEREBY INCORPORATED HEREIN BY REFERENCE, AND THE PARTIES AGREE THAT THEY AND THIS CONTRACT ARE FULLY SUBJECT TO SAID LAWS.

DELIVER TO:
As stated below

DELIVERY INSTRUCTIONS:

F.O.B.

		AUTHORITY Supervisor	APPROP. 01-446	CONFIRMATION OF Work Done	CONTRACT		
ITEM	QUANTITY	DESCRIPTION			UNIT COST	TOTAL	
1		<p>March and April, 1964 - for raking, trimming and hauling away debris from 23 abandoned Town of Brookhaven cemeteries as follows:</p> <ol style="list-style-type: none">1. Churchyard of Southaven Presbyterian Church2. David Hawkins private graveyard near Railroad tracks, about $\frac{1}{2}$ mile east of Brookhaven. Railroad Station, Brookhaven.3. Woodruff private graveyard, north side South Country Road, and northwest of the barn on Hoyt Estate, Bellport.4. "King David" Hulse private graveyard nearly opposite schoolhouse Brookhaven.5. The old Bellport cemetery west side of Academy Lane, Bellport.6. Barteau private graveyard about $\frac{1}{8}$ mile east of "Show's Corner" (Yaphank Ave.) and a short distance north of Montauk Highway, Brookhaven.7. Rose private graveyard in Corrigan-Tiger Nursery, between nursery blocks marked 12 and 13, Brookhaven.8. Miller private graveyard on the old Dr. Miller estate, now owned by George Miller, Brookhaven.9. Corwin private graveyard in the northeast corner of the second lot about 1000 feet back of the Presbyterian Chapel and on that part of the old Corwin property, now owned by Desmond Nelson, north of Chapel Street, Brookhaven.					
TERMS:							

CONFIRMATION OF

La Jocke Wilson

DO NOT REPEAT ORDER

DO NOT RESUBMIT CLAIM VOUCHER

CONFIRMATION OF

W. J. J. J.

DO NOT REPEAT ORDER

DO NOT RESUBMIT CLAIM VOUCHER

Exhibit D



TOWN OF BROOKHAVEN
SUFFOLK COUNTY, NEW YORK

PURCHASE ORDER

No. 6725 - page 2

SHOW THIS NUMBER ON ALL SHIPMENTS, INVOICES AND CORRESPONDENCE.

DATE

To: Harvey P. Richardson Sr.

THIS ORDER IS SUBJECT TO THE TERMS AND CONDITIONS ON REVERSE SIDE AND RELATIVE LAWS WHICH ARE HEREBY INCORPORATED HEREIN BY REFERENCE, AND THE PARTIES AGREE THAT THEY AND THIS CONTRACT ARE FULLY SUBJECT TO SAID LAWS.

DELIVER TO:

DELIVERY INSTRUCTIONS:

F.O.B.

		AUTHORITY	APPROP.	CONFIRMATION OF	CONTRACT		
ITEM	QUANTITY	DESCRIPTION			UNIT COST	TOTAL	
		10. Nathaniel Hawkins private graveyard about 600 feet south of Montauk Highway and about 30 rods southeast of Snows Corners, Yaphank Avenue, Brookhaven.					
		11. Carman & Miller private graveyards in the woods southwest of the Southhaven Presbyterian Church and about 450 feet west of Lloyd Robinsons house on Robinson's duck farm, Southaven. The Miller graveyard is just north of the fence on the Anson Hard estate.					
		12. Mordecai Homan private graveyard nearly opposite the old Siny Homan house, and about 600 feet south of Hunters' Inn, South Haven.					
		13. Daniel Hawkins private graveyard in the rear of the house now owned by Mrs. Thomas I. Morrow Sr., Beaver Dam Road, Brookhaven.					
		14. Rider private graveyard about 1500 feet southeast from Barteau's store, adjoining land of Alan Baker at Squassux.					
		15. One tombstone in hedgerow, adjoining land of John Sives and back of the Rose-Steckle house, opposite the Methodist Church, Brookhaven					
		16. One tombstone south side of South Country Road, near the entrance to the Hoyt Estate, Bellport.					
		17. One tombstone in the hedgerow on the Cok estate, about west of the house, Bellport.					
		18. One tombstone back of the small old Seaman house, near the creek on the land of Preston Smith, Brookhaven.					
		TERMS:					

CONFIRMATION OF

W. J. Baker

DO NOT REPEAT ORDER

DO NOT REPEAT CLAIM VOUCHER

CONFIRMATION OF

Richardson

DO NOT REPEAT ORDER

DO NOT REQUEST CLAIM VOUCHER



TOWN OF BROOKHAVEN
SUFFOLK COUNTY, NEW YORK

PURCHASE ORDER

No. 6725 - page 3

SHOW THIS NUMBER ON ALL SHIPMENTS, INVOICES AND CORRESPONDENCE.

DATE

To:

Harvey P. Richardson, Sr.

THIS ORDER IS SUBJECT TO THE TERMS AND CONDITIONS ON REVERSE SIDE AND RELATIVE LAWS WHICH ARE HEREBY INCORPORATED HEREIN BY REFERENCE, AND THE PARTIES AGREE THAT THEY AND THIS CONTRACT ARE FULLY SUBJECT TO SAID LAWS.

DELIVER TO:

DELIVERY INSTRUCTIONS:

F.O.B.

		AUTHORITY	APPROP.	CONFIRMATION OF	CONTRACT		
ITEM	QUANTITY	DESCRIPTION			UNIT COST	TOTAL	
2	2 loads	19. Two tombstones in hedgerow south of the former chicken farm of John Bond, southeast of Corrigan-Tiger Nursery, about 300 feet east of Mott's Road, Brookhaven.					
		20. Small private graveyard with about 5 or 6 graves, 500 feet west of Yaphank Avenue, at a point about opposite New York Telephone Company Pole #118.					
		21. Chamblain, North Howells Point Road, 200 feet west of Hoyt Estate, Montauk Highway.					
		22. Durke Lane, East Patchogue - Brookhaven					
		23. Duck Farm, South Haven & Robinson Avenue, Farmingville.				\$ 250.00	
		Poles and discarded fence removed from Academy Lane Cemetery in Bellport				15.00	
						\$ 265.00	
<div>CONFIRMATION OF <i>Work Done</i> DO NOT REPEAT ORDER DO NOT REPEAT CLAIM VOUCHER</div>							
TERMS:							

IMPORTANT—READ CONDITIONS ON BACK
WHEN COMPLETE SHIPMENT IS MADE, MAIL CLAIM
FOR PAYMENT TO:

DIRECTOR OF PURCHASING
TOWN OF BROOKHAVEN
205 SOUTH OCEAN AVE.
PATCHOGUE, NEW YORK

TOWN OF BROOKHAVEN

Sidney Lang
DIRECTOR OF PURCHASING
SIDNEY LANG

ORIGINAL TO VENDOR

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

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

Notice of Petition

Petitioners,

For a Judgment Pursuant to
CPLR Article 78

Index No. 09-28006

-against-

TOWN BOARD OF THE TOWN OF
BROOKHAVEN

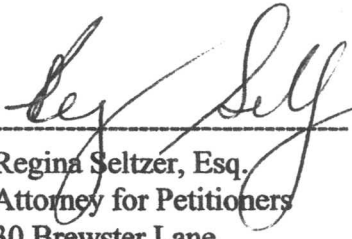
Respondents.

FILED
JUL 16 2009
Judith A. Pascale
CLERK OF SUFFOLK COUNTY

Upon the annexed petition of Martin Van Lith, verified July 16, 2009, and the affidavit of Martin Van Lith, sworn to July 16, 2009, an application will be made to this Court, at the Courthouse at Griffing Avenue, Riverhead, New York, on August 20, 2009 at 9:30 A.M. for a judgment directing the Town Board of the Town of Brookhaven to act upon petitioners application for the removal of grass and weeds from the Town's historic cemeteries in Brookhaven Hamlet and for such other and further relief as the court deems proper. You are required to serve, at least five days prior to the return date, a verified answer and supporting affidavits, if any.

Suffolk County is designated as the venue of this proceeding on the basis that the property is located in Suffolk County.

Dated: Bellport, New York
July 16, 2009


Regina Seltzer, Esq.
Attorney for Petitioners
30 Brewster Lane
Bellport, New York 11713
(631) 286-8849

RECEIVED
2009 JUL 17 A 4:06
TOWN CLERK
TOWN OF BROOKHAVEN

To: Town Board of the Town of Brookhaven
1 Independence Hill
Farmingville, New York 11738

