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SUBCOMMITTEE ON LANDMARKS, PUBLIC SITINGS, AND
DISPOSITIONS
CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON LANDMARKS, PUBLIC
SITINGS, AND DISPOSITIONS

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April 26, 2022
Start: 10:01 a.m.
Recess: 10:11 a.m.

HELD AT: REMOTE HEARING - VIRTUAL ROOM 1

B E F O R E: Farah N. Louis,
Chairperson

COUNCIL MEMBERS:

Carmen N. De La Rosa
Oswald Feliz
Christopher Marte
Sandy Nurse
Sandra Ung
Inna Vernikov

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3 _____: PC recording is rolling.

4

SERGEANT LEONARDO: Cloud is rolling. Good morning, and welcome to today's remote New York City Council hearing for the Subcommittee on Landmarks, Public Sitings, and Disposition. At this time, we ask that all council members and staff please join the video for verification purposes. To minimize disruptions, please place all cell phones and electronic devices to vibrate or silent. If you have testimony you wish to submit for the record, you may do so at testimony@council.nyc.gov. Once again, that is testimony@council.nyc.gov. We thank you for your cooperation. Chair, we are ready to begin.

16

CHAIRPERSON LOUIS: Good morning. I am Councilmember Farah Louis, Chair of the Subcommittee on Landmarks, Public Sitings, and Dispositions. I am joined today by my colleagues, council members Ung, Holden, and Marte. Due a conflict with the scheduling with the Mayor's briefing on the executive budget, we will only be hearing the Mount Neboh and Mount Carmel Cemetery merger request. All other items on today's agenda will be laid over until our

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1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITINGS, AND
DEPOSITIONS 2

2 next meeting. I now recommend the Subcommittee
3 Council to review today's remote hearing procedures.

4 COUNSEL CAMPAGNA: Thank you Chair Louis. I am
5 Jeffrey Campagna, council to this subcommittee.

6 Members of the public who wish to testify were asked
7 to register for today's hearing. If you registered
8 to testify and are not yet signed in to Zoom, please
9 sign in now and remain signed in until after you are
10 finished. If you wish to testify and are not
11 registered, please go to www.council.nyc.gov/landuse
12 to sign up now. If you are not planning to testify
13 on today's item, please watch the hearing on the New
14 York City Council website. All people testifying
15 before the subcommittee will be on mute until they
16 are recognized to testify. Please confirm that your
17 mike is unmuted before you begin speaking. Public
18 testimony will be limited to 2 minutes per witness.
19 If you have written testimony that you would like the
20 subcommittee to consider in addition to or in lieu of
21 appearing before the subcommittee, or if you require
22 an accessible version of a presentation given at
23 today's meeting please e-mail

24 landusetestimony@council.nyc.gov. Please indicate
25 the project name in the subject line of the e-mail.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITINGS, AND
DEPOSITIONS

2 During the hearing, council members who would like to
3 ask questions should use the Zoom raise-hand
4 function. The raise-hand button should appear at the
5 bottom of the participant panel. I will announce
6 council members who have questions in the order that
7 they raise their hands. Witnesses are reminded to
8 remain in the meeting until they are excused by the
9 chair.

10 Lastly, there may be extended pauses if we
11 encounter technical problems. We ask that you please
12 be patient as we work through these issues. Chair
13 Louis will now continue with today's agenda.

14 CHAIRPERSON LOUIS: Thank you. We have also been
15 joined by Council Member De La Rosa. I now open the
16 public hearing on the pre-considered L.U. related to
17 application number G220013CCQ, the Mount Neboh and
18 Mount Carmel Cemetery merger request, submitted by
19 Mount Carmel Cemetery pursuant to sections 1506C of
20 the New York State Not For Profit corporation law.
21 This application request approval to merger the Mount
22 Carmel Cemetery located at 83-55 Cyprus Hill Street,
23 block 3750, lot 655 with the Mount Neboh Cemetery
24 located at 82-07 Cyprus Hill Street, block 3750, lot
25 705. The cemeteries are located in the Queens

2 Council District represented by Councilmember Holden.

3 Councilmember Holden, would you like to make any
4 remarks this morning?

5 COUNCILMEMBER HOLDEN: Yes, thank you chair. I
6 support the merger between Mount Carmel Cemetery and
7 Mount Neboh Cemetery in Glendale, which I represent.
8 Mount Carmel Cemetery has provided services to the
9 Jewish community since 1906, and they are well-
10 positioned to take control over Mount Neboh and
11 ensure the cemetery is well maintained. If it was
12 not for this merger, Mount Neboh would fall into
13 disrepair, so it is a good merger. I applaud Mark
14 Stempa and the rest of Mount Carmel's leadership for
15 leading this effort and insuring the interments at
16 Mount Neboh are cared for. This team worked hard to
17 move this process along as quickly as possible, and I
18 urge my colleagues to vote yes. Thank you chair.

19 CHAIRPERSON LOUIS: Thank you. We have also been
20 joined by Minority Whip Vernikov. We are joined
21 today by Mark Stempa and Richard Betheil, who will be
22 presenting on behalf of the Mount Carmel Cemetery.
23 Counsel, please administer the affirmation.

24 COUNSEL CAMPAGNA: Please state your right hands
25 and state your names.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITINGS, AND
DEPOSITIONS

2 RICHARD BETHEIL: Richard Betheil.

3 COUNSEL CAMPAGNA: Please unmute yourself. Both
4 of you and stay unmuted during your testimony. Mr.
5 Stempa, could you please your right hand and state
6 your name?

7 MARK STEMPA: Mark Stempa.

8 COUNSEL CAMPAGNA: Do you affirm to tell the
9 truth, the whole truth, and nothing but the truth in
10 your testimony before this subcommittee and in
11 response to all councilmember questions?

12 MARK STEMPA: Yes.

13 COUNSEL CAMPAGNA: Mr. Betheil? Mr. Betheil?

14 RICHARD BETHEIL: Yes sir.

15 COUNSEL CAMPAGNA: Thank you. Sir, you may
16 continue with today's agenda.

17 CHAIRPERSON LOUIS: Thank you for joining us this
18 morning. You may all begin.

19 RICHARD BETHEIL: I will be the first speaker for
20 Mount Carmel if that is appropriate at this time.
21 Thank you. First, good morning and thank you for
22 hearing this application today. We very much
23 appreciate it. My name is Richard Betheil. I am
24 counsel to this cemetery, and I am a partner in the
25 partner in the Pryor Cashman law firm. The

2 particulars of this transaction are set out in some
3 detail in the February 7, 2022, letter I submitted to
4 the speaker, which constitutes the application.

5 As you correctly stated, this is an application
6 to merge 2 cemeteries where a public hearing and
7 council approval are pursuant to not-for-profit
8 corporation section 1506C. As Councilman Holden
9 stated, and we appreciate his support here as well,
10 Mount Carmel has been in operation for more than 100
11 years, Mount Neboh for longer than that. Mount Neboh
12 unfortunately has fallen into disrepair. It is a
13 corporation that is not meeting statutory
14 requirements in certain respects, and which
15 unfortunately we have experienced substantial issues,
16 including, from time to time, confusion as to burial
17 records, and even lots that have been sold more than
18 once.

19 Mr. Stempa has been working through these over
20 the last 6 or 7 years, and the fact that the reason
21 why we have been talking about this since 2015 but
22 are only getting to this point today is we have been
23 trying to work out as many of those issues prior to
24 merger as possible. We think the merger is in the
25 best interest of both cemeteries and the Jewish

2 community. We also think that it avoids the city and
3 the state becoming responsible for a cemetery that
4 otherwise would be abandoned. Finally, as I am sure,
5 councilmembers all know, cemeteries in this state are
6 subject to close state regulation. Before we came to
7 this point of seeking The Council's approval, we
8 first needed the approval from the New York State
9 Cemetery Board, which has statutory authority for
10 regulating the operations of all not-for-profit
11 cemeteries.

12 I have attached to that February 7th letter to
13 The Speaker the letter from the Cemetery Board
14 approving the merger and recommending approval by the
15 other stakeholders, like The Council, that are
16 necessary, as well as The Court or the Attorney
17 General's office. So, we see no reason why any party
18 would want to oppose this, and we would urge that the
19 subcommittee approve it, that the full committee
20 approve it, and that finally that The Council approve
21 it.

22 If there are questions, I would be glad to answer
23 them. As you know, Mr. Stempa, the president of
24 Mount Carmel is also present here to answer questions
25 as appropriate. Thank you.

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITINGS, AND
DEPOSITIONS

2 CHAIRPERSON LOUIS: Thank you so much. I wanted
3 to ask any council members if they have any
4 questions?

5 COUNSEL CAMPAGNA: I see no council members with
6 questions on this item.

7 CHAIRPERSON LOUIS: Are there any members of the
8 public that would like to provide testimony?

9 COUNSEL CAMPAGNA: The committee should stand at
10 ease while we confirm this.

11 CHAIRPERSON LOUIS: Okay.

12 COUNSEL CAMPAGNA: There are no members of the
13 public signed up to testify on this item.

14 CHAIRPERSON LOUIS: Thank you. That concludes
15 today's business. I will remind you that if you have
16 written testimony on today's items, you may submit it
17 to landusetestimony@council.nyc.gov. Please indicate
18 the project name in the subject heading.

19 I would like to thank our applicants, members of
20 the public who are here, my colleague, Subcommittee
21 Council on Land Use staff, and the Sergeant At Arms
22 for participating in today's hearing.

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1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITINGS, AND
DISPOSITIONS 10

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date May 19, 2022